

OCCUPATIONAL REGULATION



Ohio Legislative Service Commission

133rd General Assembly

Occupational Regulation

A Guide to State Laws on the Practice of Regulated Occupations



Ohio Legislative Service Commission

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INTRODUCTION

The Legislative Service Commission (LSC) is required by statute to publish a biennial report comparing 33% of the state's current occupational regulations with the general state policy outlined by S.B. 255 of the 132nd General Assembly. (*R.C. 103.27.*) The report is intended to assist the General Assembly in its review of the associated agencies and occupational licensing boards the following biennium. The 2020 publication is the first edition of the report. It covers occupations regulated by the following agencies and occupational licensing boards:

- Attorney General;
- Board of Embalmers and Funeral Directors;
- Board of Nursing;
- Board of Pharmacy;
- Board of Psychology;
- Chemical Dependency Professionals Board;
- Counselor, Social Worker, and Marriage and Family Therapist Board;
- Department of Aging, Department of Developmental Disabilities;
- Department of Insurance;
- Department of Job and Family Services;
- Occupational Therapy, Physical Therapy, and Athletic Trainers Board;
- Ohio Peace Officer Training Commission;
- State Board of Emergency Medical, Fire, and Transportation Services;
- State Chiropractic Board;
- State Cosmetology and Barber Board;
- State Dental Board;

- State Fire Marshal;
- State Speech and Hearing Professionals Board;
- State Vision Professionals Board; and
- Veterinary Medical Licensing Board.

In advance of this publication, LSC distributed a survey to each of the agencies and occupational licensing boards listed above. The survey was developed in consultation with House and Senate members and staff. It includes general questions about the agency or board and questions specific to each occupation it regulates. The survey responses were organized and reformatted by LSC, but the substance is fully reproduced in this report. Some agencies and boards submitted additional information such as revenue and expense reports or proposed statutory changes. That information is also fully reproduced. All content submitted by an agency or board is preceded by a heading that contains the relevant agency code.

LSC staff conducted a surrounding state comparison for each occupation covered by this report. In most cases, the comparisons are presented in chart form. They contrast the Ohio regulation with the equivalent regulations in Indiana, Kentucky, Michigan, Pennsylvania, and West Virginia on the following topics: (1) education and training requirements, (2) experience requirements, (3) exam requirements, (4) continuing education requirements, (5) initial licensure fee, (6) license duration, and (7) renewal fee. The surrounding state comparison charts include citations to relevant statutes, administrative rules, and secondary materials. Each chart is preceded by a heading that includes “(LSC).”

There are a few instances throughout this report in which there is no survey or no surrounding state comparison for a particular occupation. In some cases, this means that LSC has not yet received a survey response from the agency or licensing board. In other cases, it is an indication that the agency’s or board’s survey response did not sync precisely with LSC’s occupational regulation tracking records. LSC will update this as additional surveys are submitted and inconsistencies are resolved.

The report is available on the LSC website (www.lsc.ohio.gov) under the General Reference heading¹ and a printed copy may be obtained from the LSC library, subject to a copying charge. Please contact the LSC library at (614) 466-5312 if you would like to obtain a copy.

¹ S.B. 255 of the 132th General Assembly also requires LSC to issue a report for each introduced bill that substantially changes or enacts an occupational regulation. That report is available on the bill’s Documents page of the General Assembly’s website (www.legislature.ohio.gov).

It is LSC's hope that readers find this report to be a valuable resource. Please direct any questions or comments regarding the report to LSC Office of Research and Drafting Division Chief, Joe McDaniels at (614) 466-0278.

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ATTORNEY GENERAL (AGO)

General information (AGO)

Duties

The Ohio Attorney General's Office has played a vital role in shaping Ohio's past and present. And the work it does today helps chart the state's future. The office consists of nearly 30 distinct sections that advocate for consumers and victims of crime, assist the criminal justice community, provide legal counsel for state offices and agencies, and enforce certain state laws. In these and other capacities, staff members interact with tens of thousands of Ohioans each year.

Membership *(Current members, chairperson and other officers, and selection process.)*

Dave Yost, Ohio Attorney General (Elected)

Brenda Rinehart, First Assistant Attorney General (Appointed)

Benjamin Marrison, Chief of Staff (Hired)

Budget *(Current budget, description of budgeting process, sources of funding, and expected increases or decreases in budget or funding in future years.)*

AGO Current FY21 Appropriated budget \$409,680,704

Each Biennium the office submits suggested fund appropriation levels to OBM within the parameters outlined by OBM. OBM reviews and makes recommendations to the General Assembly who approve final appropriation levels.

Fund 1060: MOU's with other state agencies for legal services, BCI and FBI background check fees.

Fund 4180: Charitable foundation fees for registration and licensing.

Budget *(Current budget, description of budgeting process, sources of funding, and expected increases or decreases in budget or funding in future years.)*

Fund 4190: Percentage of debt collected from past due debts owed to the State.

Fund 6310: Court ordered settlement fees.

Fund 4210: OPOTA training fees.

Fund 5LR0: Casino revenue fees.

Federal Funding: Crime Victim Assistance, Crime Victim Compensation, Equitable Sharing, and Medicaid Fraud Control.

Fund 1060 (General Reimbursement) and Fund 4180 (Charitable Foundations) appropriations are expected to increase in FY22/23 due to proposed agency fee changes to help provide operating support. In addition, the AGO is seeking increased appropriation level for federal grant fund 3FV0 (i.e., Crime Victim Compensation)

Workload *(Assess current, past, and anticipated workload. Has the workload increased or decreased significantly in the preceding six years?)*

Workload continues to increase steadily as the Attorney General's office continues to serve the needs of its clients and Ohioans across the state.

Staffing *(How many staff are currently employed by the board? What are their roles? Are staffing levels proportionate to the board's current and anticipated workload?)*

As of the pay period ending 9/12/2020 the AGO had 1477 FTEs.

The AGO is seeking to increase BCI FTE due to the ever-increasing workload. We are also seeking to increase our Information technology FTE due to increased workload with implementation of the new debt collection system.

Administrative hearings and public complaints *(Describe the Board's processes for administering discipline and addressing complaints. Assess the efficiency of the processes.)*

The Attorney General's office does not conduct administrative hearings on behalf of the office itself. Rather, the office provides counsel to other boards and commissions as they carry out their own hearings.

Professional solicitor registration

Survey responses (AGO)

Description

With some limited exceptions, a professional solicitor is any person, group, or other entity that, for compensation, performs on behalf of or for the benefit of a charitable organization any service in connection with which contributions are or will be solicited in Ohio by the compensated professional or by any person it employs, procures, or otherwise engages directly or indirectly to solicit contributions; this is found in Ohio Revised Code (ORC) Section 1716.01.

Professional Solicitors must register annually and file a Solicitation Notice for each fundraising campaign conducted in Ohio. A yearly financial report is also required for each fundraising campaign.

Type *(See R.C. 4798.01 for relevant definitions.)*

Registration

If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	89 in 2019
Number renewed annually	89 of 102 professional solicitors renewed registration from 2018 to 2019.
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	No significant increase or decrease.
Education or training requirements	None
Experience requirements	None
Examination requirements (<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
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	None
Initial fee	\$200
Duration	For up to one year. Each organization must renew their registration by March 31 each year.

If the regulation is a registration, certification, or license requirement, please complete the following:	
Renewal fee <i>(If different from initial fee, please explain why.)</i>	\$200. Although the registration fee is the same each year, if it is submitted late, their organization may be assessed a \$200 late fee. This late fee may also be assessed if a campaign is started in Ohio prior to completing their registration requirements.
Does the Board recognize uniform licensure requirements or allow for reciprocity?	No
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	At this time, there is no national registration requirement. Charitable organizations are required to provide information on their 990s filed with the IRS.
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	No, any individual or business is required to register with the Charitable Law Section if they are a professional solicitor.
Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?	Yes, our office may review contracts between a professional solicitor and charitable organization to determine if there is a registration requirement.
Other information <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i>	In addition to the registration requirement, each professional solicitor is required to submit a Solicitation Notice and a copy of the contract they have with a charitable organization prior to soliciting on the charity's behalf, and file a Campaign Financial Report to within a certain amount of time dictated in R.C. 1716.07.

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

The Charitable Law section has oversight from R.C. 1716. With this, there are civil penalties the section is able to issue under R.C. 1716.99.

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?

Approximately \$20,400. The funds are used to assist the Ohio Attorney General's Charitable Law Section to maintain the registration and filing requirements, along with investigations into any complaints received and assisting in the filing requirements.

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

Currently, there are no federal regulations for professional solicitors to register, nor is there a federal law that requires the state to regulate these organizations.

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

The Ohio Attorney General’s Charitable Law section seeks to protect Ohioans insuring they are not misled in any charitable solicitation that takes place and help eliminate any deceptive practices from professional solicitors, such as claiming to be the charitable organization or not providing notice of the percent guarantee going to the contracted charity.

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

The professional solicitor regulations and registration appear to be adequate. Our section has entered into multiple settlements and AOD’s from organizations that have misled Ohioans. We do not believe that there are less restrictive ways to prevent the harm.

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

Our section would like to see changes to R.C. 1716.07 to require filing fees associated with each solicitation campaign in addition to the registration fee for each solicitor.

Comparison to other states (How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)

There are 40 states that currently require professional solicitors to register.

Ohio regulations appear to be similar to other states where registration is required.

Other states registration fees range from \$0 to \$1,000. The majority of the states have initial registration fees that are between \$200 to \$500. Illinois requires additional fees per fundraising campaign.

Surrounding state comparison (LSC)

Professional Solicitor						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes, registration with Attorney General (<i>R.C. 1716.07</i>)	Yes, registration with Attorney General (<i>Ind. Code Ann. 23-7-8-2 and 23-7-8-4</i>)	Yes, registration with Attorney General (<i>Ky. Rev. Stat. Ann. 367.652</i>)	Yes, registration with Attorney General (<i>Mich. Comp. Laws 400.287</i>) Separate registration provisions apply if solicitation is for or on behalf of a public safety organization (<i>Mich. Comp. Laws 14.302 to 14.304</i>)	Yes, registration with Department of State (<i>10 Pa. Cons. Stat. 162.9</i>)	Yes, registration with Secretary of State (<i>W. Va. Code Ann. 29-19-9</i>)

Professional Solicitor						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Education or training	No	No	No	No	No	No
Experience	No	No	No	No	No	No
Exam	No	No	No	No	No	No
Continuing education	No	No	No	No	No	No
Initial licensure fee	\$200, plus bond of \$25,000	\$1,000	\$300, plus bond of \$25,000	None specified	\$250, also bond of \$25,000 or greater amount prescribed by Department	\$100, plus bond of \$10,000
License duration	One year	One year	One year	One year	One year	One year
Renewal fee	\$200, plus bond of \$25,000	\$50	\$300, plus bond of \$25,000	None specified	\$250, also bond of \$25,000 or greater amount prescribed by Department	\$100, plus bond of \$10,000

Fund-raising counsel registration

Survey responses (AGO)

Description
<p>With some limited exceptions, a fund-raising counsel is any person, group, or other entity that, for compensation, plans, manages, advises, consults, or prepares material for or with respect to the solicitation in Ohio of contributions for any charitable organization or at any time has custody of contributions from a solicitation, but does not solicit contributions and does not employ, procure, or otherwise engage any compensated person to solicit contributions pursuant to ORC 1716.01.</p> <p>Fund-raising counsels are required to register with the Ohio Attorney General only if they will at any time have custody of charitable contributions from a solicitation conducted in Ohio.</p>

Type <i>(See R.C. 4798.01 for relevant definitions.)</i>
Registration

If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	3
Number renewed annually	All 3 fundraising counsels renewed from 2018 to 2019.

If the regulation is a registration, certification, or license requirement, please complete the following:	
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	Slight increase, but overall numbers are small. 0 fundraising counsels registered in 2013 – 3 registered in 2018 and 2019. Very few fundraising counsel organizations meet requirements to register.
Education or training requirements	None
Experience requirements	None
Examination requirements (<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
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	None
Initial fee	\$200
Duration	For up to one year. Each organization must renew their registration by March 31 each year.
Renewal fee (<i>If different from initial fee, please explain why.</i>)	Currently up to \$200. Although the registration fee is the same each year, if it is submitted late, their organization may be assessed a \$200 late fee. This late fee may also be assessed if a campaign is started in Ohio prior to completing their registration requirements.

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?	No
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	At this time, there is no national registration requirement. Charitable organizations are required to provide information on their 990s filed with the IRS.
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	Fundraising counsels are only required to complete registration if they have custody of the contributions during their campaign in Ohio. If not, a fundraising counsel may be active in Ohio and does not meet a registration requirement.
Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?	At times, our office may review contracts the fundraising counsel has with any charitable organization to determine if there is a registration requirement.
Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)	In addition to registering with the Attorney General’s office, each registered fundraising counsel must submit an accounting of all contributions collected and expenses paid, to the charitable organization with which the fund-raising counsel has contracted. The accounting shall be in writing and shall be retained by the charitable organization for three years. The fundraising counsel shall file a copy of the accounting with the attorney general not later than seven days after it is furnished to the charitable organization.

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

The Charitable Law section has oversight from R.C. 1716. With this, there are civil penalties the section is able to issue under R.C. 1716.99.

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?

Approximately \$600. The funds are used to assist the Ohio Attorney General's Charitable Law Section to maintain the registration and filing requirements, along with investigations into any complaints received and assisting in the filing requirements.

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

Currently, there are no federal regulations for professional solicitors to register, nor is there a federal law that requires the state to regulate these organizations.

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

The Ohio Attorney General’s Charitable Law section seeks to protect Ohioans by guarding against misleading charitable solicitation practices.

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

Yes. Regulation of fundraising counsels are very minimal and non-restrictive.

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

Our section could require all fundraising counsels to complete registration with our office and submit an accounting document on a form proscribed by our office regardless of whether they maintain custody of contributions. This would give the state a better understanding of what organizations are active in Ohio and better accountability from for-profit organizations working with charitable organizations and better oversight of the industry.

Comparison to other states (*How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?*)

There are 28 other states that currently require registration for fundraising counsels.

In terms of fees, Ohio appears to be average. Other states' registration fees range from \$0 to \$1,000 with the majority being between \$100 to \$400.

The majority of these states appear to require registration regardless of whether fundraising counsels have custody of contributions, so Ohio may be less restrictive since we allow fundraising counsels to operate in Ohio without registration if they do not have custody of the contributions from their activities in Ohio.

Surrounding state comparison (LSC)

Fund-raising Counsel						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes, registration with Attorney General (<i>R.C. 1716.05</i>)	Yes, registration with Attorney General – professional fundraiser consultant (<i>Ind. Code Ann. 23-7-8-2 and 23-7-8-4</i>)	Yes, registration with Attorney General – fundraising consultant (<i>Ky. Rev. Stat. Ann. 367.652</i>)	Yes, licensed by Attorney General – professional fundraiser (<i>Mich. Comp. Laws 400.287</i>) Separate registration provisions apply if solicitation is for or on behalf of a public safety organization (<i>Mich. Comp.</i>	Yes, registration with Department of State – professional fundraising counsel (<i>10 Pa. Cons. Stat. 162.8</i>)	Yes, registration with Secretary of State – professional fundraising counsel (<i>W. Va. Code Ann. 29-19-9</i>)

Fund-raising Counsel						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
				<i>Laws 14.302 to 14.304)</i>		
Education or training	No	No	No	No	No	No
Experience	No	No	No	No	No	No
Exam	No	No	No	No	No	No
Continuing education	No	No	No	No	No	No
Initial licensure fee	\$200, plus bond of \$25,000	\$1,000	\$50	None specified, but bond of \$10,000	\$250	\$100, plus bond of \$10,000
License duration	One year	One year	One year	One year	One year	One year
Renewal fee	\$200, plus bond of \$25,000	\$50	\$50	None specified, but bond of \$10,000	\$250	\$100, plus bond of \$10,000

Telephone solicitor registration

Survey responses (AGO)

Description

The Telephone Solicitation Sales Act (TSSA), RC 4719.01 et seq. requires registration of non-exempt persons that engage in telephone solicitation directly or through one or more salespersons either from a location in this state, or from a location outside this state to persons in this state. "Telephone solicitor" includes, but is not limited to, any such person that is an owner, operator, officer, or director of, partner in, or other individual engaged in the management activities of, a business that solicit. Further, the TSSA requires solicitors maintain a \$50,000 surety bond, provide specific verbal disclosures and evidence transactions with specific written disclosures and cancellation rights. The TSSA provides remedies for a violation which include a private civil cause of action, private and AGO civil remedies under the Consumer Sales Practices Act, RC 1345.01, AGO criminal investigative authority and criminal penalties of fourth or fifth degree felonies.

Type (See R.C. 4798.01 for relevant definitions.)

Registration. The Telephone Solicitations Sales Act also includes a bonding/insurance requirement and regulation of process (solicitors required to provide specific verbal disclosures and evidence transactions with specific written disclosures and cancellation rights)

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

Number issued annually

Average of 11, based on years 2015 to present

Number renewed annually

Average of 7, based on years 2015 to present

If the regulation is a registration, certification, or license requirement, please complete the following:	
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	No significant changes, but there is a slight decrease in applications received
Education or training requirements	None
Experience requirements	None
Examination requirements (<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
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	None
Initial fee	\$250
Duration	One year from date of issuance of registration.
Renewal fee (<i>If different from initial fee, please explain why.</i>)	\$250

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?	No
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	No
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	Yes, telephone solicitors may meet any of the twenty-seven exemption to the statute; exemptions are generally available for solicitors that are regulated by other statutes or do business.
Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?	<p>The AG is required to issue a certificate to any applicant that submits application with complete information required by the statute, R.C. 4719.02 and pays the fee.</p> <p>The AG may deny, suspend or revoke a certificate of registration after an adjudication conducted in accordance with Chapter 119, if the AG finds by a preponderance of the evidence that any of the following conditions apply:</p> <p>(1) the applicant or registrant obtained a certificate of registration through any false or fraudulent representation or made any material misrepresentation in any application;</p> <p>(2) the applicant or registrant made false promises through advertising or other means or engaged in a continued course of misrepresentations.</p> <p>(3) The applicant or registrant violated any provision of Consumer Sales Practices Act, RC. 1345.01 et or the TSSA, RC 4719.01 to 4719.18 or a rule adopted under that chapter or those sections;</p> <p>(4) In a court of competent jurisdiction of this state or any other state or of the United States, the applicant or registrant was convicted of, pleaded guilty to, or entered a plea of no contest for a felony, engaging in a pattern of corrupt activity, racketeering, a violation of federal or state securities law, or a theft offense as defined R.C. 2913. or in a similar law of any other state or of</p>

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

	<p>the United States, or failed to notify the attorney general of any conviction of that type as required under division (H) of R.C. 4719.08; or</p> <p>(5) The applicant or registrant engaged in conduct that constituted improper, fraudulent, or dishonest dealings.</p> <p>The AG has not denied, suspended or revoked a certificate of registration since the enactment of the statute. Historically, applicants who apply but do not obtain a certificate of registration fail to submit complete application information or after further review of the application and statute discover that an exemption applies and they revoke or abandon their application.</p>
<p>Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)</p>	<p>The are no significant attributes or prerequisites to registration. The application largely requires only disclosures about the applicant, business organization, product/service offered, solicitation practices, and copies of solicitation and transactional materials used to sell or given to purchasers.</p>

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

The AG regularly takes enforcement actions for failure to comply with the requirements of the TSSA. The actions include the filing of civil actions which generally also include violations of the Consumer Sales Practices and/or federal telemarketing regulations, negotiated Assurance of Voluntary Compliance and Cease and Desist Orders.

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?

The approximate revenue generate year is \$4666, based on fees collected 2015 to present. The funds are used to pay the expenses reasonably related to the administration of the TSSA, include the registration unit function and the investigation and enforcement action costs or for educational activities.

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

There are two specific federal telemarketing statutes and regulations enforced by the Federal Communications Commission (FCC) and the Federal Trade Commission (FTC). The FCC enforces the Telephone Consumer Protection Act 47 US 227 and its rules, 47 CFR 64.1200 and 47 CFR 64.1600 et seq. The FTC enforces the Telemarketing and Consumer Fraud and Abuse Prevention Act, 15 USC 6101 and its rule, 16 CFR 310. The federal laws do not require the state to regulate telephone solicitors and specifically preempt conflicting laws.

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

The TSSA was enacted to protect purchasers from telephone solicitors and salespersons that commit unfair, unlawful, deceptive, or unconscionable acts or practices and to encourage the development of reasonable and fair telephone solicitation sales practices.

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

It is difficult to measure the effective of harm *prevented* by the TSSA. However, the AG regularly uses the investigative and enforcement authority provided by the TSSA which includes subpoena authority and a range of remedies to enjoin violations and recover restitution, civil penalties and costs. The AG’s office has historically been very active in the area of telemarketing regulation, in both fraud-related and do-not-call enforcement case. The TSSA is an effective tool for both types of cases and is frequently enforced as a companion action to do-not-call actions. The AG announced the formation of a Robocall Enforcement Unit in March of 2020 which focuses specifically on robocall and telemarketing enforcement efforts which will likely result it even more reliance on this valuable statute.

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

There are no changes recommended at this time.

Comparison to other states *(How many other states regulate the occupation? How do Ohio’s regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)*

Approximately 33 states have similar telephone solicitor registration and regulation statutes. We believe the regulation portion of Ohio’s statute falls in the moderate to strong range of regulation compared to other states. Ohio’s statute is strong in the area of required verbal disclosures, written disclosures required to evidence transactions and fair cancellation rights.

Surrounding state comparison (LSC)

Telephone Solicitor						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes, registration with Attorney General (<i>R.C. 4719.02 to 4719.04; O.A.C. 109:4-6-04 and 109:4-6-05</i>)	No, generally, but telephone solicitations are regulated by statute (<i>Ind. Code Ann. Title 24, Article 4.7</i>) Registration with Attorney General is required if solicitor will make a specified type of misleading statement in a solicitation (<i>Ind. Code Ann. 24-5-12-1 to 24-5-12-15</i>)	No, generally, for individuals but companies and telephone solicitations regulated by statute and rule (<i>Ky. Rev. Stat. Ann. 367.46971; 40 Ky. Admin. Regs. Chapter 2</i>) Permit from Attorney General is required if solicitor uses automated calling equipment (<i>Ky. Rev. Stat. Ann. 367.469; 40 Ky. Admin. Regs. 2:040</i>)	No, generally, but telephone solicitations regulated by statute (<i>Mich. Comp. Laws 445.111 to 445.117</i>)	Yes, registration with Attorney General (<i>73 Pa. Cons. Stat. 2243 and 2244</i>)	Yes, registration with Department of Tax and Revenue (<i>W. Va. Code Ann. 46A-6F-301 and 46A-6F-302; W. Va. Code R. 119-301-2</i>)
Education or training	No	No	No	N/A	No	No
Experience	No	No	No	N/A	No	No

Telephone Solicitor						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Exam	No	No	No	N/A	No	No
Continuing education	No	No	No	N/A	No	No
Initial licensure fee	\$250, also bond of \$50,000	\$50	None specified, but bond of \$10,000	N/A	\$500, also bond of \$50,000	\$250 (or \$200 if registration done through website), also bond of \$300,000 or \$500,000 (bond is for three years)
License duration	One year	One year	One year	N/A	Two years	One year
Renewal fee	\$250, also bond of \$50,000	\$50	None specified, but bond of \$10,000	N/A	\$500, also bond of \$50,000	\$250 (or \$200 if registration done through website), also bond of \$300,000 or \$500,000 (bond is for three years)

BOARD OF EMBALMERS AND FUNERAL DIRECTORS (FUN)

Funeral director

Surrounding state comparison (LSC)

Funeral Director						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (<i>R.C. 4717.05</i>)	Yes, funeral director license covers both funeral directing and embalming (<i>Ind. Code Ann. 25-15-8-24</i>)	Yes (<i>Ky. Rev. Stat. Ann. 316.030</i>)	Yes, mortuary science license covers both funeral directing and embalming (<i>Mich. Comp. Laws 339.1803 and 339.1804</i>)	Yes, funeral director license covers both funeral directing and embalming (<i>63 Pa. Cons. Stat. 479.13</i>)	Yes, funeral service license covers both funeral directing and embalming (<i>W. Va. Code 30-6-1 and 30-6-9; W. Va. Code R. 6-1-16; West Virginia Board of Funeral Service Examiners, Forms and Applications</i>)
Education or training	Bachelor's degree One-year apprenticeship Participation in directing 25 funerals (<i>R.C. 4717.05</i>)	Some college or mortuary science courses One year of practicing funeral services under a funeral director (presumably as	High school diploma Three-year apprenticeship Applicant may substitute up to two years of apprenticeship with certain	Three-year course in mortuary science One year as a resident trainee in which the person embalmed or prepared 25 bodies for burial	Some college and specific coursework Two years as a trainee and one year as an "interne" (<i>63 Pa. Cons. Stat. 479.3</i>)	Three education options: 1. Associate's degree; 2. 60 semester hours or 90 quarter hours toward a bachelor's

Funeral Director						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
		part of the apprenticeship) <i>(Ind. Code Ann. 25-15-4-3)</i>	post-secondary education <i>(Ky. Rev. Stat. Ann. 316.030)</i>	<i>(Mich. Comp. Laws 339.1806 and 339.1808)</i>		degree plus graduation from a school of mortuary science; or 3. Bachelor's degree in mortuary science One-year apprenticeship <i>(W. Va. Code 30-6-10 and 30-6-8; West Virginia Board of Funeral Service Examiners, Funeral Directors/Embalmers License Exam)</i>
Experience	No	No	No	No	No	No
Exam	Yes <i>(R.C. 4717.05; O.A.C. 4717-6-02)</i>	Yes <i>(Ind. Code Ann. 25-15-4-3)</i>	Yes <i>(Ky. Rev. Stat. Ann. 316.030)</i>	Yes <i>(Mich. Comp. Laws 339.1806)</i>	Yes <i>(63 Pa. Cons. Stat. 479.5)</i>	Yes <i>(West Virginia Board of Funeral Service Examiners, Funeral</i>

Funeral Director						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
						Directors/Embalmers License Exam
Continuing education	18 hours every two years (<i>O.A.C. 4717-9-01</i>)	Ten hours every two years (<i>Ind. Code Ann. 25-15-6-5; 832 Ind. Admin. Code 4-1-1</i>)	12 hours every two years (<i>Ky. Rev. Stat. Ann. 316.130</i>)	No	Six hours every two years (<i>63 Pa. Cons. Stat. 479.10(b)(1); 49 Pa. Code 13.401</i>)	Seven hours every two years (<i>W. Va. Code R. 6-1-18</i>)
Initial licensure fee	\$200 (<i>R.C. 4717.07</i>)	\$50 (<i>832 Ind. Admin. Code 2-1-2</i>)	\$75 examination fee, no other initial fee identified (<i>Ky. Rev. Stat. Ann. 316.130</i>)	\$60 for one-year license and \$100 for two-year license (<i>Michigan Department of Licensing and Regulatory Affairs, Fee Schedule</i>)	\$25 (<i>49 Pa. Code 13.12</i>)	\$160 (<i>W. Va. Code R. 6-1-16</i>)
License duration	Two years (<i>R.C. 4717.08</i>)	Two years (<i>Ind. Code Ann. 25-15-6-1; 832 Ind. Admin. Code 4-2-4</i>)	One year (<i>Ky. Rev. Stat. Ann. 316.130</i>)	One or two years (<i>Michigan Department of Licensing and Regulatory Affairs, Fee Schedule</i>)	Two years (<i>49 Pa. Code 13.231</i>)	Two years (<i>W. Va. Code R. 6-1-16</i>)

Funeral Director						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Renewal fee	\$200 (<i>R.C. 4717.07</i>)	\$50 (<i>832 Ind. Admin. Code 2-1-2</i>)	\$100 (<i>201 Ky. Admin. Regs. 15:030</i>)	\$80 for one-year license and \$120 for two-year license (<i>Michigan Department of Licensing and Regulatory Affairs, Fee Schedule</i>)	\$400 (<i>49 Pa. Code 13.12</i>)	\$200 (<i>W. Va. Code R. 6-1-16</i>)

Embalmer

Surrounding state comparison (LSC)

Embalmer						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (<i>R.C. 4717.05</i>)	Yes, funeral director license covers both funeral directing and embalming (<i>Ind. Code Ann. 25-15-8-24</i>)	Yes (<i>Ky. Rev. Stat. Ann. 316.030</i>)	Yes, mortuary science license covers both funeral directing and embalming (<i>Mich. Comp. Laws 339.1803 and 339.1804</i>)	Yes, funeral director license covers both funeral directing and embalming (<i>63 Pa. Cons. Stat. 479.13</i>)	Yes, funeral service license covers both funeral directing and embalming (<i>W. Va. Code 30-6-1 and 30-6-9; W. Va. Code R. 6-1-16; West Virginia Board of Funeral Service</i>)

Embalmer						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
						<i>Examiners, Forms and Applications)</i>
Education or training	<p>Bachelor’s degree</p> <p>One-year apprenticeship</p> <p>Participation in embalming 25 bodies <i>(R.C. 4717.05)</i></p>	<p>Some college or mortuary science courses</p> <p>One year of practicing funeral services under a funeral director (presumably as part of the apprenticeship) <i>(Ind. Code Ann. 25-15-4-3)</i></p>	<p>Associate’s degree in funeral services</p> <p>One-year apprenticeship <i>(Ky. Rev. Stat. Ann. 316.030)</i></p>	<p>Three-year course in mortuary science</p> <p>One year as a resident trainee in which the person embalmed or prepared 25 bodies for burial <i>(Mich. Comp. Laws 339.1806 and 339.1808)</i></p>	<p>Some college and specific coursework</p> <p>Two years as a trainee and one year as an “interne” <i>(63 Pa. Cons. Stat. 479.3)</i></p>	<p>Three education options:</p> <ol style="list-style-type: none"> 1. Associate’s degree; 2. 60 semester hours or 90 quarter hours toward a bachelor’s degree plus graduation from a school of mortuary science; or 3. Bachelor’s degree in mortuary science <p>One-year apprenticeship <i>(W. Va. Code 30-6-10 and 30-6-8; West Virginia Board of Funeral Service Examiners,</i></p>

Embalmer						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
						<i>Funeral Directors/Embalmers License Exam</i>)
Experience	No	No	No	No	No	No
Exam	Yes (<i>R.C. 4717.05</i>)	Yes (<i>Ind. Code Ann. 25-15-4-3</i>)	Yes (<i>Ky. Rev. Stat. Ann. 316.030</i>)	Yes (<i>Mich. Comp. Laws 339.1806</i>)	Yes (<i>63 Pa. Cons. Stat. 479.5</i>)	Yes (<i>West Virginia Board of Funeral Service Examiners, Funeral Directors/Embalmers License Exam</i>)
Continuing education	18 hours every two years (<i>O.A.C. 4717-9-01</i>)	Ten hours every two years (<i>Ind. Code Ann. 25-15-6-5; 832 Ind. Admin. Code 4-1-1</i>)	12 hours every two years (<i>Ky. Rev. Stat. Ann. 316.130</i>)	No	Six hours every two years (<i>63 Pa. Cons. Stat. 479.10(b)(1); 49 Pa. Code 13.401</i>)	Seven hours every two years (<i>W. Va. Code R. 6-1-18</i>)
Initial licensure fee	\$200 (<i>R.C. 4717.07</i>)	\$50 (<i>832 Ind. Admin. Code 2-1-2</i>)	\$75 examination fee, no other initial fee identified (<i>Ky. Rev. Stat. Ann. 316.130</i>)	\$60 for one-year license and \$100 for two-year license (<i>Michigan Department of Licensing and Regulatory Affairs, Fee Schedule</i>)	\$25 (<i>49 Pa. Code 13.12</i>)	\$160 (<i>W. Va. Code R. 6-1-16</i>)

Embalmer						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License duration	Two years (<i>R.C. 4717.08</i>)	Two years (<i>Ind. Code Ann. 25-15-6-1; 832 Ind. Admin. Code 4-2-4</i>)	One year (<i>Ky. Rev. Stat. Ann. 316.130</i>)	One or two years (<i>Michigan Department of Licensing and Regulatory Affairs, Fee Schedule</i>)	Two years (<i>49 Pa. Code 13.231</i>)	Two years (<i>W. Va. Code R. 6-1-16</i>)
Renewal fee	\$200 (<i>R.C. 4717.07</i>)	\$50 (<i>832 Ind. Admin. Code 2-1-2</i>)	\$100 (<i>201 Ky. Admin. Regs. 15:030</i>)	\$80 for one-year license and \$120 for two-year license (<i>Michigan Department of Licensing and Regulatory Affairs, Fee Schedule</i>)	\$400 (<i>49 Pa. Code 13.12</i>)	\$200 (<i>W. Va. Code R. 6-1-16</i>)

Funeral director apprentice

Surrounding state comparison (LSC)

Funeral Director Apprentice						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Certification (<i>R.C. 4717.05; O.A.C. 4717-4-04</i>)	Yes – funeral director intern (<i>Ind. Code Ann.</i>)	Yes (<i>Ky. Rev. Stat. Ann. 316.030; 201</i>)	Yes – resident trainee (<i>Mich. Comp. Laws</i>)	Yes – resident interne (<i>63 Pa.</i>)	Yes – funeral director and embalmer

Funeral Director Apprentice						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
		<i>25-15-2-13 and 25-15-8-24)</i>	<i>Ky. Admin. Regs. 15:050)</i>	<i>339.1801 and 339.1808)</i>	<i>Cons. Stat. 479.13)</i>	apprentice (<i>W. Va. Code 30-6-17 and 30-6-3)</i>
Education or training	Bachelor's degree (<i>O.A.C. 4717-4-04)</i>	High school diploma plus some college and/or mortuary science education (<i>Ind. Code Ann. 25-15-4-2)</i>	High school diploma (<i>201 Ky. Admin. Regs. 15:050)</i>	High school diploma (<i>Mich. Comp. Laws 339.1808)</i>	Completion of two years of college or matriculation into a college or university with an accredited department of mortuary arts and sciences (<i>63 Pa. Cons. Stat. 479.2; 49 Pa. Code 13.31, 13.23, and 13.24)</i>	Three education options: <ol style="list-style-type: none"> 1. Associate's degree; 2. 60 semester hours or 90 quarter hours toward a bachelor's degree plus graduation from a school of mortuary science; or 3. Bachelor's degree in mortuary science One-year apprenticeship (<i>W. Va. Code 30-6-17)</i>
Experience	No	No	No	No	No	No

Funeral Director Apprentice						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Exam	No	Yes (832 Ind. Admin. Code 3-2-2)	No	No	No	No
Continuing education	No	No	No	No	No	No
Initial licensure fee	\$35 (R.C. 4717.07)	\$25 (832 Ind. Admin. Code 2-1-2)	\$30 (Ky. Rev. Stat. Ann. 316.030)	\$45 (Michigan Department of Licensing and Regulatory Affairs, Fee Schedule)	\$25 (49 Pa. Code 13.12)	\$175 (W. Va. Code R. 6-1-16)
License duration	Four years (O.A.C. 4717-4-04)	Two years (Ind. Code Ann. 25-15-6-1)	Appears to be an initial period of six months followed by up to three years at "Level II," for a total of 3.5 years (201 Ky. Admin. Regs. 15:050, Section 3)	One year (Michigan Department of Licensing and Regulatory Affairs, Fee Schedule)	N/A	Two years, but no person can be an apprentice for more than five years (W. Va. Code R. 6-1-4.2 and 6-1-16)
Renewal fee	N/A	\$25 (832 Ind. Admin. Code 2-1-2)	N/A	\$65 (Michigan Department of Licensing and Regulatory Affairs, Fee Schedule)	N/A	\$175 (W. Va. Code R. 6-1-16)

Embalmer apprentice

Surrounding state comparison (LSC)

Embalmer Apprentice						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Certification (<i>R.C. 4717.05; O.A.C. 4717-4-01</i>)	Yes – funeral director intern (<i>Ind. Code Ann. 25-15-2-13 and 25-15-8-24</i>)	Yes (<i>Ky. Rev. Stat. Ann. 316.030; 201 Ky. Admin. Regs. 15:050</i>)	Yes – resident trainee (<i>Mich. Comp. Laws 339.1801 and 339.1808</i>)	Yes – resident interne (<i>63 Pa. Cons. Stat. 479.13</i>)	Yes – funeral director and embalmer apprentice (<i>W. Va. Code 30-6-17 and 30-6-3</i>)
Education or training	Bachelor’s degree and one year of instruction in mortuary science (<i>O.A.C. 4717-4-01</i>)	High school diploma plus some college and/or mortuary science education (<i>Ind. Code Ann. 25-15-4-2</i>)	High school diploma (<i>201 Ky. Admin. Regs. 15:050</i>)	High school diploma (<i>Mich. Comp. Laws 339.1808</i>)	Completion of two years of college or matriculation into a college or university with an accredited department of mortuary arts and sciences (<i>63 Pa. Cons. Stat. 479.2; 49 Pa. Code 13.31, 13.23, and 13.24</i>)	Three education options: <ol style="list-style-type: none"> 1. Associate’s degree; 2. 60 semester hours or 90 quarter hours toward a bachelor’s degree plus graduation from a school of mortuary science; or 3. Bachelor’s degree in

Embalmer Apprentice						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
						mortuary science One-year apprenticeship (<i>W. Va. Code 30-6-17</i>)
Experience	No	No	No	No	No	No
Exam	No	Yes (<i>832 Ind. Admin. Code 3-2-2</i>)	No	No	No	No
Continuing education	No	No	No	No	No	No
Initial licensure fee	\$35 (<i>R.C. 4717.07</i>)	\$25 (<i>832 Ind. Admin. Code 2-1-2</i>)	\$30 (<i>Ky. Rev. Stat. Ann. 316.030</i>)	\$45 (<i>Michigan Department of Licensing and Regulatory Affairs, Fee Schedule</i>)	\$25 (<i>49 Pa. Code 13.12</i>)	\$175 (<i>W. Va. Code R. 6-1-16</i>)
License duration	Apprenticeship must be completed within 18 months of commencement (<i>O.A.C. 4717-4-01</i>)	Two years (<i>Ind. Code Ann. 25-15-6-1</i>)	Appears to be an initial period of six months followed by up to three years at "Level II," for a total of 3.5 years (<i>201 Ky.</i>)	One year (<i>Michigan Department of Licensing and Regulatory</i>)	N/A	Two years, but no person can be an apprentice for more than five years (<i>W. Va.</i>)

Embalmer Apprentice						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
			<i>Admin. Regs. 15:050, Section 3)</i>	<i>Affairs, Fee Schedule)</i>		<i>Code R. 6-1-4.2 and 6-1-16)</i>
Renewal fee	N/A	\$25 (<i>832 Ind. Admin. Code 2-1-2)</i>	N/A	\$65 (<i>Michigan Department of Licensing and Regulatory Affairs, Fee Schedule)</i>	N/A	\$175 (<i>W. Va. Code R. 6-1-16)</i>

Crematory operator

Surrounding state comparison (LSC)

Crematory Operator						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Permit (<i>R.C. 4717.051</i>)	No, facility only (<i>Ind. Code Ann. 25-15-2-10 and 23-14-31-22</i>)	No, facility only (<i>Ky. Rev. Stat. Ann. 367.97504</i>)	Permit and annual registration for facility only, crematories fall under the definition of “cemetery” and are subject to those regulations (<i>Mich. Comp. Laws 456.522,</i>	Permit, but for facility only (<i>35 Pa. Cons. Stat. 1121</i>)	Certificate (<i>W. Va. Code 30-6-1 and 30-6-11</i>)

Crematory Operator						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
				456.531, and 456.532)		
Education or training	Crematory operation certification program (<i>R.C. 4717.051</i>)	N/A	N/A	N/A	N/A	Completion of class on cremation and operating a crematory Completion of a seminar on state crematory regulation (<i>W. Va. Code 30-6-11; W. Va. Code R. 6-2-4</i>)
Experience	No	N/A	N/A	N/A	N/A	No
Exam	No	N/A	N/A	N/A	N/A	No
Continuing education	Two hours every two years (<i>O.A.C. 4717-15-05</i>)	N/A	N/A	N/A	N/A	Only required when crematory operator obtains new equipment or when the West Virginia Board of Funeral Service Examiners determines that industry

Crematory Operator						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
						regulation has changed significantly enough to merit additional training (<i>W. Va. Code R. 6-2-4</i>)
Initial licensure fee	\$150 (<i>R.C. 4717.07</i>)	N/A	N/A	N/A	N/A	\$120 (<i>W. Va. Code R. 6-2-20</i>)
License duration	Two years (<i>R.C. 4717.08</i>)	N/A	N/A	N/A	N/A	Two years (<i>W. Va. Code 30-6-11</i>)
Renewal fee	\$150 (<i>R.C. 4717.07</i>)	N/A	N/A	N/A	N/A	\$120 (<i>W. Va. Code R. 6-2-20</i>)

BOARD OF NURSING (NUR)

General information (NUR)

Duties

The mission and purpose of the Board is to actively safeguard the health of the public through the effective regulation of nursing care. The Board addresses the need for public protection and safe nursing care. The Board regulates about 303,000 licenses and certificates, an increase from 233,000 in 2009. The Board regulates registered nurses (RNs); licensed practical nurses (LPNs); advanced practice registered nurses (APRNs) who are designated as certified nurse practitioners, clinical nurse specialists, certified nurse midwives, certified registered nurse anesthetists; dialysis technicians; community health workers; medication aides; nursing education programs; and training programs.

The public expects nurses to obtain an adequate level of educational preparation, follow established practice standards, and provide competent nursing care. They also expect the Board to address unsafe practitioners, so vulnerable populations, who nurses serve, are protected. Board operations are designed to meet these public expectations.

The Board issues and renews licenses only to those who meet the requirements; establishes and interprets scopes of practice; determines regulatory requirements and practice standards; approves pre-licensure nursing education programs; approves training programs for dialysis technicians, community health workers, and medication aides; and, if licensees violate the Nurse Practice Act or administrative rules, imposes discipline and monitors their practice.

Membership *(Current members, chairperson and other officers, and selection process.)*

At full capacity, 13 Board members and 70 full-time, permanent staff administer and enforce the provisions of Revised Code Chapter 4723. to regulate the practice of nursing for the safety of the public.

Budget *(Current budget, description of budgeting process, sources of funding, and expected increases or decreases in budget or funding in future years.)*

The Board is funded solely on its license fees and receives no General Revenue Funds. Based on the LSC Report on Occupational Licensing and Regulatory Boards, the Board consistently contributes a surplus to the 4K90 Fund. The Board has not requested an increase in fees since 2004.

Revenues vary based on the differences in the number of LPNs and RN/APRNs and their renewal cycles. The RN/APRN renewal cycle occurs in odd-numbered calendar years and the LPN renewal cycle occurs in even-numbered calendar years.

The Board submits a proposed biennial budget every two years which is subsequently reviewed/approved by OBM, the Governor's Office, and the legislature. The legislature has final approval of the appropriations for the Board.

Workload *(Assess current, past, and anticipated workload. Has the workload increased or decreased significantly in the preceding six years?)*

- Regulated 302,823 licenses in FY20 as compared to 281,000 in FY15.
- Added 21,738 newly licensed RNs and LPNs to the nursing workforce in FY20, as compared to 20,019 in FY15.
- Expedited licensure for 2,579 veterans, service members, or spouses, as compared to 1,144 in FY15.
- Renewed over 223,911 licenses during the last RN and APRN renewal cycle, as compared to 202,454 in FY15.
- Issued temporary permits to practice for out-of-state nurses within one (1) business day as compared to 7-10 days in FY15.
- Licensed 5,468 and extended 1,500 licenses through June 30, 2020 based on HB 197 provisions to increase the nursing workforce during COVID-19 declared emergency.
- Regulated 20,734 advanced practice licenses in FY20 as compared with 13,756 in FY15 2015.
- Regulated 2,308 dialysis technicians and dialysis technician interns (1,723 in FY15); 772 community health workers (190 in FY15); and 346 medication aides in FY20 (184 in FY15).
- Investigated 8,350 complaints in 2019 (9,221 in FY15), including 2,071 (2,012 in FY15) applicants with criminal histories. Complaints are investigated for criminal activity, substance use abuse, prescription drug theft, sub-standard practice, patient abuse and neglect, and other violations of the Nurse Practice Act and administrative rules. This includes large numbers of individuals with criminal histories who apply to become licensed nurses.
- Provided monitoring and oversight to assure licensees fulfilled the terms and conditions of their disciplinary agreements, Board Orders, or Participant Agreements. In FY20, the monitoring caseload was 6,055 (4,066 in FY15).

Workload *(Assess current, past, and anticipated workload. Has the workload increased or decreased significantly in the preceding six years?)*

- Reviewed and took Board action on about 300-400 disciplinary cases at each Board meeting.
- Approved training programs for various types of certifications: 21 dialysis technician programs (24 in FY15); 17 community health worker training programs (9 in FY15); and 14 medication aide programs in FY20 (16 in FY15).
- Assisted the Ohio Department of Health (ODH) with surge planning workforce efforts for COVID-19. ODH reported that 7,495 of those responding indicated they had a nursing license, and the Board provided the identifying information for the records.
- Processed 23,221 applications for licensure in FY20 (23,897 in FY15) and 25,082 service requests from licensees requesting a change in their license record or information relating to licensure.

Staffing *(How many staff are currently employed by the board? What are their roles? Are staffing levels proportionate to the board's current and anticipated workload?)*

At full capacity, the Board has 70 full-time employees. The Board is a highly productive agency, even with service demands that increase each year. As you may know, this Board regulates more licenses than any other professional regulatory board in Ohio, while maintaining staffing levels significantly lower than other Boards. Board staff is responsible for regulating about 303,000 licenses; during the last RN and APRN renewal cycle, we renewed 223,911 licenses. To determine that nursing programs and various training programs maintain educational/training standards to educate entry level health care workers for safe practice, Board staff oversee 189 nursing education programs, and 52 training programs. For practice, the staff respond to an average of 475 individual practice questions a month. Staff respond to an average of over 1,200 public records requests per year and prepare and file administrative rules as required by Chapter 119., ORC. The Board receives and Board staff investigate about 8,350 complaints annually; staff coordinate administrative hearings in compliance with Chapter 119., ORC requirements; prepare Board Orders, settlement agreements, no request for hearing evidence materials; monitor compliance with terms and conditions of Board Orders and settlement agreements that licensees must meet for safe care; and administer two alternative to discipline programs.

Administrative hearings and public complaints *(Describe the Board's processes for administering discipline and addressing complaints. Assess the efficiency of the processes.)*

8,350 complaints were received in FY20. The Board has adopted protocols to efficiently triage and process complaints based on patient safety and other factors. Administrative hearings are held in accordance with Chapter 119., ORC. The Board works with the Attorney General's Office which represents the Board in all administrative hearings. The Board also convenes a Board Hearing Committee which hears multiple disciplinary cases in one day to expedite cases and reduce costs.

Registered nurse license

Survey responses (NUR)

Description

RNs provide nursing care requiring specialized knowledge, judgment, and skill derived from principles of biological, physical, behavioral, social, and nursing sciences. To obtain a RN license in Ohio, applicants must complete a pre-licensure RN education program, pass a national examination known as the NCLEX-RN, complete criminal records checks, and meet other regulatory requirements. RNs licensed in another state may be licensed in Ohio through reciprocity.

Type *(See R.C. 4798.01 for relevant definitions.)*

License

If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	14,895 in FY20
Number renewed annually	222,635 active licenses FY20
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	222,635 active licenses as of June 30, 2020 as compared to 201,373 active licenses as of June 30, 2015.
Education or training requirements	Completion of a Board approved pre-licensure registered nursing education program, or a registered nursing program approved by another state or jurisdiction.
Experience requirements	For entry level practice, clinical experience is required as part of the individual's nursing education.
Examination requirements (<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>)	Individuals are required to take the NCLEX, a national examination used by all states. The NCLEX is a high-stake legally defensible and psychometrically sound exam developed by the National Council of State Boards of Nursing (NCSBN) and administered in Pearson VUE testing centers. Pearson VUE charges \$200 for the NCLEX and the Board does not receive any part of that fee.
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	For the period immediately following licensure by NCLEX examination, the nurse is not required to complete CE for the first license renewal. Otherwise, nurses must complete at least 24 contact hours of CE that includes at least one contact hour of Category A (Ohio law and rules) CE for each renewal. A nurse who has been licensed in Ohio by reciprocity for less than or equal to one year prior to the first Ohio license renewal must complete at least 12 contact hours, rather than 24. The Board does not establish CE curriculum. CE providers establish the content for CE events and the CE events are approved by OBN Approvers.

If the regulation is a registration, certification, or license requirement, please complete the following:	
Initial fee	\$75.00
Duration	Licenses are renewed every 2 years.
Renewal fee <i>(If different from initial fee, please explain why.)</i>	\$65.00.
Does the Board recognize uniform licensure requirements or allow for reciprocity?	The Board issues licenses based on reciprocity. Through reciprocity nurses can obtain temporary permits within 1-3 days to practice nursing in Ohio until the license is issued.
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	There are no similar national registrations, certifications, or licenses that could substitute for state regulation of RNs.
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	No. All aspects of RN practice are regulated to protect a vulnerable population from criminal activity, substance use abuse, prescription drug theft, sub-standard practice, patient abuse and neglect, and other violations of the Nurse Practice Act and administrative rules.
Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?	After meeting the licensure requirements, unless there is a statutory basis to deny licensure, the Board does not exercise discretion. If a statutory basis exists to deny licensure, the Board is required to conduct an investigation, and, with the exception statutorily barred crimes (see Section 4723.092, ORC) or sex-offender registration status, the Board has discretion to grant licensure under terms and conditions that address the applicant's criminal history, past discipline on other licenses, substance use disorder, or other violations of the Nurse Practice Act as specified in Section 4723.28, ORC.

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

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

N/A

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

Chapter 4723., ORC, authorizes the disciplinary authority of the Board. The Board efficiently handles complaints, investigations, and adjudications to safeguard the health of the public and, in cases involving substance use disorder or practice issues, provides alternatives to discipline programs, if determined appropriate. The Compliance Unit conducts investigations; processes disciplinary cases; holds administrative hearings; prepares Notices of Opportunity for Hearings (Notices) including statutory Notices for immediate, automatic, or summary suspensions and no hearing requested evidence materials for Board action; negotiates settlement conferences; monitors post-discipline cases; and reports all disciplinary actions to the national practitioner databank as required by federal law.

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?

Board revenue is generated from license and certification fees, including renewal. All revenue is deposited into the State 4K90 Fund. A portion is appropriated to the Board each biennium, and the surplus generated by the Board remains in the 4K90 Fund. In FY19, the LSC Report on Occupational Licensing and Regulatory Boards, specified that the Board contributed \$7.2 million surplus to the fund.

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

Federal laws do not regulate the practice of RN nursing in Ohio. Chapter 4723., ORC authorizes the Board to regulate registered nursing.

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

Unsafe nursing care/practice can result in serious bodily harm or death to vulnerable populations seeking health care. Other issues such as substance use abuse, prescription drug theft, sub-standard practice, patient abuse and neglect, and other violations of the Nurse Practice Act and administrative rules can cause significant, and substantiated harm that threaten public health, safety, or welfare of Ohioans.

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

The regulation is effective for public protection. Through the disciplinary processes, the Board considers mitigating factors, reviews all issues on a case-by-case basis, incorporates the principles of Just Culture in decision-making, and offers alternative to discipline programs. The Alternative Program for Substance Use Disorder is a confidential program offered in lieu of discipline that encourages treatment and monitoring to assist the nurse in recovery and to return to practice. The Practice Intervention and Improvement Program is a confidential program offered in lieu of discipline that offers educational remediation to address sub-standard nursing practice.

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

N/A

Comparison to other states (How many other states regulate the occupation? How do Ohio’s regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)

All other states and U.S. jurisdictions regulate RNs. Overall, Ohio law is comparable, and Ohio’s law generally falls “in-between.”

Surrounding state comparison (LSC)

Registered Nurses						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (<i>R.C. 4723.03</i>)	Yes (<i>Ind. Code Ann. 25-23-1-1.1</i>)	Yes (<i>Ky. Rev. Stat. Ann. 314.031 and 314.041</i>)	Yes (<i>Mich. Comp. Laws 333.17201</i>)	Yes (<i>63 Pa. Cons. Stat. 213</i>)	Yes (<i>W. Va. Code Ann. 30-7-2</i>)
Education or training	Education program approved by the	State accredited program of registered nursing	Complete curriculum and meet graduation	Registered professional nurse education	Professional nursing education	Accredited program of registered

Registered Nurses						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	Board or another state's board (R.C. 4723.09)	(Ind. Code Ann. 25-23-1-11)	requirements of an approved school of nursing (Ky. Rev. Stat. Ann. 314.041)	program approved by the Board (Mich. Admin. Code R. 338.10204)	program (49 Pa. Code 21.21)	professional nursing education (W. Va. Code Ann. 30-7-6)
Experience	No	No	No	No	No	No
Exam	Yes (R.C. 4723.10)	Yes (Ind. Code Ann. 25-23-1-11)	Yes (Ky. Rev. Stat. Ann. 314.041)	Yes (Mich. Admin. Code R. 338.10204)	Yes (49 Pa. Code 21.21 and 21.24)	Yes (W. Va. Code Ann. 30-7-6)
Continuing education	24 hours every two years (R.C. 4723.24)	No	14 hours every year (201 Ky. Admin. Regs. 20:215)	25 hours every two years (Mich. Admin. Code R. 338.10601)	30 hours every two years (49 Pa. Code 21.131)	12 hours every year (W. Va. Code R. 19-11-3)
Initial licensure fee	\$75 (R.C. 4723.08)	\$50 (848 Ind. Admin. Code 1-1-14)	\$125 (application by examination) or \$165 (application by endorsement) (201 Ky. Admin. Regs. 20:240)	\$208.80 (Michigan Licensing and Regulatory Affairs Bureau of Professional Licensing, Nursing Licensing Guide)	\$95 (application by examination) or \$120 (application by endorsement) (49 Pa. Code 21.5)	\$40 (W. Va. Code Ann. 30-7-6)
License duration	Two years (R.C. 4723.24)	Two years (Ind. Code Ann. 25-23-1-16.1)	One year (201 Ky. Admin. Regs. 20:085)	Two years (Mich. Admin. Code R. 338.10601 and 338.10602)	Two years (49 Pa. Code 21.29)	One year (W. Va. Code Ann. 30-7-8)

Registered Nurses						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Renewal fee	\$65 (<i>R.C. 4723.08</i>)	\$50 (<i>848 Ind. Admin. Code 1-1-14</i>)	\$55 (<i>201 Ky. Admin. Regs. 20:240</i>)	\$128.50 (<i>Michigan Licensing and Regulatory Affairs Bureau of Professional Licensing, Nursing Licensing Guide</i>)	\$122 (<i>49 Pa. Code 21.5</i>)	\$25 (<i>W. Va. Code Ann. 30-7-8</i>)

Practical nurse license

Survey responses (NUR)

Description
<p>LPNs provide nursing care requiring the application of basic knowledge of the biological, physical, behavioral, social, and nursing sciences at the direction of a RN or physician, physician assistant, dentist, podiatrist, optometrist, or chiropractor. To be licensed, applicants must complete a pre-licensure PN education program, pass a national examination known as NCLEX-PN, complete criminal records checks, and meet regulatory requirements. LPNs licensed in another state, may be licensed in Ohio through reciprocity.</p>

Type (See R.C. 4798.01 for relevant definitions.)

Choose an item.

License

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

Number issued annually	3,556 in FY20
Number renewed annually	56,028 total active licenses n FY20
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	56,028 active licenses as of June 30, 2020 as compared to 55,060 active licenses as of June 30, 2015.
Education or training requirements	Completion of a Board approved pre-licensure practical nursing education program, or a nursing program approved by another state or jurisdiction.
Experience requirements	For entry level practice, clinical experience is part of the individual's nursing education.
Examination requirements (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Board receive any</i>	Individuals are required to pass the NCLEX, a national examination used by all states. The NCLEX is a high-stake legally defensible and psychometrically sound exam developed by the National Council of State Boards of Nursing (NCSBN) and administered in Pearson VUE testing centers. Pearson VUE charges \$200 for the NCLEX and the Board does not receive any part of that fee.

If the regulation is a registration, certification, or license requirement, please complete the following:	
<i>proceeds of those fees? If so, how are the proceeds used?)</i>	
Continuing education requirements <i>(Including a description of the curriculum and the process of setting it.)</i>	For the period immediately following licensure by NCLEX examination, the nurse is not required to complete CE for the first license renewal. Otherwise, nurses must complete at least 24 contact hours of CE that includes at least one contact hour of Category A (Ohio law and rules) CE for each renewal. A nurse who has been licensed in Ohio by reciprocity for less than or equal to one year prior to the first Ohio license renewal must complete at least 12 contact hours, rather than 24. The Board does not establish CE curriculum. CE providers establish the content for CE events and the CE events are approved by OBN Approvers.
Initial fee	\$75.00.
Duration	Licenses are renewed every 2 years.
Renewal fee <i>(If different from initial fee, please explain why.)</i>	\$65.00.
Does the Board recognize uniform licensure requirements or allow for reciprocity?	The Board issues licenses based on reciprocity. Through reciprocity nurses can obtain temporary permits within 1-3 days to practice nursing in Ohio until the license is issued.
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	There are no similar national registrations, certifications, or licenses that could substitute for state regulation.
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	All aspects of LPN practice are regulated to protect a vulnerable population from criminal activity, substance use abuse, prescription drug theft, sub-standard practice, patient abuse and neglect, and other violations of the Nurse Practice Act and administrative rules.

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

<p>Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?</p>	<p>After meeting the licensure requirements, unless there is a statutory basis to deny licensure, the Board does not exercise discretion. If a statutory basis exists to deny licensure, the Board is required to conduct an investigation, and, with the exception statutorily barred crimes (see Section 4723.092, ORC) or sex-offender registration status, the Board has discretion to grant licensure under terms and conditions that address the applicant’s criminal history, past discipline on other licenses, substance use disorder, or other violations of the Nurse Practice Act as specified in Section 4723.28, ORC.</p>
<p>Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)</p>	<p>N/A</p>

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

Chapter 4723., ORC, authorizes the disciplinary authority of the Board. The Board efficiently handles complaints, investigations, and adjudications to safeguard the health of the public and, in cases involving substance use disorder or practice issues, provides alternatives to discipline programs, if determined appropriate. The Compliance Unit conducts investigations; processes disciplinary cases; holds administrative hearings; prepares Notices of Opportunity for Hearings (Notices) including statutory Notices for immediate, automatic, or summary suspensions and no hearing requested evidence materials for Board action; negotiates settlement conferences; monitors post-discipline cases; and reports all disciplinary actions to the national practitioner databank as required by federal law.

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?

Board revenue is generated from license and certification fees, including renewal. All revenue is deposited into the State 4K90 Fund. A portion is appropriated to the Board each biennium, and the surplus in funds remains in the 4K90 Fund. In FY19, the LSC Report on Occupational Licensing and Regulatory Boards, specified that the Board contributed \$7.2 million surplus to the fund.

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

Federal laws do not regulate the practice of LPN nursing in Ohio. Chapter 4723., ORC requires the Board to regulate licensed practical nursing.

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

Unsafe nursing care/practice can result in serious bodily harm or death. Other issues such as substance use abuse, prescription drug theft, sub-standard practice, patient abuse and neglect, and other violations of the Nurse Practice Act and administrative rules can cause significant, and substantiated harms that threaten public health, safety, or welfare of Ohioans.

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

The regulation is effective for public protection. Through the disciplinary processes, the Board considers mitigating factors, reviews all issues on a case-by-case basis, incorporates the principles of Just Culture in decision-making, and offers alternative to discipline programs. The Alternative Program for Substance Use Disorder is a confidential program offered in lieu of discipline that encourages treatment and monitoring to assist the nurse in recovery and to return to practice. The Practice Intervention and Improvement Program is a confidential program offered in lieu of discipline that offers educational remediation to address sub-standard nursing practice.

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

N/A

Comparison to other states (*How many other states regulate the occupation? How do Ohio’s regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?*)

All other states and U.S. jurisdictions regulate LPNs. Overall, Ohio law is comparable, and Ohio’s law generally falls “in-between.”

Surrounding state comparison (LSC)

Licensed Practical Nurses						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (<i>R.C. 4723.03</i>)	Yes (<i>Ind. Code Ann. 25-23-1-1.2</i>)	Yes (<i>Ky. Rev. Stat. Ann. 314.031 and 314.051</i>)	Yes (<i>Mich. Comp. Laws 333.17211</i>)	Yes (<i>63 Pa. Cons. Stat. Ann. 651 to 667.8</i>)	Yes (<i>W. Va. Code Ann. 30-7A-1 to 30-7A-12</i>)
Education or training	Nursing education program approved by the	State accredited program of practical nursing	Practical nursing education program from an	Education program approved by the	Approved practical nursing education	Course of study in an accredited school for

Licensed Practical Nurses						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	Board, another state's board, or certain branches of the U.S. military (<i>R.C. 4723.09</i>)	or a nursing education program in another country approved by the Board (<i>Ind. Code Ann. 25-23-1-12</i>)	approved school of nursing (<i>Ky. Rev. Stat. Ann. 314.051</i>)	Board or one that is substantially similar to a Board-approved program (<i>Mich. Admin. Code R. 338.10210</i>)	program (<i>49 Pa. Code 21.151</i>)	practical nurses as defined by the Board (<i>W. Va. Code Ann. 30-7A-3</i>)
Experience	No	No	No	No	No	No
Exam	Yes (<i>R.C. 4723.09</i>)	Yes (<i>Ind. Code Ann. 25-23-1-12</i>)	Yes (<i>Ky. Rev. Stat. Ann. 314.051</i>)	Yes (<i>Mich. Admin. Code R. 338.10209</i>)	Yes (<i>49 Pa. Code 21.152</i>)	Yes (<i>W. Va. Code Ann. 30-7A-6</i>)
Continuing education	24 hours every two years (<i>R.C. 4723.24</i>)	No	14 hours every year (<i>201 Ky. Admin. Regs. 20:215</i>)	25 hours every two years (<i>Mich. Admin. Code R. 338.10601 and 338.10602</i>)	No	No
Initial licensure fee	\$75 (<i>R.C. 4723.08</i>)	\$50 (<i>848 Ind. Admin. Code 1-1-14</i>)	\$125 (application by examination) or \$165 (application by endorsement) (<i>201 Ky. Admin. Regs. 20:240</i>)	\$208.80 (<i>Michigan Licensing and Regulatory Affairs Bureau of Professional Licensing, Nursing Licensing Guide</i>)	\$95 (application by examination) or \$120 (application by endorsement) (<i>49 Pa. Code 21.147</i>)	\$75 (application by examination) or \$50 (application by endorsement) (<i>W. Va. Code R. 10-4-2</i>)

Licensed Practical Nurses						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License duration	Two years (<i>R.C. 4723.24</i>)	Two years (<i>Ind. Code Ann. 25-23-1-16.1</i>)	One year (<i>201 Ky. Admin. Regs. 20:085</i>)	Two years (<i>Mich. Admin. Code R. 338.10601</i>)	Two years (<i>63 Pa. Cons. Stat. 663.1</i>)	One year (<i>W. Va. Code Ann. 30-7A-7, W. Va. Code R. 10-2-9</i>)
Renewal fee	\$65 (<i>R.C. 4723.08</i>)	\$50 (<i>848 Ind. Admin. Code 1-1-14</i>)	\$55 (<i>201 Ky. Admin. Regs. 20:240</i>)	\$128.50 (<i>Michigan Licensing and Regulatory Affairs Bureau of Professional Licensing, Nursing Licensing Guide</i>)	\$76 (<i>49 Pa. Code 21.147</i>)	\$40 (<i>W. Va. Code R. 10-4-2</i>)

Advanced practice registered nurse

Survey responses (NUR)

Description
<p>APRNs provide nursing care that requires knowledge and skill obtained from advanced formal education, training, and clinical experience. To become a licensed advanced practice registered nurse (APRN) in Ohio, applicants must be licensed as a RN; hold a master’s or doctoral degree in a nursing specialty or related field; pass a national certification examination and meet other national certification requirements of an approved national certification organization. If APRNs are licensed in another state, they may be licensed in Ohio through reciprocity.</p>

Type (See R.C. 4798.01 for relevant definitions.)

License

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

Number issued annually	2,192 in FY20
Number renewed annually	20,734 active licenses in FY20
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	20,734 active licenses as of June 30, 2020 as compared to 13,756 as of June 30, 2015.
Education or training requirements	Completion of a pre-licensure RN program; master's or doctoral degree in a nursing specialty or related field.
Experience requirements	Clinical experience is part of the individual's graduate education.
Examination requirements (<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>)	National Certification Organizations administer various types of examinations for APRNs. The fees vary as determined by the national organization. The Board does not receive any proceeds of the fees.

If the regulation is a registration, certification, or license requirement, please complete the following:	
Continuing education requirements <i>(Including a description of the curriculum and the process of setting it.)</i>	APRNs must complete 24 hours of CE, and as applicable, at least 12 of the 24 hours must include CE in advanced pharmacology. The 24 hours required to renew the APRN license are in addition to the 24 hours of CE required to renew the RN license. The APRN can use CE hours that are awarded by the national certifying organization. The Board does not establish CE curriculum.
Initial fee	\$150.00
Duration	Licenses are renewed every 2 years.
Renewal fee <i>(If different from initial fee, please explain why.)</i>	\$135.00.
Does the Board recognize uniform licensure requirements or allow for reciprocity?	The Board issues licenses based on reciprocity. Through reciprocity nurses can obtain temporary permits to practice nursing in Ohio until the license is issued.
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	If the applicant passes the national certification examination, the individual becomes nationally certified as an APRN, but it does not substitute for state licensure.
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	No. All aspects of APRN practice are regulated to protect a vulnerable population from criminal activity, substance use abuse, prescription drug theft, sub-standard practice, patient abuse and neglect, and other violations of the Nurse Practice Act and administrative rules. In addition, APRNs have the authority to prescribe controlled drugs, including opioids and other Schedule II drugs, so regulations establish requirements that address opioid diversion and abuse.
Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?	After meeting the licensure requirements, unless there is a statutory basis to deny licensure, the Board does not exercise discretion. If a statutory basis exists to deny licensure, the Board is required to conduct an investigation, and, with the exception statutorily barred crimes (see Section 4723.092, ORC) or sex-offender registration status, the Board has discretion to grant

If the regulation is a registration, certification, or license requirement, please complete the following:	
	licensure under terms and conditions that address the applicant’s criminal history, past discipline on other licenses, substance use disorder, or other violations of the Nurse Practice Act as specified in Section 4723.28, ORC.
Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)	N/A

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

Chapter 4723., ORC, authorizes the disciplinary authority of the Board. The Board efficiently handles complaints, investigations, and adjudications to safeguard the health of the public and, in cases involving substance use disorder or practice issues, provides alternatives to discipline programs, if determined appropriate. The Compliance Unit conducts investigations; processes disciplinary cases; holds administrative hearings; prepares Notices of Opportunity for Hearings (Notices) including statutory Notices for immediate, automatic, or summary suspensions and no request for hearing evidence materials for Board action; negotiates settlement conferences; monitors post-discipline cases; and reports all disciplinary actions to the national practitioner databank as required by federal law.

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?

Board revenue is generated from license and certification fees, including renewal. All revenue is deposited into the State 4K90 Fund. A portion is appropriated to the Board each biennium, and the surplus in funds remains in the 4K90 Fund. In FY19, the LSC Report on Occupational Licensing and Regulatory Boards, specified that the Board contributed \$7.2 million surplus to the fund.

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

In general, federal laws do not regulate the practice of APRN nursing in Ohio. However, APRNs are required to follow the requirements of the DEA and other federal regulations, if applicable, based on the APRN's authority to prescribe drugs.

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

Unsafe nursing care/practice resulting in serious bodily harm or death; substance use abuse, prescription drug theft, sub-standard practice, patient abuse and neglect, and other violations of the Nurse Practice Act and administrative rules.

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

The regulation is effective for public protection. Through the disciplinary processes, the Board considers mitigating factors, reviews all issues on a case-by-case basis, incorporates the principles of Just Culture in decision-making, and offers alternative to discipline programs. The Alternative Program for Substance Use Disorder is a confidential program offered in lieu of discipline that encourages treatment and monitoring to assist the nurse in recovery and to return to practice. The Practice Intervention and Improvement Program is a confidential program offered in lieu of discipline that offers educational remediation to address sub-standard nursing practice.

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

N/A

Comparison to other states *(How many other states regulate the occupation? How do Ohio’s regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)*

All states regulate APRNs. Ohio’s regulations for APRN licensure are consistent with National Consensus Model for APRN Regulation, and in comparison with other states are “in between.”

Surrounding state comparison (LSC)

Advanced Practice Registered Nurses						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (<i>R.C. 4723.44</i>)	No, but authorizes an APRN to seek prescriptive authority (<i>848 Ind. Admin. Code 5-1-1</i>)	Yes (<i>201 Ky. Admin. Regs. 20:056</i>)	No, but a registered nurse may obtain specialty certification (<i>Mich. Admin. Code R.</i>)	No, but certification is available for nurse practitioners and clinical nurse specialists (<i>49 Pa.</i>)	Yes (<i>W. Va. Code Ann. 30-7-2, W. Va. Code R. 19-7-3</i>)

Advanced Practice Registered Nurses						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
				338.10401 to 338.10406)	Code 21.251 to 21.377)	
Education or training	Master's or doctoral degree in nursing or a related field (R.C. 4723.41)	Bachelor's or higher degree in nursing (848 Ind. Admin. Code 5-1-1)	Complete an accredited education program that prepares RNs for one of four APRN roles (Ky. Rev. Stat. Ann. 314.042)	N/A	Master's or other advanced degree (49 Pa. Code 21.271)	Graduate education program (W. Va. Code R. 19-7-3)
Experience	No	No	No	N/A	No	No
Exam	Yes (R.C. 4723.41)	Yes (848 Ind. Admin. Code 5-1-1)	Yes (Ky. Rev. Stat. Ann. 314.042)	N/A	No	Yes (W. Va. Code R. 19-7-3)
Continuing education	24 hours every two years (R.C. 4723.24)	30 hours every two years (848 Ind. Admin. Code 5-1-3)	14 hours every year (201 Ky. Admin. Regs. 20:085)	N/A	Yes, but the number of hours is not specified (49 Pa. Code 21.332)	24 hours every two years (W. Va. Code R. 19-7-6)
Initial licensure fee	\$150 (R.C. 4723.08)	\$50 (848 Ind. Admin. Code 5-3-1)	\$165 (201 Ky. Admin. Regs. 20:215)	\$40.55 (Michigan Licensing and Regulatory Affairs Bureau of Professional	\$100 or \$140 (application by endorsement) (49 Pa. Code 21.253)	\$70 (W. Va. Code R. 19-12-2)

Advanced Practice Registered Nurses						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
				<i>Licensing, Nursing Licensing Guide)</i>		
License duration	Two years (R.C. 4723.24)	Two years (848 Ind. Admin. Code 5-1-3)	One year (201 Ky. Admin. Regs. 20:085)	N/A	Two years (49 Pa. Code 21.331)	One year (W. Va. Code Ann. 30-7-8)
Renewal fee	\$135 (R.C. 4723.08)	\$10 (848 Ind. Admin. Code 5-3-1)	\$55 (201 Ky. Admin. Regs. 20:240)	\$40.20 (Michigan Licensing and Regulatory Affairs Bureau of Professional Licensing, Nursing Licensing Guide)	\$81 (49 Pa. Code 21.253)	\$65 (W. Va. Code R. 19-12-2)

Volunteer's certificate

Survey responses (NUR)

Description
The volunteer's certificate was established for retired nurses to provide nursing services to indigent and uninsured persons. A volunteer's certificate is issued for a person with a lapsed (retired) RN, LPN, or APRN license to provide nursing services to indigent and uninsured persons, as defined in Section 2305.234, ORC, without remuneration for providing nursing services.

Type (See R.C. 4798.01 for relevant definitions.)

Choose an item.

License

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

Number issued annually	0
Number renewed annually	0
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	N/A
Education or training requirements	Evidence of the applicant's completion of RN, PN, or APRN nursing education.
Experience requirements	10 years of nursing practice and evidence of the most recent license to practice nursing as a RN, LPN, or APRN.
Examination requirements (<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>)	No examination is required for a volunteer's certificate.

If the regulation is a registration, certification, or license requirement, please complete the following:	
Continuing education requirements <i>(Including a description of the curriculum and the process of setting it.)</i>	24 hours of CE completed in the 24-month period immediately before the application date.
Initial fee	No fee.
Duration	Renewable every 2 years.
Renewal fee <i>(If different from initial fee, please explain why.)</i>	No fee.
Does the Board recognize uniform licensure requirements or allow for reciprocity?	No.
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	No.
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	No.
Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?	After meeting the licensure requirements, unless there is a statutory basis to deny licensure, the Board does not exercise discretion. If a statutory basis exists to deny licensure, the Board is required to conduct an investigation, and, with the exception statutorily barred crimes (see Section 4723.092, ORC) or sex-offender registration status, the Board has discretion to grant licensure under terms and conditions that address the applicant's criminal history, past

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

	discipline on other licenses, substance use disorder, or other violations of the Nurse Practice Act as specified in Section 4723.28, ORC.
Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)	Click or tap here to enter text.

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

Chapter 4723., ORC, authorizes the disciplinary authority of the Board. The Board efficiently handles complaints, investigations, and adjudications to safeguard the health of the public and, in cases involving substance use disorder or practice issues, provides alternatives to discipline programs, if determined appropriate. The Compliance Unit conducts investigations; processes disciplinary cases; holds administrative hearings; prepares Notices of Opportunity for Hearings (Notices) including statutory Notices for immediate, automatic, or summary suspensions and no hearing requested evidence materials for Board action; negotiates settlement conferences; monitors post-discipline cases; and reports all disciplinary actions to the national practitioner databank as required by federal law.

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?

No revenue is generated from Volunteer Certificates. Board revenue is generated from other license and certification fees, including renewal. All revenue is deposited into the State 4K90 Fund. A portion is appropriated to the Board each biennium, and the surplus in funds remains in the 4K90 Fund. In FY19, the LSC Report on Occupational Licensing and Regulatory Boards, specified that the Board contributed \$7.2 million surplus to the fund.

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

Federal laws do not regulate the practice or require the regulation of volunteers in Ohio.

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

Unsafe nursing care/practice can result in serious bodily harm or death. Other issues such as substance use abuse, prescription drug theft, sub-standard practice, patient abuse and neglect, and other violations of the Nurse Practice Act and administrative rules can cause significant, and substantiated harms that threaten public health, safety, or welfare of Ohioans.

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

The regulation is effective for public protection.

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

N/A

Comparison to other states *(How many other states regulate the occupation? How do Ohio’s regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)*

Other states may issue Volunteer Certificates, but their regulations may be different in scope. Ohio’s legislation was established to provide services to indigent populations.

Surrounding state comparison (LSC)

Volunteer’s Certificate						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes, a volunteer’s certificate authorizes its holder, a retired LPN, RN, or APRN, to provide nursing services without	No	No	Yes, but the license is available to any retired health professional who seeks to practice in underserved	Yes, a license authorizes a retired LPN, RN, or APRN to practice only in a community-based clinic without	Yes, but only for retired RNs and APRNs (<i>W. Va. Code Ann. 30-7-6a and 30-7-6b</i>)

Volunteer's Certificate

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	remuneration to the indigent and uninsured (<i>R.C. 4723.26</i>)			areas (<i>Mich. Comp. Laws 333.16184</i>)	remuneration (<i>35 Pa. Cons. Stat. Ann. 449.41 to 449.53; 49 Pa. Code 21.601 to 21.607</i>)	
Education or training	Yes (<i>R.C. 4723.26</i>)	N/A	N/A	No	No	No
Experience	No	N/A	N/A	No	No	No
Exam	No	N/A	N/A	No	No	No
Continuing education	Yes, 24 hours every two years (<i>R.C. 4723.26</i>)	N/A	N/A	May be required as part of the license application	No	May be required by the Board of Examiners for Registered Professional Nurses
Initial licensure fee	None (<i>O.A.C. 4723-7-10</i>)	N/A	N/A	None	None	None
License duration	Two years (<i>R.C. 4723.26</i>)	N/A	N/A	Not specified	Two years	Not specified
Renewal fee	None (<i>O.A.C. 4723-7-10</i>)	N/A	N/A	None	None	None

Dialysis technician certificate

Survey responses (NUR)

Description

Dialysis technicians provide dialysis care such as performing and monitoring dialysis procedures which include initiating or discontinuing dialysis, drawing blood, administering limited medications, and responding to complications that arise in conjunction with dialysis.

Type *(See R.C. 4798.01 for relevant definitions.)*

License

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

Number issued annually

172 issued in FY20.

Number renewed annually

1,854 active certificates as of June 30, 2020.

If the regulation is a registration, certification, or license requirement, please complete the following:	
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	1,854 active certificates as of June 30, 2020 as compared to 1,390 as of June 30, 2015.
Education or training requirements	Completion of a dialysis technician training program approved by the Board.
Experience requirements	Experience is provided as part of the dialysis technician training program and the applicant must have not less than 6 months experience prior to the date of the application for certification.
Examination requirements (<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>)	Applicants must pass a standardized national dialysis (nephrology) certification examination administered by an approved testing organization approved by the Board. The exam fee is approximately \$220.00, and the Board does not receive any part of the fee.
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	Complete at least 15 contact hours of CE. At least 10 of the 15 contact hours must be directly related to dialysis care, and one of the 15 contact hours must be Category A (Ohio law and rules).
Initial fee	\$35.00
Duration	Renewable every 2 years.
Renewal fee (<i>If different from initial fee, please explain why.</i>)	\$35.00

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?	Dialysis Technicians may be licensed by reciprocity by recognizing national certification from an approved national certifying organization and documentation of recent dialysis care experience in another jurisdiction.
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	Not all states regulate dialysis technicians. Federal Centers of Medicaid and Medicare (CMS) regulations govern dialysis facilities and dialysis technicians.
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	Not all states regulate dialysis technicians so in many states, dialysis technicians are not certified by the state. However, dialysis technicians must meet federal CMS regulations that govern qualifications and training requirements for dialysis technicians and dialysis facilities.
Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?	After meeting the licensure requirements, unless there is a statutory basis to deny licensure, the Board does not exercise discretion. If a statutory basis exists to deny licensure, the Board is required to conduct an investigation, and, with the exception statutorily barred crimes (see Section 4723.092, ORC) or sex-offender registration status, the Board has discretion to grant licensure under terms and conditions that address the applicant's criminal history, past discipline on other licenses, substance use disorder, or other violations of the Nurse Practice Act as specified in Section 4723.28, ORC.
Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)	N/A

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

Chapter 4723., ORC, authorizes the disciplinary authority of the Board. The Board efficiently handles complaints, investigations, and adjudications to safeguard the health of the public and, in cases involving substance use disorder or practice issues, provides alternatives to discipline programs, if determined appropriate. The Compliance Unit conducts investigations; processes disciplinary cases; holds administrative hearings; prepares Notices of Opportunity for Hearings (Notices) including statutory Notices for immediate, automatic, or summary suspensions and no hearing requested evidence materials for Board action; negotiates settlement conferences; monitors post-discipline cases; and reports all disciplinary actions to the national practitioner databank as required by federal law. conferences; monitors post-discipline cases; and reports all disciplinary actions to the national practitioner databank as required by federal law.

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?

Board revenue is generated from certification fees, including renewal. For initial certification, the application fee is \$35.00 and for renewal, \$35.00. All revenue is deposited into the State 4K90 Fund. A portion is appropriated to the Board each biennium, and the surplus in funds remains in the 4K90 Fund. In FY19, the LSC Report on Occupational Licensing and Regulatory Boards, specified that the Board contributed \$7.2 million surplus to the fund.

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

Federal CMS laws, administered by the Ohio Department of Health, regulate dialysis facilities across the country. Federal law does not require the state to regulate dialysis technicians.

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

Unsafe dialysis care/practice can result in serious bodily harm or death. Other issues such as substance use abuse, prescription drug theft, sub-standard practice, patient abuse and neglect, and other violations of the Nurse Practice Act and administrative rules can cause significant, and substantiated harms that threaten public health, safety, or welfare of Ohioans.

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

While the CMS regulations apply to dialysis centers and dialysis technician training/experience, Ohio law requires the Board to investigate complaints regarding individual dialysis technicians for violations of the Nurse Practice Act and/or administrative rules, and therefore provides additional public protection.

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

N/A

Comparison to other states (How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)

Not all states regulate dialysis technicians so in many states, dialysis technicians are not certified by the state. However, dialysis technicians must meet federal CMS regulations that govern qualifications and training requirements for dialysis technicians and dialysis facilities.

Surrounding state comparison (LSC)

Dialysis Technicians ²						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes – dialysis technician certificate (<i>R.C. 4723.73</i>)	No	Yes – dialysis technician credential (<i>201 Ky. Admin. Regs. 20:470</i>)	No	No	Yes – dialysis technician certificate (<i>W. Va. Code Ann. 30-7C-3</i>)
Education or training	Complete an approved training program (<i>R.C. 4723.75</i>)	N/A	Complete a training program (<i>201 Ky. Admin. Regs. 20:470</i>)	N/A	N/A	Complete an approved training program (<i>W. Va. Code Ann. 30-7C-3</i>)

² Current federal Centers for Medicare and Medicaid Services regulations require dialysis technicians to have completed an approved training program and meet all applicable state requirements for education, training, certification, or licensure in order for dialysis services and treatment provided to individuals with end stage renal disease in approved facilities to be covered under Medicare. See 42 Code of Federal Regulations 494.140(e).

Dialysis Technicians ²						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Experience	Six months of experience (<i>R.C. 4723.75</i>)	N/A	No	N/A	N/A	No
Exam	Yes (<i>R.C. 4723.75</i>)	N/A	No, unless an applicant attended an out-of-state training program (<i>201 Ky. Admin. Regs. 20:470</i>)	N/A	N/A	No, but applicant must have achieved national certification, which requires passing an examination (<i>W. Va. Code Ann. 30-7C-3</i>)
Continuing education	15 hours every two years (<i>O.A.C. 4723-23-06</i>)	N/A	No	N/A	N/A	No
Initial licensure fee	\$35 (<i>O.A.C. 4723-23-03</i>)	N/A	\$70 (<i>201 Ky. Admin. Regs. 20:470</i>)	N/A	N/A	\$200 (<i>W. Va. Code R. 19-13-12</i>)
License duration	Two years (<i>R.C. 4723.77</i>)	N/A	Two years (<i>201 Ky. Admin. Regs. 20:470</i>)	N/A	N/A	One year (<i>W. Va. Code R. 19-13-15</i>)
Renewal fee	\$35 (<i>O.A.C. 4723-23-05</i>)	N/A	\$70 (<i>201 Ky. Admin. Regs. 20:470</i>)	N/A	N/A	\$100 (<i>W. Va. Code R. 19-13-12</i>)

Dialysis technician intern certificate

Survey responses (NUR)

Description	
Dialysis technician intern certificates are issued to an individual who has not passed the dialysis technician certification examination, but meets certain requirements authorizing the technician to provide dialysis care under supervision prior to taking a national certification examination and applying for a dialysis technician certificate.	
Type <i>(See R.C. 4798.01 for relevant definitions.)</i>	
License	
If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	312 issued in FY20.
Number renewed annually	454 active certificates as of June 30, 2020.

If the regulation is a registration, certification, or license requirement, please complete the following:	
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	454 active certificates as of June 30, 2020 as compared to 333 as of June 30, 2015.
Education or training requirements	Completion of an approved dialysis technician training program, and a written attestation by the applicant's employer that the applicant is competent to perform dialysis care.
Experience requirements	Completion of the clinical experience is part of the dialysis technician training program.
Examination requirements (<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.
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	N/A
Initial fee	\$35.00
Duration	18-months from the date the applicant successfully completed a dialysis training program.
Renewal fee (<i>If different from initial fee, please explain why.</i>)	N/A

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?	N/A
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	No.
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	No.
Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?	After meeting the licensure requirements, unless there is a statutory basis to deny licensure, the Board does not exercise discretion. If a statutory basis exists to deny licensure, the Board is required to conduct an investigation, and, with the exception statutorily barred crimes (see Section 4723.092, ORC) or sex-offender registration status, the Board has discretion to grant licensure under terms and conditions that address the applicant's criminal history, past discipline on other licenses, substance use disorder, or other violations of the Nurse Practice Act as specified in Section 4723.28, ORC.
Other information (Significant attributes or prerequisites to licensure not addressed in this chart.)	N/A

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

Chapter 4723., ORC, authorizes the disciplinary authority of the Board. The Board efficiently handles complaints, investigations, and adjudications to safeguard the health of the public and, in cases involving substance use disorder or practice issues, provides alternatives to discipline programs, if determined appropriate. The Compliance Unit conducts investigations; processes disciplinary cases; holds administrative hearings; prepares Notices of Opportunity for Hearings (Notices) including statutory Notices for immediate, automatic, or summary suspensions and no hearing requested evidence materials for Board action; negotiates settlement conferences; monitors post-discipline cases; and reports all disciplinary actions to the national practitioner databank as required by federal law.

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?

Board revenue is generated certification fees. For initial certification, the fee is \$35.00. All revenue is deposited into the State 4K90 Fund. A portion is appropriated to the Board each biennium, and the surplus in funds remains in the 4K90 Fund. In FY19, the LSC Report on Occupational Licensing and Regulatory Boards, specified that the Board contributed \$7.2 million surplus to the fund.

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

Federal CMS laws, administered by the Ohio Department of Health, regulate dialysis facilities across the country. Federal law does not require the state to regulate dialysis technicians

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

Unsafe dialysis care/practice can result in serious bodily harm or death. Other issues such as substance use abuse, prescription drug theft, sub-standard practice, patient abuse and neglect, and other violations of the Nurse Practice Act and administrative rules can cause significant, and substantiated harms that threaten public health, safety, or welfare of Ohioans.

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

While the CMS regulations apply to dialysis centers and dialysis technician training/experience, Ohio law requires the Board to investigate complaints regarding individual dialysis technician interns for violations of the Nurse Practice Act and/or administrative rules and therefore provides additional public protection.

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

N/A

Comparison to other states *(How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)*

Not all states regulate dialysis technician interns so in many states, dialysis technician interns are not certified by the state. However, dialysis technician interns must meet federal CMS regulations that govern qualifications and training requirements for dialysis technicians and dialysis facilities.

Surrounding state comparison (LSC)

See "dialysis technician certificate."

Medication aide certificate

Survey responses (NUR)

Description

Medication aides administer certain prescription medications at the delegation of a nurse to residents of nursing homes, residential care facilities, or ICF/IID facilities.

Type (See R.C. 4798.01 for relevant definitions.)

License

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

Number issued annually	69 issued for FY20.
Number renewed annually	346 active certificates as of June 30, 2020.
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	346 active certificates as of June 30, 2020 as compared to 184 as of June 30, 2015.
Education or training requirements	High school diploma or high school equivalence diploma; if working in a nursing home, must be a state-tested nurse aide; if working in a residential care facility, must have one year of direct care experience in a residential care facility or be a state-tested nurse aide; the applicant must complete a Board approved training program.
Experience requirements	See education or training requirements.

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

<p>Examination requirements (<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>A Board approved written and skills examination is provided by D&S Diversified Technologies, LLC, which charges \$30.00 for the written exam and \$80.00 for the skills exam. The Board does not receive any portion of these fees.</p>
<p>Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)</p>	<p>Medication Aides must complete at least 15 contact hours of CE. A minimum of 10 of the 15 contact hours must be related to medications or medication administration consistent with the function of the Medication Aides; one of the 15 contact hours must be directly related to establishing and maintaining professional boundaries, and one of the 15 contact hours must be Category A (Ohio law and rules).</p>
<p>Initial fee</p>	<p>\$50.00.</p>
<p>Duration</p>	<p>Renewed every 2 years.</p>
<p>Renewal fee (<i>If different from initial fee, please explain why.</i>)</p>	<p>\$50.00.</p>
<p>Does the Board recognize uniform licensure requirements or allow for reciprocity?</p>	<p>No.</p>
<p>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</p>	<p>No.</p>

If the regulation is a registration, certification, or license requirement, please complete the following:	
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	No.
Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?	After meeting the licensure requirements, unless there is a statutory basis to deny licensure, the Board does not exercise discretion. If a statutory basis exists to deny licensure, the Board is required to conduct an investigation, and, with the exception statutorily barred crimes (see Section 4723.092, ORC) or sex-offender registration status, the Board has discretion to grant licensure under terms and conditions that address the applicant's criminal history, past discipline on other licenses, substance use disorder, or other violations of the Nurse Practice Act as specified in Section 4723.28, ORC.
Other information (Significant attributes or prerequisites to licensure not addressed in this chart.)	N/A

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

Chapter 4723., ORC, authorizes the disciplinary authority of the Board. The Board efficiently handles complaints, investigations, and adjudications to safeguard the health of the public and, in cases involving substance use disorder or practice issues, provides alternatives to discipline programs, if determined appropriate. The Compliance Unit conducts investigations; processes disciplinary cases; holds administrative hearings; prepares Notices of Opportunity for Hearings (Notices) including statutory Notices for immediate, automatic, or summary suspensions and no hearing requested evidence materials for Board action; negotiates settlement conferences; monitors post-discipline cases; and reports all disciplinary actions to the national practitioner databank as required by federal law.

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?

Board revenue is generated from certification fees, including renewal. The certification fee and the renewal fee are \$50.00. All revenue is deposited into the State 4K90 Fund. A portion is appropriated to the Board each biennium, and the surplus in funds remains in the 4K90 Fund. In FY19, the LSC Report on Occupational Licensing and Regulatory Boards, specified that the Board contributed \$7.2 million surplus to the fund.

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

There are no federal regulations that apply to or regulate the occupation.

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

Unsafe practice and errors in medication administration can result in serious bodily harm or death. Other issues such as substance use abuse, prescription drug theft, sub-standard practice, patient abuse and neglect, and other violations of the Nurse Practice Act and administrative rules can cause significant, and substantiated harms that threaten public health, safety, or welfare of Ohioans.

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

The regulation is effective at preventing harm and is needed to assure safety in the administration of medications by Medication Aides.

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

N/A

Comparison to other states *(How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)*

Not all states regulate the occupation.

Surrounding state comparison (LSC)

Medication Aides						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes, a certificate is required to be eligible to administer medication in a nursing home, assisted living facility, or intermediate care facility for individuals with intellectual disabilities (<i>R.C. 4723.64</i>)	Yes – qualified medication aide registration (<i>Ind. Code. Ann. 16-28-1-11; Indiana Department of Health, Qualified Medication Aide (QMA) Registration</i>)	No	No	No	No, but West Virginia, in a bill effective May of 2020, recognizes approved medication assistive personnel and repealed a pilot program that provided for the certification of medication aides (<i>West Virginia S.B. 560</i>)
Education or training	Course of instruction from an approved training program (<i>R.C. 4723.651</i>)	100-hour qualified medication aide training program	N/A	N/A	N/A	Yes, unspecified
Experience	No	Yes	N/A	N/A	N/A	Yes
Exam	No	Yes	N/A	N/A	N/A	Yes

Medication Aides						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Continuing education	15 hours every two years (<i>O.A.C. 4723-27-06</i>)	Six hours of in-service training every year	N/A	N/A	N/A	No, but medication assistive personnel must undergo retraining every two years
Initial licensure fee	\$50 (<i>O.A.C. 4723-27-10</i>)	None	N/A	N/A	N/A	Yes, unspecified
License duration	Two years (<i>R.C. 4723.651</i>)	Two years	N/A	N/A	N/A	N/A
Renewal fee	\$50 (<i>O.A.C. 4723-27-10</i>)	None	N/A	N/A	N/A	Yes, unspecified

Community health worker certificate

Survey responses (NUR)

Description
Community Health Workers advocate for clients in the community by assisting them in accessing community health and supportive resources through the provision of such services as education, role modeling, outreach, home visits, or referrals. Community Health Workers perform certain nursing tasks under nurse supervision and delegation.

Type (See R.C. 4798.01 for relevant definitions.)

License

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

Number issued annually	162 issued in FY20
Number renewed annually	772 active certificates as of June 30, 2020.
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	772 active certificates as of June 30, 2020 as compared to 190 active certificates as of June 30, 2015.
Education or training requirements	A high school diploma or equivalent is required; completion of a Board approved community health worker training program and an affidavit from the program that the applicant is competent to provide care as a community health worker.
Experience requirements	Experience is included in the community health worker training program.

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

<p>Examination requirements (<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>No examination.</p>
<p>Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)</p>	<p>At least 15 hours of CE is required to renew a certificate. A minimum of one of the 15 contact hours must be directly related to establishing and maintaining professional boundaries, and one of the 15 contact hours must be Category A (Ohio law and rules).</p>
<p>Initial fee</p>	<p>\$35.00.</p>
<p>Duration</p>	<p>Renewed every 2 years.</p>
<p>Renewal fee (<i>If different from initial fee, please explain why.</i>)</p>	<p>\$35.00.</p>
<p>Does the Board recognize uniform licensure requirements or allow for reciprocity?</p>	<p>No.</p>
<p>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</p>	<p>No.</p>

If the regulation is a registration, certification, or license requirement, please complete the following:	
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	Ohio law allows for community health workers to work as a community health worker in Ohio without being certified by the Board.
Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?	After meeting the licensure requirements, unless there is a statutory basis to deny licensure, the Board does not exercise discretion. If a statutory basis exists to deny licensure, the Board is required to conduct an investigation, and, with the exception statutorily barred crimes (see Section 4723.092, ORC) or sex-offender registration status, the Board has discretion to grant licensure under terms and conditions that address the applicant's criminal history, past discipline on other licenses, substance use disorder, or other violations of the Nurse Practice Act as specified in Section 4723.28, ORC.
Other information (Significant attributes or prerequisites to licensure not addressed in this chart.)	N/A

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

Chapter 4723., ORC, authorizes the disciplinary authority of the Board. The Board efficiently handles complaints, investigations, and adjudications to safeguard the health of the public and, in cases involving substance use disorder or practice issues, provides alternatives to discipline programs, if determined appropriate. The Compliance Unit conducts investigations; processes disciplinary cases; holds administrative hearings; prepares Notices of Opportunity for Hearings (Notices) including statutory Notices for immediate, automatic, or summary suspensions and no hearing requested evidence materials for Board action; negotiates settlement conferences; monitors post-discipline cases; and reports all disciplinary actions to the national practitioner databank as required by federal law.

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?

Board revenue is generated from certification fees, including renewal. The certification fee and the renewal fee are \$35.00. All revenue is deposited into the State 4K90 Fund. A portion is appropriated to the Board each biennium, and the surplus in funds remains in the 4K90 Fund. In FY19, the LSC Report on Occupational Licensing and Regulatory Boards, specified that the Board contributed \$7.2 million surplus to the fund.

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

No federal regulations apply to or require the state to regulate the occupation.

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

Unsafe practice can result in serious bodily harm or death. Other issues such as substance use abuse, prescription drug theft, sub-standard practice, patient abuse and neglect, and other violations of the Nurse Practice Act and administrative rules can cause significant, and substantiated harms that threaten public health, safety, or welfare of Ohioans.

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

The regulation is effective at preventing harm, however if Community Health Workers choose not to be certified, there is no regulation that applies to their work.

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

N/A

Comparison to other states *(How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)*

It is unknown if other states regulate community health workers.

Surrounding state comparison (LSC)

Community Health Workers						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	No, Ohio law does not require a license or certification to practice as a community health worker, but it does authorize the Board to certify community health workers (<i>R.C. 4723.81</i>)	No	No	No	No	No
Education or training	Yes, an applicant must complete a Board-approved community health worker training program (<i>R.C. 4723.84</i>)	N/A	N/A	N/A	N/A	N/A
Experience	No	N/A	N/A	N/A	N/A	N/A
Exam	No	N/A	N/A	N/A	N/A	N/A
Continuing education	15 hours every two years (<i>O.A.C. 4723-26-05</i>)	N/A	N/A	N/A	N/A	N/A

Community Health Workers						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Initial licensure fee	\$35 (<i>O.A.C. 4723-26-02</i>)	N/A	N/A	N/A	N/A	N/A
License duration	Two years (<i>R.C. 4723.85</i>)	N/A	N/A	N/A	N/A	N/A
Renewal fee	\$35 (<i>O.A.C. 4723-26-04</i>)	N/A	N/A	N/A	N/A	N/A

BOARD OF PHARMACY (PRX)

General information (PRX)

Duties

The State of Ohio Board of Pharmacy is the single State agency in Ohio responsible for administering and enforcing laws governing the practice of pharmacy and the legal distribution of drugs.

Since the State Board of Pharmacy is responsible for administering and enforcing the drug laws of Ohio, the Board licenses:

- Pharmacists, (O.R.C. Chapter 4729.)
- Pharmacy Interns, (O.R.C. Chapter 4729.)
- Terminal and Wholesale Distributors of Dangerous Drugs (both in-state and out-of-state), (O.R.C. Chapter 4729 and 3719)
- Home Medical Equipment Services Providers, (O.R.C. Chapter 4752.)
- Medical Marijuana Dispensaries (including employees), (O.R.C. Chapter 3796.)

The Board is also responsible for regulating the legal distribution of dangerous drugs in Ohio and ensuring the quality of all drugs administered, prescribed, dispensed by prescription, or sold over-the-counter. (O.R.C. Chapter 3715). The State Board of Pharmacy can discipline its licensees and registrants for violations of both federal and state laws governing the legal distribution of drugs. The Board has the responsibility of investigating and presenting evidence of violations of any of the federal or state drug laws by any person to the appropriate court (federal, state, or municipal) for prosecution of the offender (O.R.C. Chapter 2925).

Membership *(Current members, chairperson and other officers, and selection process.)*

The Board consists of nine members who are appointed by the Governor for terms of four years. Eight of the members are licensed pharmacists who represent, to the extent practicable, each phase of pharmacy practice. One member represents the public.

Budget *(Current budget, description of budgeting process, sources of funding, and expected increases or decreases in budget or funding in future years.)*

The Board's budget in FY20 was \$17.3M and in FY21 is \$17.1M. Generally, the Board anticipates slight growth in the coming years due to normal increases in costs from year to year.

Workload *(Assess current, past, and anticipated workload. Has the workload increased or decreased significantly in the preceding six years?)*

In the past six years, the Board has added new license types: medical marijuana (patients and caregivers, dispensaries, and dispensary employees), home medical equipment service providers, and registration of pharmacy technicians (trainees, registered and certified). The Board's budget in FY20 was \$17.3M and in FY21 is \$17.1M. Generally, the Board anticipates slight growth in the coming years due to normal increases in costs from year to year.

Ohio's drug overdose epidemic continues to be a driving factor for the overall increase in the number of investigations of drug diversion by the Board. The total number of case investigations increased from 1,290 in 2015 to 1,700 in 2019, an overall increase of 32 percent. Additionally, the number of investigations in 2020 (1,511 as of 8/31/20) are currently on track to exceed 2019.

Since 2015, the number of licenses issued by the Board has increased substantially. In 2015, the Board reported 41,885 active licenses. By 2020, that number has increased approximately 88 percent to 78,816 active licenses. This significant increase in licensure over the past few years has also resulted in an overall demand on staff to process, issue, investigate, hold administrative hearings, and conduct inspections.

Staffing *(How many staff are currently employed by the board? What are their roles? Are staffing levels proportionate to the board's current and anticipated workload?)*

The Board of Pharmacy has an authorized ceiling of 96 full-time permanent staff. Over half of these are dedicated to compliance and enforcement efforts. The remainder serve in legal, licensing, OARRS, public and legislative affairs, IT, and administrative support.

The Board is currently operating at an appropriate staff level. Board staff has increased from 57 in FY 15 to a ceiling of 96 in FY21.

Administrative hearings and public complaints *(Describe the Board's processes for administering discipline and addressing complaints. Assess the efficiency of the processes.)*

The Board receives numerous complaints involving its licensees. These complaints are triaged weekly and reviewed by two supervisors during the Board's Intake Review Process. If a complaint alleges impairment, theft, or an immediate threat to public, it is immediately assigned to the Board's investigative field staff.

During the intake review process, it is determined whether the Board of Pharmacy has the scope and authority to investigate. Possible outcomes of the Intake Review Process include:

- Assigned for further investigation (for matters alleging an administrative violation of ORC/OAC 3715, 3796, 3719, 4729, or 4752 or a criminal violation of ORC 2925);
- Referred to the appropriate agency to investigate; or
- Closed following administrative review.

Complainants are notified at the conclusion of the Intake Review Process as to the course of action.

Investigative staff are required (as part of internal processes) to contact the complainant within 3 business days. The Board's investigative staff will then collect evidence, conduct interviews, and document findings as it pertains to the investigation. A single complaint could result in both an administrative and criminal investigation depending on the nature of the allegations.

At the conclusion of the investigation, field staff will submit findings to a supervisor for review. Upon approval of the investigative reports, the investigation may be referred for criminal or administrative action or both.

Administrative hearings and public complaints *(Describe the Board's processes for administering discipline and addressing complaints. Assess the efficiency of the processes.)*

Criminal cases investigated by Board staff are submitted to the local county prosecutor or the U.S. Attorney. Ultimately, the prosecutor determines if the investigation is to be presented to a grand jury.

Board investigators will still stay involved in the investigation if the activities alleged would violate its administrative rules. In many instances, the Board defers to the preferences of the criminal investigators prior to proceeding with administrative action, unless there is an immediate threat to public safety and a license must be summarily suspended.

The Board posts all administrative actions online and ensures they are publicly available on [eLicense](#), both the notice of hearing and subsequent Board Order related to discipline.

Pharmacist license

Survey responses (PRX)

Description

A pharmacist scope of practice is defined in 4729.01 and includes:

- (1) Interpreting prescriptions;
- (2) Dispensing drugs and drug therapy related devices;
- (3) Compounding drugs;
- (4) Counseling individuals with regard to their drug therapy, recommending drug therapy related devices, and assisting in the selection of drugs and appliances for treatment of common diseases and injuries and providing instruction in the proper use of the drugs and appliances;
- (5) Performing drug regimen reviews with individuals by discussing all of the drugs that the individual is taking and explaining the interactions of the drugs;
- (6) Performing drug utilization reviews with licensed health professionals authorized to prescribe drugs when the pharmacist determines that an individual with a prescription has a drug regimen that warrants additional discussion with the prescriber;
- (7) Advising an individual and the health care professionals treating an individual with regard to the individual's drug therapy;
- (8) Acting pursuant to a consult agreement with one or more physicians authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery, if an agreement has been established;
- (9) Engaging in the administration of immunizations to the extent authorized by section 4729.41 of the Revised Code;
- (10) Engaging in the administration of drugs to the extent authorized by section 4729.45 of the Revised Code.

Type (See R.C. 4798.01 for relevant definitions.)

Occupational License.

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

Number issued annually	2019 - 1,034
Number renewed annually	2019 – 19,603* *2019 renewal marked the beginning of biennial renewal cycle for pharmacists. Pharmacists who renewed in 2019 will not renew again until 2021.
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	No. There has not been a significant increase or decrease in active registrations. Since FY 2015, the Board has added on average about 1,000 new pharmacists each year.
Education or training requirements	The education requirements for pharmacists is outlined in OAC 4729:1-2-03. It includes either of the following: (a) A certificate of education completed and certified by an approved school of pharmacy documenting the successful graduation of the applicant with a doctor of pharmacy degree obtained after December 31, 2006; or (b) The required hours of supervised practical experience pursuant to rule 4729:2-2-05 of the Administrative Code, and either:

If the regulation is a registration, certification, or license requirement, please complete the following:	
	<p>(i) A certificate of education completed and certified by an approved school of pharmacy documenting the successful graduation of the applicant; or</p> <p>(ii) Certification of having established educational equivalency by obtaining a “Foreign Pharmacy Graduate Examination Commission” (FPGEC) certificate and evidence of successful completion of the “Test of English as a Foreign Language, Internet-based test (TOEFL iBT)” pursuant to rule 4729:1-2-04 of the Administrative Code.</p>
Experience requirements	<p>The experience requirements are outlined in 4729:2-2-05. http://codes.ohio.gov/oac/4729:2-2-05</p> <p>(A) The pharmacy internship credit requirement for the licensure examinations shall be deemed satisfactorily completed when the intern has either:</p> <p>(1) Successfully graduated after December 31, 2006 with a doctor of pharmacy degree (“Pharm.D.”) from a school of pharmacy approved by the “Accreditation Council for Pharmacy Education” (A.C.P.E.) and the state board of pharmacy; or</p> <p>(2) Obtained a total of at least one thousand seven hundred and forty hours of documented supervised practical experience accepted by the state board of pharmacy which may include any hours:</p> <p>(a) Documented on a practical experience affidavit pursuant to rule 4729:2-2-06 of the Administrative Code; or</p> <p>(b) Worked in another state where the appropriate licensing agency submits to the board an official verification of the actual practical experience contact hours completed that meets the requirements in paragraph (A)(2) of this rule.</p>
Examination requirements <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>All pharmacists must complete a national examination to practice anywhere in the country (referred to as the NAPLEX) and the state specific Multistate Pharmacy Jurisprudence (MPJE) Exam. Both are administered by the National Association of Boards of Pharmacy.</p> <p>Fees to take the NAPLEX includes a \$100 application fee and exam fee of \$475. Fees to take the MPJE includes a \$100 application fee and exam fee of \$150.</p>

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

<p>Continuing education requirements <i>(Including a description of the curriculum and the process of setting it.)</i></p>	<p>Pharmacists are required to obtain a minimum of 4.0 CEUS (40 hours) every license renewal (two-year period).</p> <p>This includes:</p> <ul style="list-style-type: none"> - Minimum 2 hours medication errors/patient safety (ACPE -05) - Minimum 2 hours jurisprudence or law (ACPE -03) or Ohio Board of Pharmacy Approved Jurisprudence <p>CE can only be obtained by ACPE courses and CE from approved in-state providers. Approved in state providers can only provide law CE. The Board offers CE opportunities as well. The CE requirements are outlined in this rule: http://codes.ohio.gov/oac/4729:1-5-02</p>
<p>Initial fee</p>	<p>The fees are outlined in ORC 4729.15. The fee for an initial license is \$110.00 plus \$3.50 eLicense system transaction fee.</p> <p>Traditionally, the initial license fee has been less than the renewal fee because of the costs associated with taking the NAPLEX and MPJE.</p>
<p>Duration</p>	<p>Pharmacist licenses are renewed on a biennial cycle. The requirements are outlined in 4729:1-2-07 and below:</p> <p>(1) Except as provided in paragraph (B)(2) of this rule, a pharmacist license issued by the state board of pharmacy in accordance with Chapter 4729. of the Revised Code entitles the individual to whom it is issued to practice as a pharmacist until the next renewal date.</p> <p>(2) An initial pharmacist license issued by the state board of pharmacy on or after the first of May of every odd-numbered year in accordance with Chapter 4729. of the Revised Code entitles the individual to whom it is issued to practice as a pharmacist until the renewal date immediately following the next required renewal date.</p> <p>(3) A pharmacist license shall be renewed on the fifteenth day of September of every odd-numbered year.</p>

If the regulation is a registration, certification, or license requirement, please complete the following:	
Renewal fee <i>(If different from initial fee, please explain why.)</i>	<p>Fees are outlined in ORC 4729.15. Renewal fee is \$250.00 (for a two-year license) plus \$3.50 eLicense system transaction fee.</p> <p>Traditionally, the initial license fee has been less than the renewal fee because of the costs associated with taking the NAPLEX.</p>
Does the Board recognize uniform licensure requirements or allow for reciprocity?	<p>Yes. The Board allows for reciprocity. Candidates must apply with the Board of Pharmacy and with the National Association of Boards of Pharmacy (NABP). NABP operates a national system whereby the State Boards of Pharmacy verify out-of-state license in good standing and notifies states through their clearing house regarding any disciplinary action taken against a licensee in another state through the NABP Clearinghouse.</p> <p>All pharmacist must complete the national examination to practice anywhere in the country (NAPLEX). There is not an additional examination required prior to applying for licensure from another state. Ohio candidates are required to appear before the Board for a reciprocity law review prior to receiving their license from the Board. Reciprocity occurs monthly.</p>
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	No
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	No
Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?	<p>Yes, the Board has authority to exercise discretion in determining whether to license an individual.</p> <p>All pharmacist applicants are required to complete a BCI and FBI background check before the Board will license a pharmacist.</p> <p>http://codes.ohio.gov/oac/4729:1-4-01</p>

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

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

N/A

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

Administrative actions taken against a licensee can range from permanent revocation to imposition of fines or, for pharmacists and interns, additional continuing education requirements. Suspensions and probations are also utilized, particularly in cases of substance abuse where rehabilitation is deemed possible.

<http://codes.ohio.gov/oac/4729:1-4-01>

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 from Pharmacist licensing, including pharmacy interns and reciprocal licensing of out-of-state pharmacists, totaled \$7.7M for fiscal years 2019 and 2020. Revenue is used to support the general operations of the Board of Pharmacy, including licensing, compliance and enforcement, and OARRS.

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

The regulation of the practice of pharmacy has traditionally been done at the state level by legislatively created state boards of pharmacy.
Yes. Federal laws and regulations (both DEA and FDA) have provisions that require licensure of a pharmacist.

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

The licensing of pharmacists is essential to protecting the public health of Ohioans. Pharmacists have access to dangerous drugs, can perform direct healthcare services (vaccines, other drug administration, etc.) personal health information, and counsel patients on health outcomes.

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

Yes. The Board works with pharmacists to ensure that the security and control of dangerous drugs is maintained. Additionally, licensure ensures that pharmacists maintain standards when providing patients direct healthcare services.

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

N/A

Comparison to other states *(How many other states regulate the occupation? How do Ohio’s regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)*

All fifty states and District of Columbia and Puerto Rico license pharmacists. Pharmacy education is standardized across the country, the Board believes that Ohio is comparable with other states.

Surrounding state comparison (LSC)

Pharmacist License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (<i>R.C. 4729.12</i>)	Yes (<i>Ind. Code Ann. 25-26-13-29</i>)	Yes (<i>Ky. Rev. Stat. Ann. 315.030</i>)	Yes (<i>Mich. Comp. Laws 333.17711</i>)	Yes (<i>63 Pa. Cons. Stat. 390-8</i>)	Yes (<i>W. Va. Code Ann. 30-5-2</i>)
Education or training	Obtain a degree from an approved pharmacy	Graduate from an accredited school of pharmacy (<i>Ind.</i>)	Graduate from an approved school of pharmacy (<i>Ky.</i>)	Obtain a degree from an accredited school of pharmacy	Hold a Bachelor of Science or advanced degree in pharmacy from	Graduate from a recognized school of pharmacy (<i>W.</i>)

Pharmacist License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	program (R.C. 4729.08)	Code Ann. 25-26-13-11)	Rev. Stat. Ann. 315.050)	(Mich. Admin. Code R. 338.474)	an accredited school of pharmacy (63 Pa. Cons. Stat. 390-3)	Va. Code Ann. 30-5-5)
Experience	Complete a pharmacy internship (R.C. 4729.08)	Complete an approved pharmacy intern program (Ind. Code Ann. 25-26-13-11)	Complete an approved pharmacy internship (Ky. Rev. Stat. Ann. 315.050)	Complete a pharmacy internship program (Mich. Admin. Code R. 338.474)	Complete an approved internship program (63 Pa. Cons. Stat. 390-3)	Complete a 1,500-hour pharmacy internship (W. Va. Code Ann. 30-5-5)
Exam	Yes (R.C. 4729.07 and 4729.08)	Yes (Ind. Code Ann. 25-26-13-11)	Yes (Ky. Rev. Stat. Ann. 315.050)	Yes (Mich. Admin. Code R. 338.474)	Yes (63 Pa. Cons. Stat. 390-3)	Yes (W. Va. Code Ann. 30-5-5)
Continuing education	40 hours every two years (O.A.C. 4729:1-5-02)	30 hours every two years (856 Ind. Admin. Code 1-26-1)	15 hours every year (201 Ky. Admin. Regs. 2:015)	30 hours every two years (Mich. Admin. Code R. 338.3041)	30 hours every two years (49 Pa. Code 27.32)	30 hours every two years (W. Va. Code R. 15-3-4)
Initial licensure fee	\$110 for license by examination \$337.50 for license by reciprocity (R.C. 4729.15(A)(1) to (3); State of Ohio Board of Pharmacy, Fees)	\$100 (856 Ind. Admin. Code 1-27-1)	\$150 (201 Ky. Admin. Regs. 2:050)	\$102.60 (Licensing and Regulatory Affairs, Bureau of Professional Licensing, Michigan Pharmacist Licensing Guide)	\$45 (49 Pa. Code 27.91)	\$125 (W. Va. Code R. 15-16-2)

Pharmacist License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License duration	Two years (<i>R.C. 4729.12</i>)	Two years (<i>Ind. Code Ann. 25-26-13-14</i>)	One year (<i>Ky. Rev. Stat. Ann. 315.110</i>)	Two years (<i>Mich. Admin. Code R. 338.3041</i>)	Two years (<i>49 Pa. Code 27.31</i>)	Two years (<i>W. Va. Code R. 15-16-5</i>)
Renewal fee	\$250 (<i>R.C. 4729.15(A)(4)</i>)	\$160 (<i>856 Ind. Admin. Code 1-27-1</i>)	\$70 (<i>201 Ky. Admin. Regs. 2:050</i>)	\$75.60 (<i>Licensing and Regulatory Affairs, Bureau of Professional Licensing, Michigan Pharmacist Licensing Guide</i>)	\$190 (<i>49 Pa. Code 27.91</i>)	\$100 (<i>W. Va. Code R. 15-16-5</i>)

Pharmacy intern license

Survey responses (PRX)

Description
<p>A license as a pharmacy intern shall only be issued for the purpose of allowing those individuals who intend to become licensed pharmacists the opportunity to obtain the practical experience required for examination and licensure as a pharmacist.</p> <p>Per OAC 4729:2-3-01, a pharmacy intern may engage in the following:</p> <p>In addition to assisting a pharmacist with technical functions, a pharmacy intern may perform the following professional functions under the direct supervision of a pharmacist:</p> <p>(A) The sale of schedule V controlled substances pursuant to agency 4729 of the Administrative Code.</p> <p>(B) The receipt of oral prescriptions pursuant to rule 4729:5-5-10 of the Administrative Code and other applicable provisions of agency 4729 of the Administrative Code.</p>

Description

(C) The transfer and receipt of a non-controlled prescription copy pursuant to rule 4729:5-5-11 of the Administrative Code and other applicable provisions of agency 4729 of the Administrative Code.

(D) The act of patient counseling pursuant to rule 4729:5-5-09 of the Administrative Code and other applicable provisions of agency 4729 of the Administrative Code.

(E) The administration of immunizations pursuant to section 4729.41 of the Revised Code and agency 4729 of the Administrative Code.

(F) The documentation of informed consent to administer an immunization pursuant to section 4729.41 of the Revised Code.

(G) The dispensing of naloxone pursuant to section 4729.44 of the Revised Code and other dangerous drugs as authorized under Chapter 4729. of the Revised Code.

(H) Non-sterile compounding.

(I) Sterile compounding.

(J) Sending or receiving electronic prescriptions between pharmacies accessing the same prescription records in a centralized database or pharmacy computers linked in any other manner.

(K) Contacting a prescriber or prescriber's agent to obtain clarification for a prescription order if the clarification does not require the exercise of professional judgment.

(L) Performing diagnostic laboratory testing pursuant to agency 4729 of the Administrative Code.

(M) Requesting refill authorizations for dangerous drugs from a prescriber or the prescriber's agent.

(N) Notwithstanding the definition of direct supervision, a pharmacy intern may stock an automated drug dispensing unit and floor stock at a location licensed as a terminal distributor of dangerous drugs if a pharmacist is not physically present at the licensed location and all of the following apply:

(1) A pharmacist is readily available to answer questions of the intern;

(2) A pharmacist is responsible for conducting routine verifications of the activities of the intern to prevent the diversion of dangerous drugs;

(3) A pharmacist is fully responsible for all activities conducted by the intern at the licensed location.

Type (See R.C. 4798.01 for relevant definitions.)

Occupational license.

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

Number issued annually

2019 - 912

Number renewed annually

2019 – 2,343*

*2019 renewal marked the beginning of biennial renewal cycle for pharmacy interns. Pharmacy Interns who renewed in 2019 will not renew again until 2021.

Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?

No, there have been a consistent number of pharmacy interns working in the state.

Education or training requirements

The requirements are spelled out in OAC 4729:2-2-01.

(B) If a person is actively working towards the requirements for licensure as a pharmacist and desires to work as a pharmacy intern in Ohio, the person shall:

(1) Comply with at least one of the following:

(a) Have successfully completed at least sixty semester or ninety quarter hours of college, be enrolled in a school of pharmacy, and has begun taking professional classes directly related to the practice of pharmacy;

If the regulation is a registration, certification, or license requirement, please complete the following:	
	<p>(b) Have obtained a first professional degree in pharmacy from a program which has been recognized and approved by the state board of pharmacy; or</p> <p>(c) Have established educational equivalency by obtaining a “Foreign Pharmacy Graduate Examination Commission (FPGEC)” certificate, and have established proficiency in spoken English by successfully completing the “Test of English as a Foreign Language, Internet-based test” (TOEFL iBT) pursuant to rule 4729:2-2-06 of the Administrative Code.</p>
Experience requirements	None
Examination requirements (<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>)	N/A
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	N/A
Initial fee	\$45.00 plus \$3.50 eLicense system transaction fee. This is outlined in 4729.15.
Duration	Biennial License
Renewal fee (<i>If different from initial fee, please explain why.</i>)	\$45.00 plus \$3.50 eLicense system transaction fee. This is outlined in 4729.15.
Does the Board recognize uniform licensure requirements or allow for reciprocity?	No, there is not intern reciprocity. Pharmacy intern licensure is tied to enrollment in a pharmacy school. However, nothing prohibits an intern from applying for licensure if they are enrolled in pharmacy school.

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

<p>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</p>	<p>No</p>
<p>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?</p>	<p>No</p>
<p>Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?</p>	<p>Yes, per OAC 4729:2-2-02, the state board of pharmacy may deny the issuance of a license to practice as a pharmacy intern.</p>
<p>Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)</p>	<p>N/A</p>

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

Administrative actions taken against a licensee can range from permanent revocation to imposition of fines or, for pharmacists and interns, additional continuing education requirements. Suspensions and probations are also utilized, particularly in cases of substance abuse where rehabilitation is deemed possible.

<http://codes.ohio.gov/oac/4729:2-4>

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 from Pharmacist licensing, including pharmacy interns and reciprocal licensing of out-of-state pharmacists, totaled \$7.7M for fiscal years 2019 and 2020. Revenue is used to support the general operations of the Board of Pharmacy, including licensing, compliance and enforcement, and OARRS.

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

The regulation of the practice of pharmacy has traditionally been done at the state level by legislatively created state boards of pharmacy. In some instances, federal laws and regulations require licensure of pharmacy interns. For example, recent [federal guidance](#) authorizing the administration of COVID-19 vaccines extends to pharmacy interns that are licensed or registered by their respective state board of pharmacy.

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

The licensing of the pharmacy practice is essential to protecting the public health of Ohioans. Pharmacists and other pharmacy staff have access to dangerous drugs, personal health information, and counsel patients on health outcomes. Additionally, pharmacy interns can provide direct healthcare services (ex. vaccinations).

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

The licensing of pharmacy interns is essential to protecting the public health of Ohioans. Pharmacists and other pharmacy staff have access to dangerous drugs, personal health information, and counsel patients on health outcomes. Additionally, licensure ensures that interns maintain standards when providing patients direct healthcare services such as vaccines.

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

N/A

Comparison to other states *(How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)*

According to the National Association of Boards of Pharmacy, every state except for two (Tennessee, Wisconsin) require the licensure or registration of pharmacy interns.

Surrounding state comparison (LSC)

Pharmacy Intern License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (<i>R.C. 4729.11</i>)	Yes, registration (<i>Ind. Code Ann. 25-26-13-10.5; see also 25-26-13-10</i>)	Yes, registration (<i>201 Ky. Admin. Regs. 2:040</i>)	Yes, a limited license is required for interns (<i>Mich. Comp. Laws 333.17737</i>)	Yes (<i>63 Pa. Cons. Stat. 390-8</i>)	Yes (<i>W. Va. Code Ann. 30-5-13; W. Va. Code R. 15-1-4</i>)
Education or training	Enrolled in a school of pharmacy and actively working towards pharmacist licensure (<i>R.C. 4729.11; O.A.C. 4729:2-2-01</i>)	Enrolled in a school of pharmacy accredited by the American Council of Pharmaceutical Education (ACPE) (<i>Ind. Code Ann. 25-26-13-10</i>)	Enrolled in an approved college or school of pharmacy (<i>201 Ky. Admin. Regs. 2:040</i>)	Enrolled in an accredited college or school of pharmacy (<i>Mich. Admin. Code R. 338.473a</i>)	Completed at least two years of college and is enrolled or accepted as a student in an ACPE-accredited pharmacy degree program (<i>63 Pa. Cons. Stat. 390-3; 49 Pa. Code 27.26</i>)	Enrolled in or a graduate of an approved school of pharmacy (<i>W. Va. Code Ann. 30-5-13</i>)
Experience	No	No	No	No	No	No
Exam	No	No	No	No	No	No
Continuing education	No	No	No	No	No	No

Pharmacy Intern License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Initial licensure fee	\$45 (R.C. 4729.15(A)(8))	\$10 (856 Ind. Admin. Code 1-27-1)	\$25 (201 Ky. Admin. Regs. 2:050)	\$43.20 (Licensing and Regulatory Affairs, Bureau of Professional Licensing, Michigan Pharmacist Intern Licensing Guide)	\$35 (49 Pa. Code 27.91)	\$10 (W. Va. Code R. 15-16-5)
License duration	One year (O.A.C. 4729:2-2-04)	One year (Ind. Code Ann. 25-26-13-10)	Six years (Ky. Rev. Stat. Ann. 315.050)	One year (Mich. Admin. Code R. 338.473a)	Six years (63 Pa. Cons. Stat. 390-3)	One year (W. Va. Code R. 15-16-5)
Renewal fee	\$45 (R.C. 4729.15(A)(9))	\$10 (856 Ind. Admin. Code 1-27-1)	Does not appear to be renewable	\$16.20 (Licensing and Regulatory Affairs, Bureau of Professional Licensing, Michigan Pharmacist Intern Licensing Guide)	Does not appear renewable	\$5 (W. Va. Code R. 15-16-5)

Registered pharmacy technician

Survey responses (PRX)

Description

Per Ohio Revised Code 4729.91, a registered pharmacy technician may, under the direct supervision of a pharmacist, engage in the following activities at a location licensed as a terminal distributor of dangerous drugs to the extent that the activities do not require the exercise of professional judgment:

- (1) Accepting new written or electronic prescription orders from a prescriber or a prescriber's agent;
- (2) Entering information into and retrieving information from a database or patient profile;
- (3) Preparing and affixing labels;
- (4) Stocking dangerous drugs and retrieving those drugs from inventory;
- (5) Counting and pouring dangerous drugs into containers;
- (6) Placing dangerous drugs into patient storage containers;
- (7) Non-sterile drug compounding as authorized by the state board of pharmacy in rules adopted under section 4729.94 of the Revised Code;
- (8) Other activities specified by the board in rules adopted under section 4729.94 of the Revised Code.

Type *(See R.C. 4798.01 for relevant definitions.)*

Occupational license.

If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	2019 – 2,000
Number renewed annually	First renewal began January 30, 2020 and is currently underway and has been delayed/extended to December 1, 2020 pursuant to HB 197. As of 8/13/2020, 5,154 (54%) registrations had been renewed.
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	Registration requirements became effective in April of 2018.
Education or training requirements	Registered pharmacy technicians are required to complete a training program as required in OAC 4729:3-2-02. Registered technicians are required to complete a high school diploma, a certificate of high school equivalence, a foreign school diploma that is equivalent to a U.S. high school diploma or has been employed continuously since prior to April 8, 2009, as a pharmacy technician without a high school diploma or certificate of high school equivalence.
Experience requirements	Registered pharmacy technicians are required to complete a training program as required in OAC 4729:3-2-02. http://codes.ohio.gov/oac/4729:3-3-02
Examination requirements (<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>)	N/A
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	Registered pharmacy technicians are required to complete ten contact hours of continuing pharmacy education prior to renewing their registration.

If the regulation is a registration, certification, or license requirement, please complete the following:	
	<p>The continuing education hours include:</p> <p>(1) Two contact hours (0.2 C.E.U.s) of continuing pharmacy education shall be in the subject of pharmacy jurisprudence (law).</p> <p>(2) Two contact hours (0.2 C.E.U.s) of continuing pharmacy education shall be in the subject of patient or medication safety.</p> <p>A registered pharmacy technician may satisfy up to one-third of the technician's continuing education requirements by providing health care services as a volunteer in accordance with section 4745.04 of the Revised Code. The location where health care services are provided shall be an approved in-state provider of volunteer healthcare services in accordance with agency 4729 of the Administrative Code.</p>
Initial fee	Per Ohio Revised Code, \$50.00 plus \$3.50 eLicense system transaction fee.
Duration	<p>Biennial registration.</p> <p>http://codes.ohio.gov/oac/4729:3-2-01</p> <p>(E) An initial registration for a registered pharmacy technician and certified pharmacy technician is valid until the renewal date set forth in rule 4729:3-2-03 of the Administrative Code.</p>
Renewal fee (If different from initial fee, please explain why.)	Per Ohio Revised Code, \$50.00 plus \$3.50 eLicense system transaction fee.
Does the Board recognize uniform licensure requirements or allow for reciprocity?	No
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	The Board recognizes national certifications as part of the licensure process. By law, the Board is required to recognize national certifications for certified technicians. Those include PTCB and ExCPT. However, this national standard requires a high school diploma and some other standards which may preclude individuals who have been working as pharmacy technicians to work in Ohio for the last 10-20 years. Additionally, this standard is required for more advanced

If the regulation is a registration, certification, or license requirement, please complete the following:	
	tasks of a technician. Therefore, this registration type ensures that there are options available for pharmacy technicians who do not seek this advanced status.
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	Rule 4729:3-1-01 permits “support personnel” to carry out certain functions without the requirement to register as a pharmacy technician. These generally allow cashiers and other personnel to work within the pharmacy without requiring registration with the Board.
Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?	<p>Yes, the Board is permitted to exercise discretion in determining whether to register a pharmacy technician. This is outlined in OAC 4729:3-2-01. This includes:</p> <p>(1) Comply with all requirements set forth in section 4729.90 of the Revised Code.</p> <p>(3) Comply with the criminal records check requirements pursuant to rule 4729:3-2-02 of the Administrative Code.</p> <p>http://codes.ohio.gov/oac/4729:3-4-01</p>
Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)	N/A
Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.	
<p>Administrative actions taken against a licensee can range from permanent revocation to imposition of fines. Suspensions and probations are also utilized, particularly in cases of substance abuse where rehabilitation is deemed possible.</p> <p>http://codes.ohio.gov/oac/4729:3-4-01</p>	

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 from Pharmacy Technician licensing, including registered, certified, and trainees, totaled \$834,000 for fiscal years 2019 and 2020. Revenue is used to support the general operations of the Board of Pharmacy, including licensing, compliance and enforcement, and OARRS.

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

The regulation of the practice of pharmacy has traditionally been done at the state level by legislatively created state boards of pharmacy. There are no federal regulations that require regulation of pharmacy technicians.

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

Through the registration of pharmacy technicians there is a reduced opportunity for diversion by establishing a registration system that prohibits a technician who engaged in drug theft from easily obtaining employment at another location. Prior to the establishment of pharmacy technician registration, pharmacy technicians accounted for more than one-third of all drug theft cases investigated by the Board of Pharmacy, and the lack of a registration process makes it too easy for a technician who is fired for theft to find new employment with another pharmacy.

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

Yes. Since the adoption of technician registration, the Board has taken administrative action against technicians primarily for engaging in the theft of drugs. For example, in FY 2019, the Board summarily suspended 33 technician registrations for violations that met the standard of “immediate and serious harm to others” in ORC 3719.121.

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

N/A

Comparison to other states *(How many other states regulate the occupation? How do Ohio’s regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)*

Forty-five states require some form of licensure or registration of pharmacy technicians. Ohio appears in between because it offers several levels of technician registration to account for differences in skill level and practice level.

Surrounding state comparison (LSC)

Registered Pharmacy Technician						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (<i>R.C. 4729.95 and 4729.99</i>)	License required to practice as a pharmacy technician; no distinction between registered or certified technicians (<i>Ind. Code Ann. 25-26-19-9</i>)	Registration required to practice as a pharmacy technician; certified pharmacy technicians and pharmacy technicians are recognized (<i>Ky. Rev. Stat. Ann. 315.030 and 315.135; 201 Ky. Admin. Regs. 2:045</i>)	License required to practice as a pharmacy technician; no distinction between registered or certified technicians (<i>Mich. Comp. Laws 333.17711 and 333.17739</i>)	No	Registration required to practice as a pharmacy technician; no distinction between registered or certified technicians (<i>W. Va. Code Ann. 30-5-11</i>)
Education or training	Complete one of the following: 1. A program accredited by the American Society of Health-system Pharmacists/ Accreditation Council for	Completed an approved program of education and training or pass a certification examination offered by an approved, nationally recognized	Unclear for pharmacy technicians; for certified pharmacy technicians, completion of a training program is one option (<i>201 Ky. Admin. Regs. 2:045</i>)	Complete a pharmacy technician training program approved by the Pharmacy Technician Certification Board, the National Healthcareer	N/A	Three options: 1. Graduate from an approved competency-based pharmacy technician education and

Registered Pharmacy Technician						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	Pharmacy Education; 2. A program conducted by a branch of the U.S. Armed Forces, the Indian Health Service, or the U.S. Department of Veterans Affairs; 3. An employer-based training program; or 4. An approved program offered by an Ohio public high school as part of a career-technical education program	certification body <i>(Ind. Code Ann. 25-26-19-5)</i>		Association or other nationally recognized certifying organization approved by the Board or an employer-based training program <i>(Mich. Comp. Laws 333.17739a)</i>		training program; 2. Complete an approved pharmacy-provided, competency-based education and training program; or 3. Obtain national certification and have practiced in another jurisdiction <i>(W. Va. Code Ann. 30-5-11)</i>

Registered Pharmacy Technician						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<i>(R.C. 4729.90; O.A.C. 4729:3-2-01 and 4729:3-3-02)</i>					
Experience	No	No	No	No	N/A	No
Exam	No	Exam may be taken in lieu of graduation from a competency-based pharmacy technician education and training program or completion of an employer provided training program (<i>Ind. Code Ann. 25-26-19-5</i>)	For certified pharmacy technicians, exam is one option for obtaining registration (<i>201 Ky. Admin. Regs. 2:045</i>)	Yes, may be nationally recognized or employer-based (<i>Mich. Comp. Laws 333.17739a</i>)	N/A	Yes (<i>W. Va. Code Ann. 30-5-11</i>)
Continuing education	Ten hours every two years (<i>O.A.C. 4729:3-5-02</i>)	No	No	20 hours every two years or passage of a proficiency examination (<i>Mich. Comp. Laws 333.17731</i>)	N/A	No, but proof of national certification is required for renewal (<i>West Virginia Board of Pharmacy, Renewal</i>)

Registered Pharmacy Technician						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Initial licensure fee	\$50 (<i>R.C. 4729.901</i>)	\$25 (<i>856 Ind. Admin. Code 1-27-1</i>)	\$25 (<i>Ky. Rev. Stat. Ann. 315.136</i>)	\$91.80 (<i>Licensing and Regulatory Affairs, Bureau of Professional Licensing, Michigan Pharmacy Technician Licensing Guide</i>)	N/A	\$25 (<i>W. Va. Code R. 15-16-5</i>)
License duration	Two years (<i>O.A.C. 4729:3-2-03</i>)	Two years (<i>Ind. Code Ann. 25-26-19-7</i>)	One year (<i>Ky. Rev. Stat. Ann. 315.138</i>)	Two years (<i>Mich. Comp. Laws 333.17731</i>)	N/A	Two years (<i>W. Va. Code R. 15-16-5</i>)
Renewal fee	\$50 (<i>O.A.C. 4729:3-2-03</i>)	\$25 (<i>856 Ind. Admin. Code 1-27-1</i>)	\$25 (<i>Ky. Rev. Stat. Ann. 315.138</i>)	\$64.80 (<i>Licensing and Regulatory Affairs, Bureau of Professional Licensing, Michigan Pharmacy Technician Licensing Guide</i>)	N/A	\$20 (<i>W. Va. Code R. 15-16-5</i>)

Certified pharmacy technician

Survey responses (PRX)

Description

Per Ohio Revised Code 4729.91, a certified pharmacy technician may, under the direct supervision of a pharmacist, engage in the following activities at a location licensed as a terminal distributor of dangerous drugs to the extent that the activities do not require the exercise of professional judgment:

- (1) Any activity listed in division (A) of this section;
- (2) Accepting or requesting refill authorizations for dangerous drugs that are not controlled substances from a prescriber or the prescriber's agent, so long as there is no change from the original prescription;
- (3) Sterile and non-sterile drug compounding as authorized by the board in rules adopted under section 4729.94 of the Revised Code;
- (4) Other activities specified by the board in rules adopted under section 4729.94 of the Revised Code.

Type *(See R.C. 4798.01 for relevant definitions.)*

Occupational license.

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

Number issued annually

2019 – 1,280

If the regulation is a registration, certification, or license requirement, please complete the following:	
Number renewed annually	First renewal began August 1, 2020 and is currently underway and has been delayed/extended to December 1, 2020 pursuant to HB 197. As of 8/13/2020, 995 (8%) registrations had been renewed.
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	Registration requirements became effective in April of 2018.
Education or training requirements	<p>The training and education requirements are outlined in 4729:3-2-01 http://codes.ohio.gov/oac/4729:3-2-01</p> <p>Training - (2) Complete an approved training program pursuant to rule 4729:3-3-02 of the Administrative Code or the education and training requirements set forth in division (E)(2) of section 4729.90 of the Revised Code.</p> <p>Education - (i) Has a high school diploma, a certificate of high school equivalence or a foreign school diploma that is equivalent to a U.S. high school diploma;</p> <p>Certification - (b) Documentation, as specified by the board, that the applicant has a current pharmacy technician certification from an organization that has been recognized by the board.</p>
Experience requirements	<p>The experience requirements are outlined in 4729:3-2-01. http://codes.ohio.gov/oac/4729:3-2-01</p>
Examination requirements (<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>To qualify as a certified pharmacy technician applicant, there are two types of examinations, Pharmacy Technician Certification Board (PTCB) or ExCPT.</p> <p>The cost associated with PTCB includes the completion of a PTCB- Recognized Education/Training Program or 500 hours of work experience and the successful passage of the PTCB exam. The exam costs \$129.</p> <p>ExCPT requires the completion of a pharmacy technician related training program or 1200 hours of work experience within the last three years prior to taking the exam. The exam costs \$117.</p>

If the regulation is a registration, certification, or license requirement, please complete the following:	
	The Board does not receive any proceeds of those fees.
Continuing education requirements <i>(Including a description of the curriculum and the process of setting it.)</i>	As a condition for the renewal of a registration as a certified pharmacy technician, the technician shall complete all continuing education requirements necessary to maintain the registrant's pharmacy technician certification from an organization that has been recognized by the board. http://codes.ohio.gov/oac/4729%3A3-5-02
Initial fee	\$50.00 plus \$3.50 eLicense system transaction fee. The fees are outlined in statute. http://codes.ohio.gov/oac/4729:3-2-01
Duration	Biennial
Renewal fee <i>(If different from initial fee, please explain why.)</i>	\$50.00 plus \$3.50 eLicense system transaction fee. The fees are outlined in statute. http://codes.ohio.gov/oac/4729:3-2-03
Does the Board recognize uniform licensure requirements or allow for reciprocity?	No
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	The Board recognizes national certifications as part of the licensure process. By law, the Board is required to recognize national certifications for certified technicians. Those include PTCB and ExCPT.
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	Rule 4729:3-1-01 permits "support personnel" to carry out certain functions without the requirement to register as a pharmacy technician. These generally allow cashiers and other personnel to work within the pharmacy without requiring registration with the Board.

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?

Yes, the Board is permitted to exercise discretion in determining whether to register a certified pharmacy technician. This is outlined in OAC 4729:3-2-01. This includes:

- (1) Comply with all requirements set forth in section 4729.90 of the Revised Code.
- (2) Complete an approved training program.
- (3) Comply with the criminal records check requirements pursuant to rule 4729:3-2-02 of the Administrative Code.

<http://codes.ohio.gov/oac/4729:3-4-01>

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

N/A

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

Administrative actions taken against a licensee can range from permanent revocation to imposition of fines. Suspensions and probations are also utilized, particularly in cases of substance abuse where rehabilitation is deemed possible.

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 from Pharmacy Technician licensing, including registered, certified, and trainees, totaled \$834,000 for fiscal years 2019 and 2020. Revenue is used to support the general operations of the Board of Pharmacy, including licensing, compliance and enforcement, and OARRS.

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

The regulation of the practice of pharmacy has traditionally been done at the state level by legislatively created state boards of pharmacy. There are no federal regulations that require regulation of pharmacy technicians.

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

Through the registration of pharmacy technicians there is a reduced opportunity for diversion by establishing a registration system that prohibits a technician who engaged in drug theft from easily obtaining employment at another location. Prior to the establishment of pharmacy technician registration, pharmacy technicians accounted for more than one-third of all drug theft cases investigated by the Board of Pharmacy, and the lack of a registration process makes it too easy for a technician who is fired for theft to find new employment with another pharmacy.

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

Yes. Since the adoption of technician registration, the Board has taken administrative action against technicians primarily for engaging in the theft of drugs. For example, in FY 2019, the Board summarily suspended 33 technician registrations for violations that met the standard of “immediate and serious harm to others” in ORC 3719.121.

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

N/A

Comparison to other states *(How many other states regulate the occupation? How do Ohio’s regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)*

Forty-five states require some form of licensure or registration of pharmacy technicians.

Surrounding state comparison (LSC)

Registration as a Certified Pharmacy Technician						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (<i>R.C. 4729.95 and 4729.99</i>)	License required to practice as a pharmacy technician; no distinction between registered or certified technicians (<i>Ind. Code Ann. 25-26-19-9</i>)	Registration required to practice as a pharmacy technician; certified pharmacy technicians and pharmacy technicians are recognized (<i>Ky. Rev. Stat. Ann. 315.030 and 315.135; 201 Ky. Admin. Regs. 2:045</i>)	License required to practice as a pharmacy technician; no distinction between registered or certified technicians (<i>Mich. Comp. Laws 333.17711 and 333.17739</i>)	No	Registration required to practice as a pharmacy technician; no distinction between registered or certified technicians (<i>W. Va. Code Ann. 30-5-11</i>)
Education or training	Complete one of the following: 1. A program accredited by the American Society of Health-system Pharmacists/ Accreditation Council for	Completed an approved program of education and training or pass a certification examination offered by an approved, nationally recognized	Unclear for pharmacy technicians; for certified pharmacy technicians, completion of a training program is one option (<i>201 Ky. Admin. Regs. 2:045</i>)	Complete a pharmacy technician training program approved by the Pharmacy Technician Certification Board, the National Healthcareer	N/A	Three options: 1. Graduate from an approved competency-based pharmacy technician education and

Registration as a Certified Pharmacy Technician

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<p>Pharmacy Education;</p> <p>2. A program conducted by a branch of the U.S. armed forces, the Indian Health Service, or the U.S. Department of Veterans Affairs;</p> <p>3. An employer-based training program; or</p> <p>4. An approved program offered by an Ohio public high school as part of a career-technical education program</p> <p>Submit documentation of</p>	<p>certification body (<i>Ind. Code Ann. 25-26-19-5</i>)</p>		<p>Association, or other nationally recognized certifying organization approved by the Board or an employer-based training program (<i>Mich. Comp. Laws 333.17739a</i>)</p>		<p>training program</p> <p>2. Complete an approved pharmacy-provided, competency-based education and training program; or</p> <p>3. Obtain national certification and have practiced in another jurisdiction (<i>W. Va. Code Ann. 30-5-11</i>)</p>

Registration as a Certified Pharmacy Technician						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	current pharmacy technician certification from an organization recognized by the Board <i>(R.C. 4729.90; O.A.C. 4729:3-2-01 and 4729:3-3-02)</i>					
Experience	No	No	No	No	N/A	No
Exam	No, unless an exam is a component of one of the education and training requirements above	Exam may be taken in lieu of graduation from a competency-based pharmacy technician education and training program or completion of an employer-provided training program <i>(Ind. Code Ann. 25-26-19-5)</i>	For certified pharmacy technicians, exam is one option for obtaining registration <i>(201 Ky. Admin. Regs. 2:045)</i>	Yes, may be nationally recognized or employer-based <i>(Mich. Comp. Laws 333.17739a)</i>	N/A	Yes <i>(W. Va. Code Ann. 30-5-11)</i>
Continuing education	Ten hours every two years <i>(R.C.</i>	No	No	20 hours every two years or passage of a	N/A	No, but proof of national certification is

Registration as a Certified Pharmacy Technician						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	4729.94; O.A.C. 4729:3-5-02)			proficiency examination (Mich. Comp. Laws 333.17731)		required for renewal (West Virginia Board of Pharmacy, Renewal)
Initial licensure fee	\$50 (R.C. 4729.901)	\$25 (856 Ind. Admin. Code 1-27-1)	\$25 (Ky. Rev. Stat. Ann. 315.136)	\$91.80 (Licensing and Regulatory Affairs, Bureau of Professional Licensing, Michigan Pharmacy Technician Licensing Guide)	N/A	\$25 (W. Va. Code R. 15-16-5)
License duration	Two years (O.A.C. 4729:3-2-03)	Two years (Ind. Code Ann. 25-26-19-7)	One year (Ky. Rev. Stat. Ann. 315.138)	Two years (Mich. Comp. Laws 333.17731)	N/A	Two years (W. Va. Code R. 15-16-5)
Renewal fee	\$50 (O.A.C. 4729:3-2-03)	\$25 (856 Ind. Admin. Code 1-27-1)	\$25 (Ky. Rev. Stat. Ann. 315.138)	\$64.80 (Licensing and Regulatory Affairs, Bureau of Professional Licensing, Michigan Pharmacy Technician Licensing Guide)	N/A	\$20 (W. Va. Code R. 15-16-5)

Pharmacy technician trainee registration

Survey responses (PRX)

Description
<p>A pharmacy technician trainee may, under the direct supervision of a pharmacist, engage in the following activities at a location licensed as a terminal distributor of dangerous drugs to the extent that the activities do not require the exercise of professional judgment:</p> <ol style="list-style-type: none">(1) Accepting new written, faxed or electronic prescription orders from a prescriber or a prescriber’s agent but shall not include verbal orders;(2) Entering information into and retrieving information from a database or patient profile;(3) Preparing and affixing labels;(4) Stocking dangerous drugs and retrieving those drugs from inventory;(5) Counting and pouring dangerous drugs into containers;(6) Placing dangerous drugs into containers prior to dispensing by a pharmacist;(7) Non-sterile drug compounding following the completion of site-specific training pursuant to rule 4729:3-3-02 of the Administrative Code;(8) Sterile drug compounding following the completion of a site-specific training pursuant to rule 4729:3-3-02 of the Administrative Code;(9) Packaging and selling a dangerous drug to a patient or patient representative; and(10) Sending or receiving electronic prescriptions between pharmacies accessing the same prescription records in a centralized database or pharmacy computers linked in any other manner.
Type <i>(See R.C. 4798.01 for relevant definitions.)</i>
Occupational license.

If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	2019 – 4,956
Number renewed annually	<p>Technician trainee registration is not eligible for renewal. The registration is only valid for one year from the date of registration. The Board does allow technician trainees to request an extension.</p> <p>http://codes.ohio.gov/oac/4729:3-2-01</p> <p>(D) A registration for a pharmacy technician trainee is valid for one year from the date of registration. Registration is not renewable, but an individual may reapply for registration if the individual’s previous registration has lapsed for more than five years or the board grants its approval. An individual that is permitted to reapply for registration as a pharmacy technician trainee shall comply with the criminal records check requirements pursuant to rule 4729:3-2-02 of the Administrative Code, unless otherwise determined by the board.</p> <p>A registration for a pharmacy technician trainee is no longer valid if an individual receives a registration to practice as a registered pharmacy technician or certified pharmacy technician.</p>
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	Registration requirements became effective in April of 2018.
Education or training requirements	<p>Has a high school diploma, a certificate of high school equivalence, a foreign school diploma that is equivalent to a U.S. high school diploma or has been employed continuously since prior to April 8, 2009, as a pharmacy technician without a high school diploma or certificate of high school equivalence.</p> <p>http://codes.ohio.gov/oac/4729:3-2-01</p>
Experience requirements	N/A

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

<p>Examination requirements (<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>N/A</p>
<p>Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)</p>	<p>N/A</p>
<p>Initial fee</p>	<p>\$25.00 plus \$3.50 eLicense system transaction fee http://codes.ohio.gov/oac/4729:3-2-01</p>
<p>Duration</p>	<p>1 year</p> <p>(D) A registration for a pharmacy technician trainee is valid for one year from the date of registration. Registration is not renewable, but an individual may reapply for registration if the individual's previous registration has lapsed for more than five years or the board grants its approval. An individual that is permitted to reapply for registration as a pharmacy technician trainee shall comply with the criminal records check requirements pursuant to rule 4729:3-2-02 of the Administrative Code, unless otherwise determined by the board.</p> <p>A registration for a pharmacy technician trainee is no longer valid if an individual receives a registration to practice as a registered pharmacy technician or certified pharmacy technician.</p> <p>http://codes.ohio.gov/oac/4729:3-2-01</p>
<p>Renewal fee (<i>If different from initial fee, please explain why.</i>)</p>	<p>N/A</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?	No. However, there are minimal standards to become registered as a pharmacy technician trainee.
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	The Board recognizes national certifications as part of the licensure process. By law, the Board is required to recognize national certifications for certified technicians. Those include PTCB and ExCPT. These are only intended to test knowledge and not to protect against drug diversion.
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	Rule 4729:3-1-01 permits “support personnel” to carry out certain functions without the requirement to register as a pharmacy technician. These generally allow cashiers and other personnel to work within the pharmacy without requiring registration with the Board.
Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?	Yes, the Board is permitted to exercise discretion in determining whether to register a pharmacy technician. This is outlined in OAC 4729:3-2-01. This includes: (1) Comply with all requirements set forth in section 4729.90 of the Revised Code. (3) Comply with the criminal records check requirements pursuant to rule 4729:3-2-02 of the Administrative Code. http://codes.ohio.gov/oac/4729:3-4-01
Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)	N/A

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

Administrative actions taken against a licensee can range from permanent revocation to imposition of fines. Suspensions and probations are also utilized, particularly in cases of substance abuse where rehabilitation is deemed possible.

<http://codes.ohio.gov/oac/4729:3-4-01>

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 from Pharmacy Technician licensing, including registered, certified, and trainees, totaled \$834,000 for fiscal years 2019 and 2020. Revenue is used to support the general operations of the Board of Pharmacy, including licensing, compliance and enforcement, and OARRS.

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

The regulation of the practice of pharmacy has traditionally been done at the state level by legislatively created state boards of pharmacy. There are no federal regulations that require regulation of pharmacy technicians.

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

Through the registration of pharmacy technicians there is a reduced opportunity for diversion by establishing a registration system that prohibits a technician who engaged in drug theft from easily obtaining employment at another location. Prior to the establishment of pharmacy technician registration, pharmacy technicians accounted for more than one-third of all drug theft cases investigated by the Board of Pharmacy, and the lack of a registration process makes it too easy for a technician who is fired for theft to find new employment with another pharmacy.

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

Yes. Since the adoption of technician registration, the Board has taken administrative action against technicians primarily for engaging in the theft of drugs. For example, in FY 2019, the Board summarily suspended 33 technician registrations for violations that met the standard of “immediate and serious harm to others” in ORC 3719.121.

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

N/A

Comparison to other states (How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)

Forty-five states require some form of licensure or registration of pharmacy technicians.

Surrounding state comparison (LSC)

Pharmacy Technician Trainee Registration						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (<i>R.C. 4729.95 and 4729.99</i>)	Yes – technician in training permit (<i>Ind. Code Ann. 25-26-19-6</i>)	No	Yes – temporary pharmacy technician license, available to individuals preparing for the pharmacy technician examination (<i>Mich. Comp. Laws 333.17739b</i>)	No	Yes (<i>W. Va. Code Ann. 30-5-11a</i>)
Education or training	Enrolled in or plan to enroll in education and training as a pharmacy	Enrolled and in good standing in an approved pharmacy technician	N/A	Enrolled in an approved pharmacy technician program (<i>Mich.</i>	N/A	Enrolled in an approved competency-based pharmacy technician

Pharmacy Technician Trainee Registration

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	technician (<i>R.C. 4729.92</i>)	training program (<i>Ind. Code Ann. 25-26-19-6</i>)		<i>Comp. Laws 333.17739a and 333.17739b</i>)		education and training program or an employee of a pharmacy in an on-the-job competency-based pharmacy technician training program (<i>W. Va. Code Ann. 30-5-11a</i>)
Experience	No	No	N/A	No	N/A	No
Exam	No	No	N/A	No	N/A	No
Continuing education	No	No	N/A	No	N/A	No
Initial licensure fee	\$25 (<i>R.C. 4729.921</i>)	\$25 (<i>856 Ind. Admin. Code 1-27-1; Indiana Professional Licensing Agency, Pharmacy Technician Requirements and Application</i>)	N/A	\$16.20 (<i>Licensing and Regulatory Affairs, Bureau of Professional Licensing, Michigan Pharmacy Technician Licensing Guide</i>)	N/A	\$25, but according to the West Virginia Board of Pharmacy, the fee is waived for the foreseeable future

Pharmacy Technician Trainee Registration						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License duration	One year (<i>R.C. 4729.921</i>)	No more than one year (<i>Ind. Code Ann. 25-26-19-6</i>)	N/A	One year (<i>Mich. Comp. Laws 333.17739b</i>)	N/A	15 months (<i>W. Va. Code R. 15-7-4</i>)
Renewal fee	Not renewable (<i>R.C. 4729.921</i>)	Not renewable	N/A	Not renewable	N/A	Not renewable, but a trainee may petition for an extension (<i>W. Va. Code R. 15-7-4</i>)

Home medical equipment provider license

Surrounding state comparison (LSC)

Home Medical Equipment Provider License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (<i>R.C. 4752.02</i>)	Yes (<i>Ind. Code Ann. 25-26-21-11</i>)	Yes (<i>Ky. Rev. Stat. Ann. 309.412</i>)	No	No, but device distributors must register with the Pennsylvania Department of Health (<i>35 Pa. Cons. Stat. 780-106</i> ; email correspondence with Pennsylvania Department of	No

Home Medical Equipment Provider License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
					<i>Health, April 15, 2020, and April 16, 2020)</i>	
Education or training	Must maintain knowledge of the duties and responsibilities of a home medical equipment services provider (<i>O.A.C. 4729:11-3-01</i>)	No	No, but applicant must either: <ol style="list-style-type: none"> 1. Submit proof of accreditation or exemption by a national accreditation organization approved by the Centers for Medicare and Medicaid Services; or 2. Submit to an inspection by the Board to ensure the applicant's ability to comply with Kentucky law <i>(201 Ky. Admin. Regs. 47:010)</i>	N/A	No	N/A

Home Medical Equipment Provider License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Experience	No	No	No	N/A	No	N/A
Exam	No	No	No	N/A	No	N/A
Continuing education	Ten hours every two years (<i>R.C. 4752.07; O.A.C. 4729:11-3-04</i>)	No, but licensee must ensure employees receive annual training (<i>Ind. Code Ann. 25-26-21-6</i>)	No, but licensee must provide to employees at least six hours of annual training related to providing home medical equipment and services (<i>201 Ky. Admin. Regs. 47:010</i>)	N/A	No	N/A
Initial licensure fee	Not more than \$1,200 (<i>O.A.C. 4729:11-2-01</i>)	\$150 (<i>856 Ind. Admin. Code 1-39-7</i>)	\$350 (<i>201 Ky. Admin. Regs. 47:010</i>)	N/A	\$25 (<i>28 Pa. Code 25.115</i>)	N/A
License duration	Two years (<i>R.C. 4752.05</i>)	Two years (<i>Ind. Code Ann. 25-26-21-8</i>)	Two years (<i>Ky. Rev. Stat. Ann. 315.520</i>)	N/A	One year (<i>35 Pa. Cons. Stat. 780-106</i>)	N/A
Renewal fee	Not more than \$1,200 (<i>O.A.C. 4729:11-2-01</i>)	\$200 (<i>856 Ind. Admin. Code 1-39-7</i>)	\$350 (<i>201 Ky. Admin. Regs. 47:010</i>)	N/A	\$25 (<i>28 Pa. Code 25.115</i>)	N/A

Home medical equipment provider certificate of registration

Surrounding state comparison (LSC)

Home Medical Equipment Provider Certificate of Registration						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (<i>R.C. 4752.02</i>)	No	No separate certificate of registration, but accreditation is one basis for issuance of the home medical equipment provider license	No	No	No
Education or training	Accreditation required (<i>R.C. 4752.03; O.A.C. 4729:11-2-01</i>)	N/A	N/A	N/A	N/A	N/A
Experience	No	N/A	N/A	N/A	N/A	N/A
Exam	No	N/A	N/A	N/A	N/A	N/A
Continuing education	No	N/A	N/A	N/A	N/A	N/A
Initial licensure fee	Not more than \$500 (<i>O.A.C. 4729:11-2-01</i>)	N/A	N/A	N/A	N/A	N/A

Home Medical Equipment Provider Certificate of Registration

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License duration	Two years (<i>R.C. 4752.12</i>)	N/A	N/A	N/A	N/A	N/A
Renewal fee	Not more than \$500 (<i>O.A.C. 4729:11-2-01</i>)	N/A	N/A	N/A	N/A	N/A

BOARD OF PSYCHOLOGY (PSY)

General information (PSY)

Duties

The State Board of Psychology protects the public by implementing and enforcing ORC Chapter 4732 and Chapter 4783 and, by doing so, fosters the general health, safety, and well-being and safety of Ohioans who receive or seek psychological and behavior analytic services. The Psychology Board is comprised of nine (9) members (6 psychologists and 3 consumer advocates). Members are appointed by the Governor with advice and consent from the Ohio Senate. Among the Board's primary responsibilities are: ensuring that license applicants meet statutory and regulatory requirements for licensure; conducting pre-licensure examinations; initial licensing and biennial license renewal; biennial verification of continuing education compliance; registration, monitoring, and termination of supervised practice arrangements; monitoring for illegal practice; investigating complaints; conducting hearings; applying disciplinary actions in response to misconduct, typically via negotiated consent agreements; and, rule and policy making. The primary responsibility of the Ohio Board of Psychology is to protect the public relative to the practice of psychology, the practice of school psychology outside of school settings, and the practice of applied behavior analysis (an evidence-based treatment for Autism). As a result, essentially every issue before the Board relates in some way to public safety and the welfare of consumers of psychological and behavior analysis services.

The Psychology Board's 4,300 licensees are at the forefront of the healthcare system in Ohio, being found in private practices, public and private hospitals, medical schools, mental health clinics, Veteran's Affairs medical centers, university and college counseling centers, schools, industries, courts, and prisons. Each licensee must restrict one's practice to those areas in which he or she is competent and must strive to do no harm. The deeply human interactions that take place in a psychologist's practice typically reflect a complicated combination of hope and despair. The Psychology Board has the responsibility for regulating behavior that typically occurs when patients are highly vulnerable in terms of their emotional condition, self-concept, and relationships. Without the Board's key functions, the public would not be adequately insulated from unscrupulous, incompetent, and negligent providers. Ohio's consumers of psychological services expect from their psychologist compassion, competence, trust, confidentiality, and a clearly defined role. The Psychology Board exists to ensure that Ohioans get these things.

The Board protects the public by meeting the following broad program objectives:

- **Licensing.** Ensuring that only those applicants meeting the requirements of laws and rules are licensed or certified in a timely manner. The Board's Entrance Examiner (currently the Executive Director, since 2001) bears responsibility for admitting all psychologist candidates to the appropriate examination(s) after determining eligibility. The Board's Entrance Examiner conducts rapid and timely reviews of applications for admission to the Certified Ohio Behavior Analyst (COBA) pre-certification jurisprudence workshop (conducted by the Executive Director and a member of the Board) and the written jurisprudence examination.

Duties

- **Enforcement.** Enforcing the laws and rules governing psychologists/school psychologists and Certified Ohio Behavior Analysts in a fair and consistent manner in an effort to ensure that license holders practice competently, legally, and ethically.
- **Education/Consultation.** Authorizing its staff, primarily the Executive Director, to provide timely and accurate information to members of the public and to applicants and license holders. This educational/consultation component is a less visible but important way to protect the public through the dissemination of information about the Board's laws, rules, and professional ethical principles, both in response to inquiries and by participating in continuing education programs conducted by the Executive Director and members of the Board targeting license and certification holders, students, and supervisees.
- **Interagency Cooperation.** Authorizing its Executive Director and staff members to correspond and collaborate with other state and federal entities, such as, but not limited to: Ohio Department of Jobs and Family Services; Office of the Attorney General's Medicaid Fraud Unit; the Counselor, Social Worker, and Marriage and Family Therapist Board; and, the State Medical Board, in an effort to foster the welfare of citizens and to hold accountable those persons who violate consumer's and patients' rights.

Membership *(Current members, chairperson and other officers, and selection process.)*

Denise E. Rabold, Ph.D. (Term ends October 4, 2023)
Columbus
Psychologist/President

Douglas Cole, Ph.D. (Term ends October 4, 2023)
Greene
Psychologist/Secretary

Alice H. Randolph, Ed.D. (Term ends October 4, 2020)
Port Clinton
Psychologist

Benjamin W. Fields, Ph.D. (Term ends October 4, 2020)
Columbus
Psychologist

Kenneth R. Drude, Ph.D. (Term ends October 4, 2021)
Dayton
Psychologist

Membership *(Current members, chairperson and other officers, and selection process.)*

Kate Borges (Term Ends October 4, 2021)
Columbus
Consumer Advocate

Elaine Motylinski (Term Ends October 4, 2022)
Cleveland
Consumer Advocate

Karen Cousins (Term ends October 4, 2023)
Columbus
Consumer Advocate

Adam Jacobs, Ph.D. (Term ends October 4, 2024)
Shaker Heights
Psychologist

Psychology Board membership and appointments are governed under the following statute:

The governor, with the advice and consent of the senate, shall appoint a state board of psychology consisting of nine persons who are citizens of the United States and residents of this state. Three members shall be patient advocates who are not mental health professionals and who either are parents or other relatives of a person who has received or is receiving mental health services or are representatives of organizations that represent persons who have received or are receiving mental health services. At least one patient advocate member shall be a parent or other relative of a mental health service recipient, and at least one patient advocate member shall be a representative of an organization representing mental health service recipients. Each of the remaining members shall be a licensed psychologist or a school psychologist licensed by the state board of psychology. the effective date of this amendment. Of the patient advocate members whose positions are created on, one shall replace the current member who is not a psychologist or other health professional at the end of that member's term, one shall be appointed for a term that ends on October 5, 2003, and one shall be appointed for a term that ends on October 5, 2006. Thereafter, terms of office for all members shall be for five years, commencing on the sixth day of October and ending on the fifth day of October. Each member shall hold office from the date of appointment until the end of the term for which the member was appointed. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of such term. Any member shall continue in office subsequent to the expiration date of the member's term until the member's successor takes office, or until a period of sixty days has elapsed, whichever occurs first. No person shall be appointed to more than two five-year terms in succession. The licensed psychologist and licensed school psychologist members of the board shall be so chosen that they represent the diverse fields of specialization and practice in the profession of psychology and the profession of school psychology. The governor may make such appointments from lists submitted annually by the Ohio Psychological Association, the Ohio School

Membership *(Current members, chairperson and other officers, and selection process.)*

Psychologists Association, and the Ohio association of black psychologists. A vacancy in an unexpired term shall be filled in the same manner as the original appointment.

Budget *(Current budget, description of budgeting process, sources of funding, and expected increases or decreases in budget or funding in future years.)*

The Psychology Board's FY21 budget allocation is \$696,000. Approximately 80% of the Board's annual expenditures are payroll costs. The Board is funded exclusively from its license fees deposited into the 4K90 Occupational Licensing Fund (no GRF funds are allocated to the Psychology Board). The Board submits biennial budget requests to OBM for inclusion in the biennial executive budget. The Board's budget allocation increases modestly each biennium, reflecting increased costs of doing business, mostly from DAS increases and contractual payroll increases. There are no expected budget increases of a substantial nature anticipated. the board's FY22-23 request has been submitted and comes in below the target (cap) for each of the two years.

Workload *(Assess current, past, and anticipated workload. Has the workload increased or decreased significantly in the preceding six years?)*

The Psychology Board's workload is divided among an office staff of 5 FTE and members of the Board. The Board has had 6 or 7 FTE historically, but eliminated a position around 2007 due to attrition. We went approximately one year at 4 FTE before hiring into a vacant investigator position in December 2012 to meet the demands of the investigation caseload. The workload can be characterized as steady and demanding and is anticipated to remain steady in the future. The Board members' roles extend well beyond attending board meetings, including resources put into the administration of pre-licensure oral jurisprudence examinations and oversight/consultation on investigations of complaints filed by consumers, clients, and patients. Over the past several years, the cumulative average number of hours submitted by members of the Board is approximately 480 hours combined. Approximately 90% of these hours are for the completion of Board responsibilities outside of board meetings.

Staffing *(How many staff are currently employed by the board? What are their roles? Are staffing levels proportionate to the board's current and anticipated workload?)*

The Psychology Board has been operating with five (5) FTE since 2012, a decrease from six (6) FTE. The 5 employees are office-based, currently on telework agreements due to COVID-19. The staffing level is appropriate for daily demands:

Executive Director (19 years Psychology Board tenure). Operational oversight and supervision of Board employees. Chief of enforcement; Board Entrance Examiner for approval of licenses issued; supervise investigations; budget preparation; monthly reconciliations of expenditures and revenue; liaison to other state agencies, boards, and commissions; issue licenses after determination of compliance with Board laws and rules; review applications and issue nonresident temporary permission to practice; Board meeting scheduling, preparation, and logistics; public relations and customer service.

Program Manager 1 (17 years Psychology Board tenure). Manager of licensing program; schedule examinations; asset management; COBA examination administration; public relations and customer service.

Investigator (15 years Psychology Board tenure). Investigations; case management; Public relations and customer service.

Investigator (8 years Psychology Board Tenure). Investigations; case management; Public relations and customer service.

Admin. Professional 2 (10 years Psychology Board tenure). Primary responsibility for customer service, including responsibility for main telephone line; office administration, including approval of service requests submitted to eLicense Ohio; invoice payment processing; entering deposits of revenue by check; daily oversight of general Board email inbox; monthly reconciliations of non-payroll expenditures.

Administrative hearings and public complaints *(Describe the Board's processes for administering discipline and addressing complaints. Assess the efficiency of the processes.)*

The formal complaint process is a structured process for patients, consumers, and organizations to follow. The process is efficient, especially with the implementation of complaint filing in the eLicense Ohio complaint portal (since 2018). The process is outlined on the Board's website, and in-office investigators are available to facilitate complaint filing by phone, email, and in-person. The complaint filing process includes identifying and demographic information, a complaint narrative, and legal releases of confidential information to establish the presence of a professional relationship. The Board's investigations are managed by a team of experts with intimate knowledge of the laws and rules governing psychologists and the laws and rules governing behavior analysts. Investigation teams include: 1) a Board investigator; 2) the Executive Director (who is a licensed psychologist); 3) a designated supervising Board member; and 4) the Board's AAG. Complaints are resolved through triage and determinations by the team about initiating a formal investigation or not, and whether informal educational intervention would serve to address any public safety issues present. Formal disciplinary actions are routinely settled via consent agreement if accountability and public protection can be met, although hearings are occasionally required to address serious complaints that cannot be handled via acceptable consent.

Administrative hearings and public complaints *(Describe the Board's processes for administering discipline and addressing complaints. Assess the efficiency of the processes.)*

agreements. Data indicate that approximately 2% of licensees are named annually in formal complaints, and of those complaints, approximately 15% result in a formal action against the license.

Psychologist's license

Survey responses (PSY)

Description

Psychology is a doctoral-level profession. With an average of 6-8 years of post-undergraduate training, psychologists are the most comprehensively trained mental health professionals. The psychologist license authorizes the independent practice of psychology pursuant to ORC 4732.01:

4732.01 Psychologist definitions.

As used in this chapter:

- (A) "Psychologist" means any person who holds self out to the public by any title or description of services incorporating the words "psychologic," "psychological," "psychologist," "psychic," or any other terms that imply the person is trained, experienced, or an expert in the field of psychology.
- (B) "The practice of psychology" means rendering or offering to render to individuals, groups, organizations, or the public any service involving the application of psychological procedures to assessment, diagnosis, prevention, treatment, or amelioration of psychological problems or emotional or mental disorders of individuals or groups; or to the assessment or improvement of psychological adjustment or functioning of individuals or groups, whether or not there is a diagnosable pre-existing psychological problem. Practice of psychology includes the practice of school psychology. For purposes of this chapter, teaching or research shall not be regarded as the practice of psychology, even when dealing with psychological subject matter, provided it does not otherwise involve the professional practice of psychology in which an individual's welfare is directly affected by the application of psychological procedures.

Description

(C) "Psychological procedures" include but are not restricted to application of principles, methods, or procedures of understanding, predicting, or influencing behavior, such as the principles pertaining to learning, conditioning, perception, motivation, thinking, emotions, or interpersonal relationships; the methods or procedures of verbal interaction, interviewing, counseling, behavior modification, environmental manipulation, group process, psychological psychotherapy, or hypnosis; and the methods or procedures of administering or interpreting tests of mental abilities, aptitudes, interests, attitudes, personality characteristics, emotions, or motivation.

The license requires a qualifying doctoral degree in psychology, a minimum of 3,600 hours of qualifying training, and passing scores on national and Board-administered examinations. There are several pathways to qualifying for the Board exam, including reciprocity and senior psychologist options.

Type (See R.C. 4798.01 for relevant definitions.)

License

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

Number issued annually	150
Number renewed annually	Biannual: 3,500
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	No

If the regulation is a registration, certification, or license requirement, please complete the following:	
Education or training requirements	Doctoral degree in psychology from a regionally accredited academic institution or a foreign institution meeting requirements and a minimum of 3,600 hours of satisfactory psychological training, or licensure in another jurisdiction and evidence of compliance with reciprocity requirements.
Experience requirements	Candidates not licensed by reciprocity shall evidence a minimum of 3,600 hours of qualifying supervised training.
Examination requirements (<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>)	Examination for Professional Practice in Psychology (EPPP): This is the national examination owned by the Association of State and Provincial Psychology Boards (ASPPB) and administered at Pearson VUE testing tests. The fee charged by ASPPB is \$600. Pearson Vue assesses a testing appointment fee of \$87.50. The Psychology Board does not receive any of these fees.
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	<ul style="list-style-type: none"> ▫ License holders are required to complete no fewer than 23 hours of qualifying continuing education credits biannually to qualify for license renewal. A minimum of four (4) hours shall be in ethics, professional conduct, and/or cultural competence. Continuing psychology education may be applied to meet the requirements if both of the following requirements are met: ▫ (1) It is obtained through a program or course approved by the state board of psychology, the Ohio psychological association, the Ohio association of black psychologists, or the American psychological association or, in the case of a school psychologist who holds a license issued under this chapter or a licensed psychologist with a school psychology specialty, by the state board of education, the Ohio school psychologists association, or the national association of school psychologists; ▫ (2) Completion of the program or course is recorded with the Ohio psychological association or the Ohio school psychologists association in accordance with rules adopted by the state board of psychology in accordance with division (A) of this section.
Initial fee	\$300

If the regulation is a registration, certification, or license requirement, please complete the following:	
Duration	2 years
Renewal fee <i>(If different from initial fee, please explain why.)</i>	\$365; set in ORC 4732.14 (A)
Does the Board recognize uniform licensure requirements or allow for reciprocity?	The Board rules include reciprocity pathways for licensure. These include professional credentials issue by the National Register of Health Service Psychologists and Diplomate status by the American Board of Professional Psychology. The Board also recognizes “senior psychologists” with a track record of practice and no discipline for a minimum of ten (10) years prior to the Ohio application. These options include a waiver of evidence of passing the EPPP.
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	No
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	Yes. ORC 4732.22 contains a list of individuals exempt from the licensing requirements and who may use techniques of a psychological nature without being licensed by the Board. These include recognized clergy, professionals licensed by other boards that regulate mental health services (e.g., counselors, social workers, psychiatric physicians), and other persons engaging in helping professions who do not hold themselves out as psychologists.
Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?	Board law and rules contain specific educational, training, and examination requirements. The Board has discretion to review applications for these requirements, although there is limited discretion if the qualifications are satisfied.
Other information <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i>	N/A

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

4732.16 Investigations.

(A) The state board of psychology shall investigate alleged violations of this chapter or the rules adopted under it. Each investigation shall be assigned by the executive director or designated investigator to one of the members of the board who shall serve as the supervising member of the investigation.

As part of its conduct of investigations, the board may examine witnesses, administer oaths, and issue subpoenas, except that the board may not compel the attendance of the respondent in an investigation. A subpoena for patient record information may be issued only if the supervising member, executive director, secretary, and an attorney from the office of the attorney general determine that there is probable cause to believe that the complaint alleges a violation of this chapter and that the records sought are relevant to the alleged violation and material to the investigation. No member of the board who supervises the investigation or approves the issuance of a subpoena for patient records shall participate in further adjudication of the case. The subpoena may apply only to records that cover a reasonable period of time surrounding the alleged violation. On failure of a person to comply with a subpoena issued by the board and after reasonable notice to that person, the board may move for an order compelling the production of records or persons pursuant to the Rules of Civil Procedure.

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

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

(B)

(1) The board shall conduct all investigations and proceedings in a manner that protects the confidentiality of patients and persons who file complaints with the board. The board shall not make public the names or any other identifying information about patients or complainants unless proper consent is given or, in the case of a patient, the patient privilege has been waived by the patient. Information received by the board pursuant to an investigation is confidential and not subject to discovery in any civil action.

(2) The board may share any information it receives pursuant to an investigation, including patient records and patient record information, with law enforcement agencies, other licensing boards, and other government agencies that are prosecuting, adjudicating, or investigating alleged violations of statutes or administrative rules. An agency or board that receives the information shall comply with the same

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

requirements regarding confidentiality as the board must comply with under division (B)(1) of this section, notwithstanding any conflicting provision of the Revised Code or procedure of the agency or board that applies when it is dealing with other information in its possession.

(3) In a judicial proceeding, any information the board receives pursuant to an investigation may be admitted into evidence only in accordance with the Ohio Rules of Evidence, but the court shall require that appropriate measures be taken to ensure that confidentiality is maintained with respect to any part of the information that contains names or other identifying information about patients or complainants whose confidentiality was protected by the board when the information was in the board's possession. Measures to ensure confidentiality that may be taken by the court include sealing its records or deleting specific information from its records.

4732.17 Actions against applicants or license holders.

(A) Subject to division (F) of this section, the state board of psychology may take any of the actions specified in division (C) of this section against an applicant for or a person who holds a license issued under this chapter on any of the following grounds as applicable:

(1) Conviction, including a plea of guilty or no contest, of a felony, or of any offense involving moral turpitude, in a court of this or any other state or in a federal court;

(2) A judicial finding of eligibility for intervention in lieu of conviction for a felony or any offense involving moral turpitude in a court of this or any other state or in a federal court;

(3) Using fraud or deceit in the procurement of the license to practice psychology or school psychology or knowingly assisting another in the procurement of such a license through fraud or deceit;

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

(5) Willful, unauthorized communication of information received in professional confidence;

(6) Being negligent in the practice of psychology or school psychology;

(7) Inability to practice according to acceptable and prevailing standards of care by reason of a mental, emotional, physiological, or pharmacological condition or substance abuse;

(8) Subject to section 4732.28 of the Revised Code, violating any rule of professional conduct promulgated by the board;

(9) Practicing in an area of psychology for which the person is clearly untrained or incompetent;

(10) An adjudication by a court, as provided in section 5122.301 of the Revised Code, that the person is incompetent for the purpose of holding the license. Such person may have the person's license issued or restored only upon determination by a court that the person is

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

competent for the purpose of holding the license and upon the decision by the board that such license be issued or restored. The board may require an examination prior to such issuance or restoration.

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

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

(13) Any of the following actions taken by the agency responsible for authorizing or certifying the person to practice or regulating the person's practice of a health care occupation or provision of health care services in this state or another jurisdiction, as evidenced by a certified copy of that agency's records and findings for any reason other than the nonpayment of fees:

(a) Limitation, revocation, or suspension of the person's license to practice;

(b) Acceptance of the person's license surrender;

(c) Denial of a license to the person;

(d) Refuse to renew or reinstate the person's license;

(e) Imposition of probation on the person;

(f) Issuance of an order of censure or other reprimand against the person;

(g) Other negative action or finding against the person about which information is available to the public.

(14) Offering or rendering psychological services after a license issued under this chapter has expired due to a failure to timely register under section 4732.14 of the Revised Code or complete continuing education requirements;

(15) Offering or rendering psychological services after a license issued under this chapter has been placed in retired status pursuant to section 4732.142 of the Revised Code;

(16) Unless the person is a school psychologist licensed by the state board of education:

(a) Offering or rendering school psychological services after a license issued under this chapter has expired due to a failure to timely register under section 4732.14 of the Revised Code or complete continuing education requirements;

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(b) Offering or rendering school psychological services after a license issued under this chapter has been placed in retired status pursuant to section 4732.142 of the Revised Code.

(17) Violating any adjudication order or consent agreement adopted by the board;

(18) Failure to submit to mental, cognitive, substance abuse, or medical evaluations, or a combination of these evaluations, ordered by the board under division (E) of this section.

(B) Notwithstanding divisions (A)(11) and (12) of this section, sanctions shall not be imposed against any license holder who waives deductibles and copayments:

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

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

(C) For any of the reasons specified in division (A) of this section, the board may do one or more of the following:

(1) Refuse to issue a license to an applicant;

(2) Issue a reprimand to a license holder;

(3) Suspend the license of a license holder;

(4) Revoke the license of a license holder;

(5) Limit or restrict the areas of practice of an applicant or a license holder;

(6) Require mental, substance abuse, or physical evaluations, or any combination of these evaluations, of an applicant or a license holder;

(7) Require remedial education and training of an applicant or a license holder.

(D) When it revokes the license of a license holder under division (C)(4) of this section, the board may specify that the revocation is permanent. An individual subject to permanent revocation is forever thereafter ineligible to hold a license, and the board shall not accept an application for reinstatement of the license or issuance of a new license.

(E) When the board issues a notice of opportunity for a hearing on the basis of division (A)(7) of this section, the supervising member of the board, with cause and upon consultation with the board's executive director and the board's legal counsel, may compel the applicant or license holder to submit to mental, cognitive, substance abuse, or medical evaluations, or a combination of these evaluations, by a person or

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

persons selected by the board. Notice shall be given to the applicant or license holder in writing signed by the supervising member, the executive director, and the board's legal counsel. The applicant or license holder is deemed to have given consent to submit to these evaluations and to have waived all objections to the admissibility of testimony or evaluation reports that constitute a privileged communication. The expense of the evaluation or evaluations shall be the responsibility of the applicant or license holder who is evaluated.

(F) Before the board may take action under this section, written charges shall be filed with the board by the secretary and a hearing shall be had thereon in accordance with Chapter 119. of the Revised Code, except as follows:

(1) On receipt of a complaint that any of the grounds listed in division (A) of this section exist, the state board of psychology may suspend a license issued under this chapter prior to holding a hearing in accordance with Chapter 119. of the Revised Code if it determines, based on the complaint, that there is an immediate threat to the public. A telephone conference call may be used to conduct an emergency meeting for review of the matter by a quorum of the board, taking the vote, and memorializing the action in the minutes of the meeting.

After suspending a license pursuant to division (F)(1) of this section, the board shall notify the license holder of the suspension in accordance with section 119.07 of the Revised Code. If the individual whose license is suspended fails to make a timely request for an adjudication under Chapter 119. of the Revised Code, the board shall enter a final order permanently revoking the license.

(2) The board shall adopt rules establishing a case management schedule for pre-hearing procedures by the hearing examiner or presiding board member. The schedule shall include applicable deadlines related to the hearing process, including all of the following:

(a) The date of the hearing;

(b) The date for the disclosure of witnesses and exhibits;

(c) The date for the disclosure of the identity of expert witnesses and the exchange of written reports;

(d) The deadline for submitting a request for the issuance of a subpoena for the hearing as provided under Chapter 119. of the Revised Code and division (F)(4) of this section.

(3) Either party to the hearing may submit a written request to the other party for a list of witnesses and copies of documents intended to be introduced at the hearing. The request shall be in writing and shall be served not less than thirty-seven days prior to the hearing, unless the hearing officer or presiding board member grants an extension of time to make the request. Not later than thirty days before the hearing, the responding party shall provide the requested list of witnesses, summary of their testimony, and copies of documents to the requesting party, unless the hearing officer or presiding board member grants an extension. Failure to timely provide a list or copies requested in accordance with this section may, at the discretion of the hearing officer or presiding board member, result in exclusion from the hearing of the witnesses, testimony, or documents.

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(4) In addition to subpoenas for the production of books, records, and papers requested under Chapter 119. of the Revised Code, either party may ask the board to issue a subpoena for the production of other tangible items.

The person subject to a subpoena for the production of books, records, papers, or other tangible items shall respond to the subpoena at least twenty days prior to the date of the hearing. If a person fails to respond to a subpoena issued by the board, after providing reasonable notice to the person, the board, the hearing officer, or both may proceed with enforcement of the subpoena pursuant to section 119.09 of the Revised 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?

Biannually, license applicants and license holders submit approximately \$1.5 million to the Psychology Board for deposit into the 4K90 account pursuant to:

4732.08 Depositing receipts.

All receipts of the state board of psychology from any source, including moneys collected under Chapter 4783. of the Revised Code, shall be deposited in the state treasury to the credit of the occupational licensing and regulatory fund.”

Overall, to regulate all license types, the Psychology Board is allotted biennial operating funds in an amount significantly less than its generated revenue. For example, in FY18-19, the Psychology Board received revenue from applicants and license holders of approximately \$1,488,000. The Board’s biennial expenditures for FY18-19 were approximately \$1,276,000, which was below our total allocation. The Board therefore remains self-funding and has not, since its inception in 1972, required Controlling Board approval of funding in excess of the Executive Budget allocations.

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

There are no federal laws to our knowledge that require the state to regulate the practice of psychology.

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

□ The practice of psychology is regulated under ORC 4732 because of the hazardous nature of psychological procedures, evaluations, and interventions. Harm comes in the form of patient rights violations, including but not limited to breaches of confidentiality, negligence (failing to provide care within a prevailing standard of care), failure to receive informed consent to services, sexual and financial exploitation, practicing while impaired, and rendering forensic psychology opinions in a biased manner. The Board’s regulations are intended to foster the general health, safety, and welfare of Ohio’s consumers of psychological services, including protection from incompetent and dangerous practices, fraud, and exploitation. Ohioans have a right to be free from the harm that can occur when exposed to incompetent and exploitative services. The Ohio General Assembly, via ORC 4732.17, authorizes the Board to hold psychologists accountable on the following grounds:

4732.17 Actions against applicants or license holders.

(A) Subject to division (F) of this section, the state board of psychology may take any of the actions specified in division (C) of this section against an applicant for or a person who holds a license issued under this chapter on any of the following grounds as applicable:

- (1) Conviction, including a plea of guilty or no contest, of a felony, or of any offense involving moral turpitude, in a court of this or any other state or in a federal court;
- (2) A judicial finding of eligibility for intervention in lieu of conviction for a felony or any offense involving moral turpitude in a court of this or any other state or in a federal court;
- (3) Using fraud or deceit in the procurement of the license to practice psychology or school psychology or knowingly assisting another in the procurement of such a license through fraud or deceit;
- (4) Accepting commissions or rebates or other forms of remuneration for referring persons to other professionals;
- (5) Willful, unauthorized communication of information received in professional confidence;
- (6) Being negligent in the practice of psychology or school psychology;
- (7) Inability to practice according to acceptable and prevailing standards of care by reason of a mental, emotional, physiological, or pharmacological condition or substance abuse;
- (8) Subject to section 4732.28 of the Revised Code, violating any rule of professional conduct promulgated by the board;
- (9) Practicing in an area of psychology for which the person is clearly untrained or incompetent;
- (10) An adjudication by a court, as provided in section 5122.301 of the Revised Code, that the person is incompetent for the purpose of holding the license. Such person may have the person’s license issued or restored only upon determination by a court that the person is

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

competent for the purpose of holding the license and upon the decision by the board that such license be issued or restored. The board may require an examination prior to such issuance or restoration.

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

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

(13) Any of the following actions taken by the agency responsible for authorizing or certifying the person to practice or regulating the person’s practice of a health care occupation or provision of health care services in this state or another jurisdiction, as evidenced by a certified copy of that agency’s records and findings for any reason other than the nonpayment of fees:

(a) Limitation, revocation, or suspension of the person’s license to practice;

(b) Acceptance of the person’s license surrender;

(c) Denial of a license to the person;

(d) Refuse to renew or reinstate the person’s license;

(e) Imposition of probation on the person;

(f) Issuance of an order of censure or other reprimand against the person;

(g) Other negative action or finding against the person about which information is available to the public.

(14) Offering or rendering psychological services after a license issued under this chapter has expired due to a failure to timely register under section 4732.14 of the Revised Code or complete continuing education requirements;

(15) Offering or rendering psychological services after a license issued under this chapter has been placed in retired status pursuant to section 4732.142 of the Revised Code;

(16) Unless the person is a school psychologist licensed by the state board of education:

(a) Offering or rendering school psychological services after a license issued under this chapter has expired due to a failure to timely register under section 4732.14 of the Revised Code or complete continuing education requirements;

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

(b) Offering or rendering school psychological services after a license issued under this chapter has been placed in retired status pursuant to section 4732.142 of the Revised Code.

(17) Violating any adjudication order or consent agreement adopted by the board;

(18) Failure to submit to mental, cognitive, substance abuse, or medical evaluations, or a combination of these evaluations, ordered by the board under division (E) of this section.

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

The Psychology Board has the responsibility for regulating behavior that typically occurs when patients are highly vulnerable in terms of their emotional condition, self-concept, and relationships. Ohio’s consumers of psychological services expect from their psychologists a certain level of compassion, competence, trust, confidentiality, and a clearly defined role. No set of regulatory laws and rules can prevent all harm among those in the regulated community. Therefore, there need to be clear statutory do’s and don’ts and rules of professional conduct rooted in patient rights and prevailing standards of care. The Board’s educational, training, and examination requirements for psychologists are effective and clear. The Board’s laws and rules governing complaint filing and investigations provide an efficient process rooted in due process for the license holder and compassion and trauma-based support for the complainant.

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

The public would benefit from the inclusion of a Certified Ohio Behavior Analyst (COBA) on the Board. The Board’s board member appointment requirements were not amended when taking on the regulation of COBA’s in 2013. The requirement to have six (6) psychologists/school psychologists and three (3) consumer advocates could be enhanced by a statutory change to 4732.02 requiring that there be a COBA on the Board or a psychologist who is also a COBA. This would help by ensuring that there is a board member who is trained and expert in Applied Behavior Analysis to assist with investigations specific to the practice of ABA (most of the complaints are in the context of services being rendered to children on the Autism Spectrum).

Comparison to other states *(How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)*

The practice of psychology is regulated by all 50 states, the District of Columbia, and U.S. territories. As a member of the Association of state and Provincial Psychology Boards (ASPPB), the Board is familiar with the regulations of other states. Professional conduct (ethics) rules evidence minor variability from state to state, although there is significant variability in state laws related to licensure qualifications. The Board's educational and training requirements for licensure are among the least restrictive and most flexible in the country. For example, approximately 50% of states require that the doctoral degree be awarded by a program that is accredited by the American Psychological Association (APA), and 70% of states require a minimum of one year of full-time post-doctoral training to qualify for licensure as a psychologist. The Ohio Board of Psychology has required neither since 2010, when HB503 eliminated a substantial barrier to licensure (the post-doctoral year of training).

Specifically, the Ohio Board's law provides applicants with nationally-recognized flexibility in terms of the academic program and the timing of qualifying supervised experience. In 2009 (HB503, 127th GA), the Board supported legislation that was enacted and which eliminated the post-doctoral training year requirement for applicants with doctoral degrees from APA-accredited programs, shaving at least a year off the requirements, and admitting psychologists into the workforce without unnecessary delay. The flexibility extends to the nature of the doctoral programs as well. Specifically, the Board continues to recognize doctoral degrees in psychology from programs not accredited by the APA as long as the academic institution holds regional accreditation by the American Council on Education. Applicants with non-accredited degrees remain eligible for licensure if they complete the post-doc year of training. This is a creative and flexible model of licensure that gives wide berth to various educational and training models.

The process leading to HB503 involved stakeholders from the academic and training communities in the wake of a major policy shift by the American Psychological Association (APA). Prior to the policy change, all states required a minimum of at least one-year of post-doctoral training prior to the issuance of the psychologist license. APA changed their model legislation by eliminating the post-doc year as mandatory, largely because the amount and quality of training within doctoral programs has improved so much over the past couple of decades. The Board supported the change to Ohio law to eliminate the post-doc year of training because we retained the requirement for 3,600 hours of training by allowing up to half of those hours to be completed under supervision within the doctoral program. Since 2010, this has resulted in approximately 50% of psychologist applicants to be licensed approximately one year earlier than would have been the case when the post-doc training year was mandatory.

Surrounding state comparison (LSC)

Psychologist						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (<i>R.C. 4732.09, 4732.13, and 4732.21</i>)	Yes (<i>Ind. Code Ann. 25-33-1-14(b)</i>)	Yes (<i>Ky. Rev. Stat. Ann. 319.005(1)</i>)	Yes (<i>Mich. Comp. Laws 333.18211(1)</i>)	Yes (<i>63 Pa. Cons. Stat. 1203</i>)	Yes (<i>W. Va. Code Ann. 30-21-3</i>)
Education or training	Meets one of the following: <ol style="list-style-type: none"> Received a doctorate, from an accredited institution and a program accredited by certain professional psychological associations; Received a doctorate in psychology or school psychology, but the program is not accredited by 	Possesses a doctoral degree in psychology from a recognized postsecondary educational institution and from an approved psychology (<i>Ind. Code Ann. 25-33-1-5.1(a)(4)</i>)	Meets both of the following: <ol style="list-style-type: none"> Received a doctoral degree in psychology that is acceptable to the Board of Examiners of Psychology from a regionally accredited educational institution, or a doctoral degree from an educational institution outside the U.S. that would have 	Received a doctoral degree, either in psychology or a closely related field, from a degree program that meets the following: <ol style="list-style-type: none"> Is offered by a Board of Psychology-approved college, university, or institution and includes appropriate psychology education and training; Has appropriate 	Holds either: <ol style="list-style-type: none"> A PhD in psychology, a Doctor in psychology, or a Doctor of Education in psychology; or A doctoral degree in a field related to psychology (<i>63 Pa. Cons. Stat. 1206(a)(2)</i>)	Holds either: <ol style="list-style-type: none"> A PhD (or equivalent); or A master's degree in psychology from an accredited higher education institution with adequate course study in psychology (<i>W. Va. Code Ann. 30-21-7(a)(3)</i>)

Psychologist						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<p>the professional psychological associations (referred to above);</p> <p>3. Received an equivalent degree to a psychology doctorate earned outside the U.S. or Canada; or</p> <p>4. Held a psychologist license, certificate, or registration required for practice in another U.S. or Canadian jurisdiction for at least ten years and meets educational, experience,</p>		<p>been similarly accredited had it been in the U.S.;</p> <p>2. Passed the Examination for Profession Practice in Psychology at the doctoral level</p> <p><i>(Ky. Rev. Stat. Ann. 319.050(2)(b) and (c))</i></p>	<p>accreditation/ registration by any of certain professional psychological associations or entities</p> <p><i>(Mich. Comp. Laws 333.18223(1)(a))</i></p>		

Psychologist						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	and professional requirements established by the State Board of Psychology <i>(R.C. 4732.10(B)(3))</i>					
Experience	Two years of supervised professional experience in psychological work (that includes one year of predoctoral internship) or, if received an equivalent degree or doctorate from a program without accreditation (as described above), two years of supervised experience in psychological	N/A	Two years of supervised professional experience (that includes one year of internship) <i>(Ky. Rev. Stat. Ann. 319.050(2)(d))</i>	Both of the following: 1. Internship integrated with the doctoral program or an equivalent postdoctoral internship; 2. One year postdoctoral experience in the practice of psychology <i>(Mich. Admin. Code R.</i>	Two years of supervised experience <i>(63 Pa. Cons. Stat. 1206(a)(2))</i>	For PhDs (or equivalent degree): 1,800 hours of predoctoral internship For master's degrees: five years postdegree experience providing psychological services <i>(W. Va. Code Ann. 30-21-7(a)(4))</i>

Psychologist						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	work (that includes one year of postdoctoral internship) (R.C. 4732.10(B)(4) and (5))			338.2543(b) and (c)		
Exam	Yes (R.C. 4732.10(A))	Yes (Ind. Code Ann. 25-33-1-5.1(a)(7))	Yes (Ky. Rev. Stat. Ann. 319.050(1))	Yes (Mich. Admin. Code R. 338.2545)	Yes (63 Pa. Cons. Stat. 1206(a)(3))	Yes (W. Va. Code Ann. 30-21-7; W. Va. Code R. 17-3-14)
Continuing education	23 hours (R.C. 4732.141(A) and (D))	40 hours (Ind. Code Ann. 25-33-2-2(a))	39 hours (201 Ky. Admin. Regs. 26:175, Section 2 (1))	30 hours (Mich. Admin. Code R. 338.2581(2))	30 hours (49 Pa. Code 41.59(b))	20 hours (W. Va. Code R. 17-3-20)
Initial licensure fee	\$300 (R.C. 4732.14; O.A.C. 4732-1-03(A))	\$100 (868 Ind. Admin. Code 1.1.-12-1.5)	\$250 (201 Ky. Admin. Regs. 26:160(4)(a))	\$162.20 (Michigan Licensing and Regulatory Affairs, Bureau of Professional Licensing, Psychology Licensing Guide)	\$105 (49 Pa. Code 41.12)	\$133 (W. Va. Code R. 17-1-2)
License duration	Two years (R.C. 4732.14; O.A.C. 4732-1-06)	Two years (868 Ind. Admin. Code 1.1.-15-2)	Three years (Ky. Rev. Stat. Ann. 319.071(1))	Two years (Michigan Licensing and Regulatory	Two years (49 Pa. Code 41.11(c) and (d))	Two years (W. Va. Code Ann. 30-21-8(b))

Psychologist						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
				<i>Affairs, Bureau of Professional Licensing, Psychology FAQ</i>		
Renewal fee	\$365 (<i>R.C. 4732.14(A); O.A.C. 4732-1-03(B)</i>)	\$100 (<i>868 Ind. Admin. Code 1.1-12-1.5</i>)	\$450 (<i>201 Ky. Admin. Regs. 26:160(5)</i>)	\$205.50 (<i>Michigan Licensing and Regulatory Affairs, Bureau of Professional Licensing, Psychology Licensing Guide</i>)	\$300 (<i>49 Pa. Code 41.12</i>)	\$450 (<i>W. Va. Code R. 17-1-2</i>)

School psychologist's license

Survey responses (PSY)

Description
<p>There are two school psychologist licenses issued in the state of Ohio. The Ohio Department of Education (ODE) issues a license for the practice of school psychology in school settings. The Psychology Board issues a school psychologist license that authorizes the practice of school psychology outside of school settings. The Board's license requires an additional three (3) years of experience beyond that required by ODE, a recent passing score on the national school psychology examination (Praxis) and a passing score on the Psychology Board's oral jurisprudence examination.</p> <p>ODE therefore has regulatory oversight of its school psychologists issued licenses to practice in school settings. Those school psychologists who wish to make services more broadly available to students and families outside of the school setting—for example, second opinion</p>

Description

evaluations, more intensive evaluations during summers, and highly personalized assessment and interventions specific to educationally-related learning problems—seek the Psychology Board’s license.

Type (See R.C. 4798.01 for relevant definitions.)

License

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

Number issued annually	15
Number renewed annually	200 (biannual)
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	No
Education or training requirements	Minimum of a master’s degree in school psychology from a regionally accredited academic institution

If the regulation is a registration, certification, or license requirement, please complete the following:	
Experience requirements	Four years full-time experience working as a school psychologist in a school setting
Examination requirements (<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>)	The Praxis School Psychology Specialty Examination is administered by the Educational Testing Service (ETS). It is the national examination for school psychologist licensure in the U.S. The cost charged by ETS is \$120, and the Psychology board does not receive any of those fees.
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	<ul style="list-style-type: none"> ▫ License holders are required to complete no fewer than 23 hours of qualifying continuing education credits biannually to qualify for license renewal. A minimum of four (4) hours shall be in ethics, professional conduct, and/or cultural competence. Continuing psychology education may be applied to meet the requirements if both of the following requirements are met: ▫ (1) It is obtained through a program or course approved by the state board of psychology, the Ohio psychological association, the Ohio association of black psychologists, or the American psychological association or, in the case of a school psychologist who holds a license issued under this chapter or a licensed psychologist with a school psychology specialty, by the state board of education, the Ohio school psychologists association, or the national association of school psychologists; ▫ (2) Completion of the program or course is recorded with the Ohio psychological association or the Ohio school psychologists association in accordance with rules adopted by the state board of psychology in accordance with division (A) of this section.
Initial fee	\$300
Duration	2 years
Renewal fee (<i>If different from initial fee, please explain why.</i>)	\$365; set in ORC 4732.14 (A)

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?	No.
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	The National Association of School Psychologists (NASP) offers a private credential “Nationally Certified School Psychologist (NCSP).” This credential could be used for ODE licensure because it is entry-level and is based only on a master’s degree and a passing Praxis test core. It does not require the additional experience that is conducted by the Board (set in ORC 4732.10), and does not require a passing score on the Ohio oral jurisprudence examination.
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	<p>Yes. Most school psychologist in Ohio are only licensed by the ODE. By law, those individuals practicing only in school settings do not require licensure by the Psychology Board. This exemption is found here:</p> <p>4732.22 Exemptions from licensing requirements.</p> <p>(A) The following persons are exempted from the licensing requirements of this chapter:</p> <p>(1) A person who holds a license or certificate issued by the state board of education authorizing the practice of school psychology, while practicing school psychology within the scope of employment by a board of education or by a private school meeting the standards prescribed by the state board of education under division (D) of section 3301.07 of the Revised Code, or while acting as a school psychologist within the scope of employment in a program for children with disabilities established under Chapter 3323. or 5126. of the Revised Code. A person exempted under this division shall not offer psychological services to any other individual, organization, or group for remuneration, monetary or otherwise, unless the person is licensed by the state board of psychology.</p>
Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?	Board law and rules contain specific educational, training, and examination requirements. The Board has discretion to review applications for these requirements, although there is limited discretion if the qualifications are satisfied.

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

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

N/A

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

4732.16 Investigations.

(A) The state board of psychology shall investigate alleged violations of this chapter or the rules adopted under it. Each investigation shall be assigned by the executive director or designated investigator to one of the members of the board who shall serve as the supervising member of the investigation.

As part of its conduct of investigations, the board may examine witnesses, administer oaths, and issue subpoenas, except that the board may not compel the attendance of the respondent in an investigation. A subpoena for patient record information may be issued only if the supervising member, executive director, secretary, and an attorney from the office of the attorney general determine that there is probable cause to believe that the complaint alleges a violation of this chapter and that the records sought are relevant to the alleged violation and material to the investigation. No member of the board who supervises the investigation or approves the issuance of a subpoena for patient records shall participate in further adjudication of the case. The subpoena may apply only to records that cover a reasonable period of time surrounding the alleged violation. On failure of a person to comply with a subpoena issued by the board and after reasonable notice to that person, the board may move for an order compelling the production of records or persons pursuant to the Rules of Civil Procedure.

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

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

(B)

(1) The board shall conduct all investigations and proceedings in a manner that protects the confidentiality of patients and persons who file complaints with the board. The board shall not make public the names or any other identifying information about patients or complainants

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

unless proper consent is given or, in the case of a patient, the patient privilege has been waived by the patient. Information received by the board pursuant to an investigation is confidential and not subject to discovery in any civil action.

(2) The board may share any information it receives pursuant to an investigation, including patient records and patient record information, with law enforcement agencies, other licensing boards, and other government agencies that are prosecuting, adjudicating, or investigating alleged violations of statutes or administrative rules. An agency or board that receives the information shall comply with the same requirements regarding confidentiality as the board must comply with under division (B)(1) of this section, notwithstanding any conflicting provision of the Revised Code or procedure of the agency or board that applies when it is dealing with other information in its possession.

(3) In a judicial proceeding, any information the board receives pursuant to an investigation may be admitted into evidence only in accordance with the Ohio Rules of Evidence, but the court shall require that appropriate measures be taken to ensure that confidentiality is maintained with respect to any part of the information that contains names or other identifying information about patients or complainants whose confidentiality was protected by the board when the information was in the board's possession. Measures to ensure confidentiality that may be taken by the court include sealing its records or deleting specific information from its records.

Added by 130th General Assembly File No. 51, HB 83, §1, eff. 3/20/2014.

4732.17 Actions against applicants or license holders.

(A) Subject to division (F) of this section, the state board of psychology may take any of the actions specified in division (C) of this section against an applicant for or a person who holds a license issued under this chapter on any of the following grounds as applicable:

(1) Conviction, including a plea of guilty or no contest, of a felony, or of any offense involving moral turpitude, in a court of this or any other state or in a federal court;

(2) A judicial finding of eligibility for intervention in lieu of conviction for a felony or any offense involving moral turpitude in a court of this or any other state or in a federal court;

(3) Using fraud or deceit in the procurement of the license to practice psychology or school psychology or knowingly assisting another in the procurement of such a license through fraud or deceit;

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

(5) Willful, unauthorized communication of information received in professional confidence;

(6) Being negligent in the practice of psychology or school psychology;

(7) Inability to practice according to acceptable and prevailing standards of care by reason of a mental, emotional, physiological, or pharmacological condition or substance abuse;

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(8) Subject to section 4732.28 of the Revised Code, violating any rule of professional conduct promulgated by the board;

(9) Practicing in an area of psychology for which the person is clearly untrained or incompetent;

(10) An adjudication by a court, as provided in section 5122.301 of the Revised Code, that the person is incompetent for the purpose of holding the license. Such person may have the person's license issued or restored only upon determination by a court that the person is competent for the purpose of holding the license and upon the decision by the board that such license be issued or restored. The board may require an examination prior to such issuance or restoration.

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

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

(13) Any of the following actions taken by the agency responsible for authorizing or certifying the person to practice or regulating the person's practice of a health care occupation or provision of health care services in this state or another jurisdiction, as evidenced by a certified copy of that agency's records and findings for any reason other than the nonpayment of fees:

(a) Limitation, revocation, or suspension of the person's license to practice;

(b) Acceptance of the person's license surrender;

(c) Denial of a license to the person;

(d) Refuse to renew or reinstate the person's license;

(e) Imposition of probation on the person;

(f) Issuance of an order of censure or other reprimand against the person;

(g) Other negative action or finding against the person about which information is available to the public.

(14) Offering or rendering psychological services after a license issued under this chapter has expired due to a failure to timely register under section 4732.14 of the Revised Code or complete continuing education requirements;

(15) Offering or rendering psychological services after a license issued under this chapter has been placed in retired status pursuant to section 4732.142 of the Revised Code;

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

(16) Unless the person is a school psychologist licensed by the state board of education:

(a) Offering or rendering school psychological services after a license issued under this chapter has expired due to a failure to timely register under section 4732.14 of the Revised Code or complete continuing education requirements;

(b) Offering or rendering school psychological services after a license issued under this chapter has been placed in retired status pursuant to section 4732.142 of the Revised Code.

(17) Violating any adjudication order or consent agreement adopted by the board;

(18) Failure to submit to mental, cognitive, substance abuse, or medical evaluations, or a combination of these evaluations, ordered by the board under division (E) of this section.

(B) Notwithstanding divisions (A)(11) and (12) of this section, sanctions shall not be imposed against any license holder who waives deductibles and copayments:

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

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

(C) For any of the reasons specified in division (A) of this section, the board may do one or more of the following:

(1) Refuse to issue a license to an applicant;

(2) Issue a reprimand to a license holder;

(3) Suspend the license of a license holder;

(4) Revoke the license of a license holder;

(5) Limit or restrict the areas of practice of an applicant or a license holder;

(6) Require mental, substance abuse, or physical evaluations, or any combination of these evaluations, of an applicant or a license holder;

(7) Require remedial education and training of an applicant or a license holder.

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(D) When it revokes the license of a license holder under division (C)(4) of this section, the board may specify that the revocation is permanent. An individual subject to permanent revocation is forever thereafter ineligible to hold a license, and the board shall not accept an application for reinstatement of the license or issuance of a new license.

(E) When the board issues a notice of opportunity for a hearing on the basis of division (A)(7) of this section, the supervising member of the board, with cause and upon consultation with the board's executive director and the board's legal counsel, may compel the applicant or license holder to submit to mental, cognitive, substance abuse, or medical evaluations, or a combination of these evaluations, by a person or persons selected by the board. Notice shall be given to the applicant or license holder in writing signed by the supervising member, the executive director, and the board's legal counsel. The applicant or license holder is deemed to have given consent to submit to these evaluations and to have waived all objections to the admissibility of testimony or evaluation reports that constitute a privileged communication. The expense of the evaluation or evaluations shall be the responsibility of the applicant or license holder who is evaluated.

(F) Before the board may take action under this section, written charges shall be filed with the board by the secretary and a hearing shall be had thereon in accordance with Chapter 119. of the Revised Code, except as follows:

(1) On receipt of a complaint that any of the grounds listed in division (A) of this section exist, the state board of psychology may suspend a license issued under this chapter prior to holding a hearing in accordance with Chapter 119. of the Revised Code if it determines, based on the complaint, that there is an immediate threat to the public. A telephone conference call may be used to conduct an emergency meeting for review of the matter by a quorum of the board, taking the vote, and memorializing the action in the minutes of the meeting.

After suspending a license pursuant to division (F)(1) of this section, the board shall notify the license holder of the suspension in accordance with section 119.07 of the Revised Code. If the individual whose license is suspended fails to make a timely request for an adjudication under Chapter 119. of the Revised Code, the board shall enter a final order permanently revoking the license.

(2) The board shall adopt rules establishing a case management schedule for pre-hearing procedures by the hearing examiner or presiding board member. The schedule shall include applicable deadlines related to the hearing process, including all of the following:

(a) The date of the hearing;

(b) The date for the disclosure of witnesses and exhibits;

(c) The date for the disclosure of the identity of expert witnesses and the exchange of written reports;

(d) The deadline for submitting a request for the issuance of a subpoena for the hearing as provided under Chapter 119. of the Revised Code and division (F)(4) of this section.

(3) Either party to the hearing may submit a written request to the other party for a list of witnesses and copies of documents intended to be introduced at the hearing. The request shall be in writing and shall be served not less than thirty-seven days prior to the hearing, unless the

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

hearing officer or presiding board member grants an extension of time to make the request. Not later than thirty days before the hearing, the responding party shall provide the requested list of witnesses, summary of their testimony, and copies of documents to the requesting party, unless the hearing officer or presiding board member grants an extension. Failure to timely provide a list or copies requested in accordance with this section may, at the discretion of the hearing officer or presiding board member, result in exclusion from the hearing of the witnesses, testimony, or documents.

(4) In addition to subpoenas for the production of books, records, and papers requested under Chapter 119. of the Revised Code, either party may ask the board to issue a subpoena for the production of other tangible items.

The person subject to a subpoena for the production of books, records, papers, or other tangible items shall respond to the subpoena at least twenty days prior to the date of the hearing. If a person fails to respond to a subpoena issued by the board, after providing reasonable notice to the person, the board, the hearing officer, or both may proceed with enforcement of the subpoena pursuant to section 119.09 of the Revised 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?**

Biannually, school psychologist license applicants and license holders account for approximately \$80,000 in revenue deposited to the 4K90 account. All deposits are credited to the Psychology board and are allocated to the contributing boards during the biennial budget process pursuant to:

4732.08 Depositing receipts.

All receipts of the state board of psychology from any source, including moneys collected under Chapter 4783. of the Revised Code, shall be deposited in the state treasury to the credit of the occupational licensing and regulatory fund.”

Overall, to regulate all license types, the Psychology Board is allotted biennial operating funds in an amount significantly less than its generated revenue. For example, in FY18-19, the Psychology Board received revenue from applicants and license holders of approximately \$1,488,000. The Board’s biennial expenditures for FY18-19 were approximately \$1,276,000, which was below our total allocation. The Board therefore remains self-funding and has not, since its inception in 1972, required Controlling Board approval of funding in excess of the Executive Budget allocations.

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

There are no federal laws to our awareness that require the state to regulate the practice of school psychology.

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

▫ The practice of school psychology is regulated under ORC 4732 because of the hazardous nature of psychological procedures, evaluations, interventions. Harm comes in the form of patient rights violations, including but not limited to breaches of confidentiality, negligence (failing to provide care within a prevailing standard of care), failure to receive informed consent to services, sexual and financial exploitation, practicing while impaired, and rendering forensic psychology opinions in a biased manner. The Board’s regulations are intended to foster the general health, safety, and welfare of Ohio’s consumers of psychological services, including protection from incompetent and dangerous practices, fraud, and exploitation. The Ohio General Assembly, via ORC 4732.17, authorizes the Board to hold psychologists accountable on the following grounds:

4732.17 Actions against applicants or license holders.

(A) Subject to division (F) of this section, the state board of psychology may take any of the actions specified in division (C) of this section against an applicant for or a person who holds a license issued under this chapter on any of the following grounds as applicable:

- (1) Conviction, including a plea of guilty or no contest, of a felony, or of any offense involving moral turpitude, in a court of this or any other state or in a federal court;
- (2) A judicial finding of eligibility for intervention in lieu of conviction for a felony or any offense involving moral turpitude in a court of this or any other state or in a federal court;
- (3) Using fraud or deceit in the procurement of the license to practice psychology or school psychology or knowingly assisting another in the procurement of such a license through fraud or deceit;
- (4) Accepting commissions or rebates or other forms of remuneration for referring persons to other professionals;
- (5) Willful, unauthorized communication of information received in professional confidence;

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

- (6) Being negligent in the practice of psychology or school psychology;
- (7) Inability to practice according to acceptable and prevailing standards of care by reason of a mental, emotional, physiological, or pharmacological condition or substance abuse;
- (8) Subject to section 4732.28 of the Revised Code, violating any rule of professional conduct promulgated by the board;
- (9) Practicing in an area of psychology for which the person is clearly untrained or incompetent;
- (10) An adjudication by a court, as provided in section 5122.301 of the Revised Code, that the person is incompetent for the purpose of holding the license. Such person may have the person’s license issued or restored only upon determination by a court that the person is competent for the purpose of holding the license and upon the decision by the board that such license be issued or restored. The board may require an examination prior to such issuance or restoration.
- (11) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers psychological services, would otherwise be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that provider;
- (12) Advertising that the person will waive the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers psychological services, would otherwise be required to pay;
- (13) Any of the following actions taken by the agency responsible for authorizing or certifying the person to practice or regulating the person’s practice of a health care occupation or provision of health care services in this state or another jurisdiction, as evidenced by a certified copy of that agency’s records and findings for any reason other than the nonpayment of fees:
 - (a) Limitation, revocation, or suspension of the person’s license to practice;
 - (b) Acceptance of the person’s license surrender;
 - (c) Denial of a license to the person;
 - (d) Refuse to renew or reinstate the person’s license;
 - (e) Imposition of probation on the person;
 - (f) Issuance of an order of censure or other reprimand against the person;
 - (g) Other negative action or finding against the person about which information is available to the public.

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

- (14) Offering or rendering psychological services after a license issued under this chapter has expired due to a failure to timely register under section 4732.14 of the Revised Code or complete continuing education requirements;
- (15) Offering or rendering psychological services after a license issued under this chapter has been placed in retired status pursuant to section 4732.142 of the Revised Code;
- (16) Unless the person is a school psychologist licensed by the state board of education:
 - (a) Offering or rendering school psychological services after a license issued under this chapter has expired due to a failure to timely register under section 4732.14 of the Revised Code or complete continuing education requirements;
 - (b) Offering or rendering school psychological services after a license issued under this chapter has been placed in retired status pursuant to section 4732.142 of the Revised Code.
- (17) Violating any adjudication order or consent agreement adopted by the board;
- (18) Failure to submit to mental, cognitive, substance abuse, or medical evaluations, or a combination of these evaluations, ordered by the board under division (E) of this section.

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

The Psychology Board has the responsibility for regulating the behavior of school psychologists that typically occurs when patients are highly vulnerable in terms of their emotional condition, self-concept, and relationships. Ohioans typically seek services when there is a crisis of living. Ohio’s consumers of psychological services expect from their psychologist compassion, competence, trust, confidentiality, and a clearly defined role. No set of laws and regulations alone can prevent all harm among those in the regulated community. However, there need to be clear statutory do’s and don’ts and rules of professional conduct rooted in patient rights and prevailing standards of care. The Board’s educational, training, and examination requirements for school psychologists are effective and clear. The Board’s laws and rules governing complaint filing and investigations provide an efficient process rooted in due process for the license holder and compassion and support for the complainant.

Less restrictive ways to prevent harm are not appropriate in this area of regulatory law, most notably due to the importance of context in the conduct of investigations and the negotiation of disciplinary actions. For example, state policy holds in ORC 103.27 that protecting the general health, safety, and welfare is consistent with conducting periodic inspections. However, the practice of psychology is not amenable to inspections because of privacy and confidentiality. When maintaining accountability in the practice of psychology, it is not so simple as entering an establishment to conduct observations or take inventory, etc. On the contrary, many violations in the practice of psychology occur in private or within a confidential process that requires the expertise of Board members and seasoned career employees to unravel, interpret,

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

and understand. Understanding the nuance and the context within which complaints are filed and allegations are made is critical both for the complainant and for the license holder subject to a complaint. In addition to protecting the general health, safety and welfare of Ohioans, patient complaints about financial issues or fraud are always rooted in context and can be nuanced. This is why occupational expertise is required at the Psychology Board. Psychologist board members and psychology investigators are the best equipped to answer questions raised in investigations. The Board asserts that there must be a public complaint process that can result in detailed investigations including a review of records, and only the patient can release records to the Board. Psychologists are put on notice about the law and rules of professional conduct when issued the license, and disciplinary actions are made public.

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

The Board's state at ORC 4732.11 (D) requires the appointment of a School Psychology Examination Committee. This made sense many years ago, when the committee administered an essay examination and a special oral examination to school psychology license candidates. However, the essay examination was discontinued in approximately 2008, and the Board has been administering the same oral examination to the school psychology candidates as to the psychologist candidates since approximately 2010. The number of school psychology applicants is modest, and members of the Board have been able to integrate the examinations into their schedules without the need to ask members of the School Psychology Examination Committee to administer exams. Therefore, the committee specified in ORC 4732.11 (D) is redundant and expensive, in that it costs money from the Board budget to carry committee members on payroll, and pay for their annual financial disclosure statements filed with the Ohio Ethics Commission. The committee is no longer needed to serve its designated function, so ORC 4732.11 (D) could be struck.

Comparison to other states *(How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)*

The Board's regulations in the area of School Psychology are generally consistent with other state board of psychology that regulate the practice of school psychologists outside of school settings. This is known as a masters-level limited license, and those states that issue such a license tend to show uniformity in this area of licensure.

Surrounding state comparison (LSC)

School Psychologist						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (<i>R.C. 4732.09, 4732.13, and 4732.21</i>)	Yes – independent practice endorsement (<i>511 Ind. Admin. Code 19-1-2</i>)	Yes (<i>Ky. Rev. Stat. Ann. 319.005(1)</i>)	Yes (<i>Mich. Admin. Code R. 380.202</i>)	Yes – educational specialist certificate (<i>24 Pa. Cons. Stat. 2070.2 and 2070.1b; 22 Pa. Code 49.1, 49.102, and 49.103</i>)	Yes (<i>W. Va. Code Ann. 30-21-3; W. Va. Code R. 17-3-16.1.a, and 16.1.b</i>)
Education or training	Meets both of the following: 1. Received at least a master’s degree in school psychology, or equivalent degree, from an educational institution accredited or recognized by national or regional accrediting agencies as	Meets all of the following: 1. Currently licensed as a school psychologist in Indiana; 2. Employed by certain entities at least 30 hours per week, unless one of the following applies: a. The individual is retired from	Meets both of the following: 1. Received a doctoral degree in school psychology that is acceptable to the Board from a regionally accredited educational institution, or a doctoral degree in school psychology	Possess both of the following: 1. A Michigan preliminary school psychologist certificate; 2. A specialist-level degree, or an equivalent, in school psychology with at least 60 semester credit hours in the topic	Meets all of the following: 1. Completes a Department-approved induction program; 2. 24 credit hours of either: a. Collegiate study, or its equivalent, in Department-approved credits;	Meets the following: 1. Obtained a valid certificate of school psychology from the State Superintendent of Schools, a Certificate of Advance Study (CAS) in school psychology, and a master’s degree in

School Psychologist						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<p>maintaining satisfactory standards, including those approved by the State Board of Education;</p> <p>2. Completed 60 quarter hours, or semester-hour equivalent, at the graduate level, of accredited study in coursework relevant to school psychology <i>(R.C. 4732.10(C)(1) and (4))</i></p>	<p>full-time or part-time employment as a school psychologist; or</p> <p>b. The individual has a medical condition or disability that restricts mobility required for school employment;</p> <p>3. Received 60 semester hour master's or specialist degree in school psychology from one of the following:</p> <p>a. A recognized institution</p>	<p>from an educational institution outside the U.S. that would have been similarly accredited had it been in the U.S.;</p> <p>2. Passed the Examination for Profession Practice in Psychology at the doctoral level</p> <p><i>(Ky. Rev. Stat. Ann. 319.050(2)(b) and (c); email correspondence with Chessica Nation, Administrative Section Supervisor, Department of Professional Licensing, August 24, 2020)</i></p>	<p><i>(Mich. Admin. Code R. 380.204, 380.205, and 380.206)</i></p>	<p>b. Credits from an intermediate unit; or</p> <p>c. Any combination of the two</p> <p><i>(22 Pa. Code 49.103(1) and (3))</i></p>	<p>school psychology from a Board of Examiners of Psychologists-approved institution of higher education; or received equivalent training as determined by the Board</p> <p><i>(W. Va. Code Ann. 30-21-7b(1) and 30-21-7c(1))</i></p>

School Psychologist						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
		<p>of higher learning; or</p> <p>b. A non-U.S. institution that has a program that meets the State Psychology Board's standards</p> <p><i>(511 Ind. Admin. Code 19-1-4(1), (2), and (3))</i></p>				
Experience	<p>Completes the following:</p> <ol style="list-style-type: none"> 1. An internship in an educational institution approved by the Ohio Department of Education (ODE) for school psychology supervised 	<p>All of the following:</p> <ol style="list-style-type: none"> 1. Complete graduate-level coursework and a practicum in assessment and counseling; 2. 1,200 hours of school psychology experience 	<p>Two years of supervised professional experience (that includes one year of internship) <i>(Ky. Rev. Stat. Ann. 319.050(2)(d))</i></p>	<p>1,200-clock-hour internship with students in an approved school psychology prep program, with a minimum of 600 hours in a school setting with supervision <i>(Mich. Admin. Code R. 380.206(1)(c))</i></p>	<p>Held an Education Specialist I certificate for three years <i>(22 Pa. Code 49.103(2))</i></p>	<p>Three academic years of supervised experience in school psychology, which includes one year post degree internship or externship towards completion of the requirements for a CAS in school psychology or</p>

School Psychologist						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<p>experience or one year of other training experience acceptable to the Board;</p> <p>2. 27 months, exclusive of internship, of one of the following:</p> <p>a. A full-time experience as a certificated school psychologist employed by a public or a private school meeting ODE's standards; or</p> <p>b. An experience the Board</p>	<p>beyond the master's degree level (at least 600 hours of which are in a school setting with supervision by a licensed psychologist, school psychologist, or physician);</p> <p>3. 400 hours of supervised experience in identification and referral of mental and behavioral disorders; and</p> <p>4. 52 hours of supervision with a licensed physician, psychologist, or a school psychologist</p>				<p>similar designation approved the Board (<i>W. Va. Code Ann. 30-21-7b(2)</i>)</p> <p>Two additional years of Board-approved supervision by a licensed school psychologist are needed for Level 2 status (<i>W. Va. Code Ann. 30-21-7c(2)</i>)</p>

School Psychologist						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	deems equivalent <i>(R.C. 4732.10(C) (5) and (6))</i>	that meets certain requirements <i>(511 Ind. Admin. Code 19-1-4(4) to (7))</i>				
Exam	Yes <i>(R.C. 4732.11(B)(1))</i>	Yes <i>(511 Ind. Admin. Code 19-1-4(10))</i>	Yes <i>(Ky. Rev. Stat. Ann. 319.050(1))</i>	N/A	Yes <i>(Pennsylvania Department of Education, CSPG 7-Level II (Permanent) Certification)</i>	Yes <i>(W. Va. Code Ann. 30-21-7b(3) and 30-21-7c(3))</i>
Continuing education	23 hours <i>(R.C. 4732.141(A)(1))</i>	90 hours <i>(511 Ind. Admin. Code 14-2-3(e))</i>	39 hours <i>(201 Ky. Admin. Regs. 26:175, Section 2(1))</i>	150 hours <i>(Mich. Admin. Code R. 380.206(7))</i>	Must meet one of the following every five years in order to maintain active Education Specialist II certification: 1. Six credits of collegiate study; 2. Six credits of continuing professional education courses;	30 hours <i>(W. Va. Code R. 17-3-20.6)</i>

School Psychologist						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
					3. 180 hours of continuing professional education courses, programs, activities, etc.; or 4. Any combination of the above equaling 180 hours, with one credit equaling 30 hours <i>(24 Pa. Cons. Stat. 12-1205.2(a)(1) to (4) and (b))</i>	
Initial licensure fee	\$300 (<i>O.A.C. 4732-1-03(A)</i>)	\$70 (<i>Indiana Department of Education, Licensing Fees</i>)	\$250 (<i>201 Ky. Admin. Regs. 26:160(4)(a)</i>)	\$160 (in-state) \$210 (out-of-state) <i>(Mich. Comp. Laws 380.1538(1)(a)(xi))</i>	\$200 one-time fee for certification as Education Specialist I and another for Education Specialist II <i>(Pennsylvania Department of</i>	\$133 (<i>W. Va. Code R. 17-1-2.1</i>)

School Psychologist						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
					<i>Education, Application Fees</i>	
License duration	Two years (<i>O.A.C. 4732-1-03(B)</i>)	Five years (<i>511 Ind. Admin. Code 14-3-2</i>)	Three years (<i>Ky. Rev. Stat. Ann. 319.071(1)</i>)	Five years (<i>Mich. Admin. Code R. 380.206(5)</i>)	Education Specialist I certification expires after six years, Education Specialist II certification does not expire but can become inactive if continuing education requirements are not met (<i>22 Pa. Code 49.2(a); Pennsylvania Department of Education, Level II Certification</i>)	Three years (<i>W. Va. Code R. 17-1-2.3.3 and 17-1-2.3.4</i>)
Renewal fee	\$365 (<i>O.A.C. 4732-1-03(B)</i>)	\$35 (<i>Indiana Department of Education, Licensing Fees</i>)	\$450 (<i>201 Ky. Admin. Regs. 26:160(5)</i>)	\$160 (<i>Mich. Comp. Laws 380.1538(1)(b)(vi)</i>)	N/A	\$200 (<i>W. Va. Code R. 17-1-2.1. and 2.3.3</i>) \$300 for Level 2 (<i>W. Va. Code R. 17-1-2.3.4</i>)

Certified Ohio behavior analyst

Survey responses (PSY)

Description

The Psychology Board has been regulating the practice of applied behavior analysis (ABA) since 2013, when HB59 of the 130th General Assembly was enacted as ORC 4783.

4783.01 Definitions.

As used in this chapter:

(A) "Certified Ohio behavior analyst" means an individual holding a current, valid certificate issued under section 4783.04 of the Revised Code.

(B)

(1) "Practice of applied behavior analysis" means the design, implementation, and evaluation of instructional and environmental modifications to produce socially significant improvements in human behavior and includes the following:

(a) The empirical identification of functional relations between behavior and environmental factors, known as functional assessment and analysis;

(b) Interventions based on scientific research and the direct observation and measurement of behavior and the environment;

(c) Utilization of contextual factors, motivating operations, antecedent stimuli, positive reinforcement, and other consequences to help people develop new behaviors, increase or decrease existing behaviors, and emit behaviors under specific environmental conditions.

(2) "Practice of applied behavior analysis" does not include psychological testing, diagnosis of a mental or physical disorder, neuropsychology, psychotherapy, cognitive therapy, sex therapy, psychoanalysis, hypnotherapy, and long-term counseling as treatment modalities.

Certified Ohio Behavior Analysts (COBA) are trained to provide evidence-based assessments and interventions, most frequently with children on the Autism Spectrum. The increasing incidence and prevalence of Autism Spectrum Disorders (ASD) has led to a critical need for tested interventions in Ohio and across the country. This license authorizes license holders to engage in the independent practice of ABA and the oversight and supervision of treatment plans administered by supervisees. The COBA license requires a minimum of a master's degree in Applied Behavior Analysis, an active, valid credential called the Board Certified Behavior Analyst (BCBA), issued by the Behavior Analyst Certification Board, attendance at the Board-led jurisprudence workshop, and a passing score on a written examination covering the Ohio laws and rules governing Certified Ohio Behavior Analysts.

Type (See R.C. 4798.01 for relevant definitions.)

License

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

Number issued annually	120
Number renewed annually	650
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	Significant increase. The first COBA was issued in March 2014. Over the past six (6) years, the Board has issued in excess of 800 licenses, with a current Active total of 672.
Education or training requirements	Pursuant to ORC 4783. 04, applicants shall evidence a valid BCBA issued by the Behavior Analyst Certification Board. This is a private certification that requires a minimum of a master's degree in Applied Behavior Analysis and specific documented experiences.
Experience requirements	2000 hours. The experience requirements for the BCBA are set by the Behavior Analyst Certification Board.

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

Examination requirements (*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?*)

The Behavior Analyst Certification Board owns and administers the BCBA examination. The fee is \$125, and the Psychology Board does not receive any funds from that process. The COBA law, at ORC 4783.04, requires that the applicant demonstrate an understanding of the law regarding behavioral health practice. By Board rule, the candidates are required to attend a workshop and pass a written examination on the laws and rules governing COBA's.

Continuing education requirements (*Including a description of the curriculum and the process of setting it.*)

For biennial license renewal, there shall be evidence of 23 hours of qualifying continuing education in the previous 2 years.

4783-2-01 Scope, responsibilities, and requirements for continuing education.

(A) Scope. Every certified Ohio behavior analyst subject to continuing education (CE) requirements as set forth in division (B) of section 4783.05 of the Revised Code shall meet the requirements of that section.

(B) Responsibilities:

(1) In accordance with the requirements of sections 4783.05 of the Revised Code, it shall be the responsibility of each certified Ohio behavior analyst submitting a biennial registration of a certificate to certify to the board that the CE experience required for certificate renewal has been completed. Other than as provided for in paragraph (C)(8) of rule 4783-2-01 of the Administrative Code, each certificate holder shall complete biennially no fewer than twenty three hours of approved CE substantially relevant to the practice of applied behavior analysis, including no fewer than four hours in ethics and professional conduct and/or the role of culture and/or ethnic identity in the provision of applied behavior analysis services.

(2) Certificate holders who demonstrate active certification as a board certified behavior analyst by the behavior analyst certification board or its successor organization at the time of submitting a biennial registration of a certificate or request for reinstatement of an expired certificate shall be deemed to have completed sufficient biennial CE to meet the requirements of paragraph (B)(1) of this rule and to have certified to the board that the CE requirements have been met.

(3) For certificate holders who do not demonstrate active certification as a board certified behavior analyst by the behavior analyst certification board or its successor organization at the

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

	<p>time of submitting a biennial registration of a certificate, CE may be applied to meet the requirements of paragraph (B)(1) of this rule if both of the following requirements are met:</p> <p>(a) It is obtained through a program or course approved by the board, the “Behavior Analyst Certification Board,” the “Ohio Psychological Association,” the “Association of Black Psychologists,” the “American Psychological Association,” the “Ohio School Psychologists Association,” or the “National Association of School Psychologists”; and</p> <p>(b) Completion of the program or course is recorded with the “Ohio Psychological Association,” or the “Ohio School Psychologists Association.”</p> <p>(4) The state board of psychology may disapprove any program or course that has been approved by the “Behavior Analyst Certification Board,” the “Ohio Psychological Association,” the “Association of Black Psychologists,” the “American Psychological Association,” the “Ohio School Psychologists Association,” or the “National Association of School Psychologists. Such program or course may not be applied to meet the requirement of paragraph (B)(1) of this rule.</p> <p>(5) Each certificate holder shall personally maintain CE records for three years following the renewal deadline for which the credits were used to satisfy requirements for certificate renewal.</p> <p>(6) Each certified Ohio behavior analyst shall be given a sufficient choice of CE acceptable to the board to ensure that each person has had a reasonable opportunity to participate in CE that is relevant to that person’s practice in terms of subject matter and level. This requirement shall be judged to be met so long as a certified Ohio behavior analyst does not register a challenge and supply adequate documentation in writing to the board by March first of the year of required biennial registration. The board shall arrange for appropriate CE to be made available in case of a valid challenge. The validity of a challenge, as judged by the board, shall be binding.</p>
<p>Initial fee</p>	<p>\$125</p>
<p>Duration</p>	<p>2 years</p>

If the regulation is a registration, certification, or license requirement, please complete the following:	
Renewal fee <i>(If different from initial fee, please explain why.)</i>	\$150
Does the Board recognize uniform licensure requirements or allow for reciprocity?	The Psychology Board law allows for reciprocity if the applicant holds a similar behavior analysis license issued by another state.
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	The BCBA issued by the Behavior Analyst Certification Board is the gold standard in the profession of Applied Behavior Analysis. The COBA law overtly requires the applicant to hold a BCBA, to be followed by Psychology Board examination prior to the issuance of the license. In 2013 ORC 4783 became effective explicitly for the purpose of developing a state license for the purpose of reimbursement by governmental and other third-party payers.
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	<p>Yes. The chapter of exemptions is found here:</p> <p>4783.02 Certificate required; applicability of chapter.</p> <p>(B) This chapter does not apply to any of the following:</p> <p>(1) An individual licensed under Chapter 4732. of the Revised Code to practice psychology, if the practice of applied behavior analysis engaged in by the licensed psychologist is within the licensed psychologist’s education, training, and experience;</p> <p>(2) An individual licensed under Chapter 4757. of the Revised Code to practice counseling, social work, or marriage and family therapy, if the practice of applied behavior analysis engaged in by the licensed professional counselor, licensed professional clinical counselor, licensed social worker, or licensed marriage and family therapist is within the licensee’s education, training, and experience;</p> <p>(3) An individual acting under the authority and direction of an individual described in division (B)(1) or (2) of this section;</p> <p>(4) An individual practicing applied behavior analysis who is supervised by a certified Ohio behavior analyst and acting under the authority and direction of that certified Ohio behavior analyst;</p>

If the regulation is a registration, certification, or license requirement, please complete the following:	
	<p>(5) The delivery of interventions by a direct care provider or family member to implement components of an applied behavior analysis treatment plan.</p> <p>(6) A behavior analyst who practices with nonhuman or nonpatient clients or consumers, including applied animal behaviorists and practitioners of organizational behavior management;</p> <p>(7) A licensed professional authorized to practice in this state who, in the offering or rendering of services, does not represent oneself in any printed materials or verbally by incorporating the term “applied behavior analyst,” if the services of the licensed professional are within the scope of practice of the licensing law governing the licensed professional and the services performed are commensurate with the licensed professional’s education, training, and experience;</p> <p>(8) A matriculated graduate student or postdoctoral trainee whose activities are part of a defined program of study or professional training;</p> <p>(9) An individual employed by the department of developmental disabilities, a county board of developmental disabilities, or a council of government consisting of county boards of developmental disabilities, when the individual is acting in the scope of that employment;</p> <p>(10) A professional employed in a school or other setting that falls under the regulation of the state board of education when the professional is acting within the scope of that employment.</p>
Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?	If the statutory requirements are satisfied, there is no discretion, unless there is an investigation that could impact the decision to grant the initial license.
Other information <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i>	N/A

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

4783.03 Enforcement.

(A) The state board of psychology shall administer and enforce this chapter. The board shall adopt rules under Chapter 119. of the Revised Code establishing all of the following:

- (1) Procedures and requirements for applying for a certificate issued under section 4783.04 of the Revised Code;
- (2) Fees for issuance of a certificate;
- (3) Reductions of the hours of continuing education required by section 4783.05 of the Revised Code for persons in their first certificate period.

(B) The board may adopt additional rules in accordance with Chapter 119. of the Revised Code as the board determines are necessary to implement and enforce this chapter.

4783-7-01 General rules of professional conduct pursuant to section 4783.09 of the Revised Code.

(A) General considerations:

- (1) Purpose. The rules of professional conduct constitute the standards against which the required professional conduct of a certified Ohio behavior analyst is measured.
- (2) Scope. The rules of professional conduct shall apply to the conduct of all certified Ohio behavior analysts, including the applicant's conduct during the period of any education, training or employment that is required for certification. The term "certified Ohio behavior analyst" as used within these rules of professional conduct, shall be interpreted accordingly, whenever applied behavior analysis is being provided in any context.
- (3) Violations. A violation of the rules of professional conduct constitutes unprofessional conduct and is sufficient reason for a reprimand, suspension or revocation of a certificate, or denial of either original certification or request for reinstatement of certification.
- (4) Aids to interpretation. Ethics codes and standards for providers promulgated by the "Behavior Analyst Certification Board" the "American Psychological Association," and other relevant professional groups shall be used as aids in resolving ambiguities that may arise in the interpretation of the rules of professional conduct, except that these rules of professional conduct shall prevail whenever any conflict exists between these rules and any professional association or certification board standard.
- (5) A certified Ohio behavior analyst, or an applicant for certification, shall provide a written response within a reasonable period of time not to exceed sixty days to any written inquiry, regarding compliance with law or rule, received from the board.

(B) Negligence:

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

- (1) A certified Ohio behavior analyst shall be considered negligent if his/her behaviors toward his/her clients, supervisees, service recipients, employees, students, or any person with who there is a signed attestation required in paragraph (5) of rule 4783-6-02, in the judgment of the board, clearly fall below the standards for acceptable practice of applied behavior analysis.
- (2) Misrepresentation of qualifications. The certified Ohio behavior analyst shall not misrepresent directly or by implication his/her professional qualifications.
- (3) Misrepresentation of affiliations. The certified Ohio behavior analyst shall not misrepresent directly or by implication his/her affiliations or the purposes or characteristics of institutions and organizations with which the certified Ohio behavior analyst is associated.
- (4) A certified Ohio behavior analyst shall not request or authorize any client to solicit business on behalf of the certified Ohio behavior analyst.
- (5) A certified Ohio behavior analyst associated with the development, promotion, or sale of psychological devices, books, or other products shall ensure that such devices, books, or products are not misrepresented as to qualities, performance or results to be obtained from their use.
- (6) Maintenance and retention of records.
 - (a) A certified Ohio behavior analyst providing applied behavior analysis services to a client, or services billed to a third-party payer, shall maintain a professional record that includes:
 - (i) The presenting problem, including any relevant diagnosis and any recommendation for applied behavior analysis services rendered by a licensed professional.
 - (ii) The date(s) and purpose of each service contact.
 - (iii) The fee arrangement.
 - (iv) The treatment plan and the functional assessment on which the behavior plan is based.
 - (v) The data collected to ascertain the efficacy of the applied behavior analysis and any subsequent modifications of the plan.
 - (vi) Notation and results of formal contacts with other providers, and
 - (vii) Authorizations, if any, by the client for release of records or information.
 - (b) To meet the requirements of these rules, but not necessarily for other legal purposes, the certified Ohio behavior analyst shall ensure that each dated entry in the professional record is maintained for a period of not less than five years after the last date of service rendered, or not

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

less than the length of time required by other regulations if that is longer. The general record or a summary thereof shall be kept for period of not less than twelve years after the last date of service rendered.

(c) A certified Ohio behavior analyst shall store and dispose of written, electronic, and other records of clients in such a manner as to ensure their confidentiality.

(d) In the event a complaint has been filed, a certified Ohio behavior analyst shall provide the original or a full copy of the client file or other client-identifiable documents to the board upon request, provided that the request is accompanied by a copy of a release signed by the client.

(C) Welfare of the client:

(1) Identification of the client: The term client is broadly applicable to whomever the certified Ohio behavior analyst provides services whether an individual person (service recipient), parent or guardian of a service recipient, an institutional representative or a public or private agency, firm or corporation.

(a) When the service recipient is not the primary client, the certified Ohio behavior analyst retains responsibility for the welfare of the service recipient.

(b) When there is a conflict of interest between the service recipient, the client, the institution, agency firm or corporation, the certified Ohio behavior analyst shall clarify the nature and direction of his/her loyalties and responsibilities and keep all parties concerned informed of his/her commitments.

(2) Sufficient professional information. Certified Ohio behavior analysts rely on scientifically and professionally derived knowledge when engaging in the practice of applied behavior analysis.

(a) The certified Ohio behavior analyst conducts a functional assessment, as defined below, to provide the necessary data to develop an effective behavior change program for a client or service recipient.

(b) Functional assessment includes a variety of systematic information-gathering activities regarding factors influencing the occurrence of a behavior (e.g. antecedents, consequences, setting events, motivating operations) including interview, direct observation and experimental analysis.

(3) Informed client. When certified Ohio behavior analysts provide assessment, evaluation, treatment, supervision, teaching, consultation, research, or other behavior analytic services to an individual, group, or an organization, they use language that is fully understandable to the recipient of those services and/or to those responsible for the care of the individual service recipient.

(a) Certified Ohio behavior analysts provide appropriate information prior to service delivery about the nature of such services and appropriate information about results and conclusions.

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

(b) The client must be provided on request an accurate, current set of the certified Ohio behavior analyst's credentials.

(c) Clients must be informed of their rights and about procedures to complain about professional practices of the certified Ohio behavior analyst.

(4) Informed choice: A certified Ohio behavior analyst shall afford each client informed choice and reasonable protection from physical or mental harm or danger.

(a) Clients have a right to effective treatment (i.e., based on the research literature and adapted to the individual client).

(b) Clients have the right to have the treatment plan explained clearly in terms appropriate to their understanding and to be informed about alternative treatments.

(c) The certified Ohio behavior analyst explains treatment plan modifications and the reasons for the modifications to the client and obtains and documents consent to implement the modifications.

(d) The certified Ohio behavior analyst informs each client of the environmental conditions that are necessary for the treatment plan to be effective.

(i) If environmental conditions preclude implementation of a treatment plan, the behavior analyst recommends that other professional assistance (i.e., assessment, consultation or therapeutic intervention by other professionals) be sought.

(ii) If environmental conditions hamper implementation of the treatment plan, the behavior analyst seeks to eliminate the environmental constraints, or identifies in writing the obstacles to doing so.

(e) The certified Ohio behavior analyst reviews and appraises the restrictiveness of alternative interventions and always recommends the least restrictive procedures likely to be effective in dealing with a behavior problem.

(f) The certified Ohio behavior analyst establishes understandable, objective, and measurable criteria for the termination of the treatment plan and describes them to the client or service recipient.

(g) The certified Ohio behavior analyst must obtain the client's approval of the treatment plan procedures in writing before implementing them.

(5) Stereotypes. A certified Ohio behavior analyst shall not impose on a client any stereotypes of behavior, values, or roles related to age, gender, religion, race, disability, nationality, or sexual orientation that would interfere with the objective provision of services to the client.

(6) Termination. A certified Ohio behavior analyst shall terminate a professional relationship when it is reasonably clear that the client is not benefiting from the relationship and shall make referrals to other services when appropriate.

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

(7) Referral. A certified Ohio behavior analyst shall make an appropriate referral of a client to another professional when requested to do so by the client.

(8) Practicing while impaired. A certified Ohio behavior analyst shall not undertake or continue a professional role when the judgment, competence and/or objectivity of the certified Ohio behavior analyst is impaired due to mental, emotional, physiological, pharmacological or substance abuse conditions. If impaired judgment, competence and/or objectivity develops after a professional role has been initiated, the certified Ohio behavior analyst shall terminate the professional role in an appropriate manner, shall notify the client or other relevant parties of the termination in writing and shall assist the client, supervisee, or service recipient in obtaining appropriate services from another professional.

(9) Continuity of care.

(a) A certified Ohio behavior analyst shall make arrangements for another appropriate professional to deal with the emergency needs of his/her clients during periods of foreseeable absence from professional availability.

(b) A certified Ohio behavior analyst makes reasonable efforts to plan for continuity of care in the event that services are interrupted by factors such as the certificate holder's illness, unavailability, relocation, or death or the client's relocation or financial limitations.

(c) A certified Ohio behavior analyst entering into employment or contractual relationships shall make reasonable efforts to provide for orderly and appropriate resolution of responsibility for client care in the event that the employment or contractual relationship ends, with paramount consideration being given to the welfare of the client.

(D) Remuneration:

(1) Financial arrangements:

(a) All financial arrangements shall be provided in writing to each client in advance of billing, preferably within the initial session but no later than the end of the second contact.

(b) A certified Ohio behavior analyst shall not mislead or withhold from any client, prospective client or third-party payer, information about the cost of his/her professional services.

(c) A certified Ohio behavior analyst shall not exploit a client or responsible payer by charging a fee that is excessive for the services performed or by entering into an exploitative bartering arrangement in lieu of a fee.

(d) The primary obligation of a certified Ohio behavior analyst employed by an institution, agency, or school is to persons entitled to his/her services through the institution, agency or school. A certified Ohio behavior analyst shall not accept a private fee or any other form of remuneration from such persons unless the policies of a particular institution agency or school make explicit provision for private work with

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its clients by members of its staff. In such instances the client shall be fully apprised of available services and all policies affecting him/her, prior to entering into a private professional relationship with a certified Ohio behavior analyst.

(2) Improper financial arrangements:

(a) A certified Ohio behavior analyst shall neither derive nor solicit any form of monetary profit or personal gain as a result of his/her professional relationship with clients or immediate ex-clients, beyond the payment of fees for psychological services rendered. However, unsolicited token gifts from a client are permissible.

(b) A certified Ohio behavior analyst shall not use his/her professional relationship with clients or immediate ex-clients to derive personal gain, other than through fees for professional services, for himself/herself, or for any other person, or for any organization from the sale or promotion of a non-applied behavior analysis related product or service.

(c) A certified Ohio behavior analyst shall neither give nor receive any commission, rebate or other form of remuneration for referral of a client for professional services, without full disclosure in advance to the client of the terms of such an agreement.

(d) A certified Ohio behavior analyst shall not bill for services that are not rendered. However, he/she may bill for missed appointments that the client did not cancel in advance, if the client has previously received notice of this responsibility.

(E) Multiple relationships. A multiple relationship exists when a certified Ohio behavior analyst is in a professional role and is in another relationship with the same person or entity or with an individual closely associated with the person or entity. Depending on the timing and nature of one's interactions before or after then establishment of a professional role, multiple relationships can result in exploitation of others, impaired judgment by clients, supervises and service recipients and/or impaired judgment competence and objectivity of the certified Ohio behavior analyst. Certified Ohio behavior analysts actively identify and manage interpersonal boundaries to ensure that there is not exploitation of others and that professional judgment, competence and objectivity with one's professional role is not compromised.

(1) In some communities and situations, unavoidable interpersonal contacts can occur due to cultural, linguistic, or geographical considerations. For purposes of this rule, incidental contacts in the personal life of a certified Ohio behavior analyst are not relationships.

(2) Prohibited multiple relationships. The board prescribes that certain multiple relationships are expressly prohibited due to inherent risks of exploitation, impaired judgment by clients and persons closely associated with clients, and supervisees, and/or impaired judgment, competence or objectivity of the certified Ohio behavior analyst.

(a) A certified Ohio behavior analyst shall not:

(i) Undertake a professional relationship with persons with whom he/she has engaged in sexual intercourse or other sexual intimacies; or

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(ii) Undertake a professional relationship with persons with whom he/she has had a familial, personal, social, supervisory, employment, or other relationship, and there is resulting: exploitation of the person; or, impaired judgment, competence, and/or objectivity in the performance of one's functions as a certified Ohio behavior analyst.

(b) A certified Ohio behavior analyst shall not:

(i) Engage in sexual intercourse or other sexual intimacies; or, verbal or nonverbal conduct that is sexual in nature with any current client, any person closely associated with a current client, or supervisee; or

(ii) Establish any personal, financial, employment, or other relationship with any current client, any person closely associated with a current client, or supervisee and there is resulting: exploitation of the person; or, impaired judgment, competence, and/or objectivity in the performance of one's functions as a certified Ohio behavior analyst.

(c) A certified Ohio behavior analyst shall not:

(i) Engage in sexual intercourse or other sexual intimacies; or, verbal or nonverbal conduct that is sexual in nature with any person with whom there has been a professional relationship at any time within the previous twenty-four months; or

(ii) Enter into any personal, financial, employment or other relationship (other than reestablishing a professional relationship) with any person with whom there has been a professional relationship at any time within the previous twenty-four months and there is resulting: exploitation of the person; or, impaired judgment, competence, and/or objectivity in the performance of one's functions as a certified Ohio behavior analyst.

(d) A certified Ohio behavior analyst shall not terminate or interrupt a professional role with any person for the purpose, expressed or implied, of entering into a sexual, personal, or financial relationship with that person or any individual closely associated with that person.

(e) The prohibitions established in paragraphs (E)(2)(b) and (E)(2)(c) of this rule extend indefinitely beyond twenty-four months after termination of the professional relationship if the person, secondary to emotional, mental, or cognitive impairment, remains vulnerable to exploitative influence.

(F) Assessment:

(1) Certified Ohio behavior analysts' assessments, recommendations, reports, and evaluative statements are based on information and techniques sufficient to provide appropriate substantiation for their findings.

(2) Certified Ohio behavior analysts refrain from misuse of assessment techniques, interventions, results, and interpretations and take reasonable steps to prevent others from misusing the information these techniques provide.

(3) Certified Ohio behavior analysts recognize limits to the certainty with which judgments or predictions can be made about individuals.

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(4) Certified Ohio behavior analysts do not promote the use of behavioral assessment techniques by unqualified persons, i.e., those who are unsupervised by experienced professionals and have not demonstrated valid and reliable assessment skills.

(5) Certified Ohio behavior analyst must obtain the client's approval in writing of the behavior assessment procedures before implementing them.

(6) Certified Ohio behavior analysts conduct a functional assessment, as defined in paragraph (O) of Chapter 4783-3-01 of the Administrative Code, to provide the necessary data to develop an effective treatment plan.

(7) Unless the nature of the relationship is clearly explained to the person being assessed in advance and precludes provision of an explanation of results (such as in some organizational consultation, some screenings, and forensic evaluations), certified Ohio behavior analysts ensure that an explanation of the results is provided using language that is reasonably understandable to the person assessed or to another legally authorized person on behalf of the client. Regardless of whether the interpretation is done by the certified Ohio behavior analyst, or by supervisees, behavior analysts take reasonable steps to ensure that appropriate explanations of results are given.

(G) Confidentiality:

(1) Confidential information is information revealed by an individual or individuals or otherwise obtained by a certified Ohio behavior analyst, when there is reasonable expectation that it was revealed or obtained as a result of the professional relationship between the individual(s) and the certified Ohio behavior analyst. Such information is not to be disclosed by certified Ohio behavior analyst without the informed consent of the individual(s).

(a) When rendering behavior analysis services as part of a team or when interacting with other appropriate professionals concerning the welfare of a client, a certified Ohio behavior analyst may share confidential information about the client provided that reasonable steps are taken to ensure that all persons receiving the information are informed about the confidential nature of the information being shared and agree to abide by the rules of confidentiality.

(b) When any case report or other confidential information is used as the basis of teaching, research, or other published reports, a certified Ohio behavior analyst shall exercise reasonable care to ensure that the reported material is appropriately disguised to prevent client or subject identification.

(c) A certified Ohio behavior analyst shall ensure that no interview or therapeutic interventions with a client are observed or electronically recorded without first informing the client or the client's guardian and, where the sensitivity of the material requires it, obtaining written consent from same.

(d) A certified Ohio behavior analyst shall limit access to client records and shall ensure that all persons working under his/her authority comply with the requirements for confidentiality of client material.

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(e) A certified Ohio behavior analyst shall continue to treat all information regarding a client as confidential after the professional relationship between the certified Ohio behavior analyst and the client has ceased.

(f) In a situation in which more than one party has an appropriate interest in the professional services rendered by a certified Ohio behavior analyst to a client, the certified Ohio behavior analyst shall, to the extent possible, clarify to all parties the dimensions of confidentiality and professional responsibility that shall pertain in the rendering of services.

(i) Such clarification is specifically indicated, among other circumstances, when the client is an organization or when the client has been referred by a third party.

(ii) In accord with paragraphs (C)(3) and (F)(7) of this rule, a certified Ohio behavior analyst shall clarify with the individual receiving services because of a third-party referral whether, and under what conditions-including costs, information or feedback will be provided to the individual, or the individual(s) responsible for the care of the individual receiving those services.

(2) Protecting confidentiality of clients. In accordance with division (B) of section 4783.03 of the Revised Code, the confidential relations and communications between a certified Ohio behavior analyst and clients are placed under the same umbrella of a privilege as those between physician and patient under division (B) of section 2317.02 of the Revised Code. The privilege is intended to protect the interest of the client by encouraging free disclosure to the certified Ohio behavior analyst and by preventing such free disclosure to others. Thus, the client rather than the certified Ohio behavior analyst holds and may assert the privilege.

(a) A certified Ohio behavior analyst shall not testify concerning a communication made to him/her by a client. The certified Ohio behavior analyst may testify by express consent of the client or legal guardian or, if the client is deceased, by the express consent of the surviving spouse or the executor or administrator of the estate of such deceased client. If the client voluntarily testifies, certified Ohio behavior analysts may be compelled to testify on the same subject; or if the client, the executor or administrator files a claim against the certified Ohio behavior analyst, such filing shall constitute a waiver of this privilege with regard to the care and treatment of which complaint is made.

(b) Court decisions construing the scope of the physician-patient privilege, pursuant to section 2317.02 of the Revised Code, are applicable to this privilege between certified Ohio behavior analyst and the client.

(c) A certified Ohio behavior analyst may disclose confidential information without the informed written consent of a client when the certified Ohio behavior analyst judges that disclosure is necessary to protect against a clear and substantial risk of imminent serious harm being inflicted by the client on himself/herself or on another person. In such case, the certified Ohio behavior analyst may disclose the confidential information only to appropriate public authorities, the potential victim, professional workers, and/or the family of the client.

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(d) A certified Ohio behavior analyst shall safeguard the confidential information obtained in the course of practice, teaching, research, or other professional duties. With the exceptions as required or permitted by statute, a certified Ohio behavior analyst shall disclose confidential information to others only with the informed written consent of the client.

(e) At the beginning of a professional relationship a certified Ohio behavior analyst shall inform his/her client of the legal limits of confidentiality. To the extent that the client can understand, the certified Ohio behavior analyst shall inform a client who is below the age of majority or who has a legal guardian of the limit the law imposes on the right of confidentiality. When services are provided to more than one patient or client during a joint session (for example to a family or couple, or parent and child, or group), a certified Ohio behavior analyst shall, at the beginning of the professional relationship, clarify to all parties the limits of confidentiality.

(f) A certified Ohio behavior analyst may release confidential information upon court order or to conform to state or federal laws, rules, or regulations.

(g) A certified Ohio behavior analyst shall comply with any relevant law concerning the reporting of abuse of children or vulnerable adults.

(H) Competence:

(1) Limits on practice: A certified Ohio behavior analyst provides services only within the boundaries of his/her competence, based on education, training and supervised experience. The practice of applied behavior analysis does not include psychological testing, diagnosis of a mental or physical disorder, neuropsychology, psychotherapy, cognitive therapy, sex therapy, psychoanalysis, hypnotherapy, and long-term counseling as treatment modalities.

(2) Maintaining competence: A certified Ohio behavior analyst shall maintain current competency in the areas in which he/she practices, through continuing education, consultation and/or other training, in conformance with current standards of scientific and professional knowledge.

(3) Referrals. A certified Ohio behavior analyst shall make or recommend referral to other professional resources when such referral is in the best interests of the client.

(4) Interprofessional relations:

(a) A certified Ohio behavior analyst shall neither establish nor offer to establish a continuing professional relationship with a client receiving behavior analysis services from another professional, except with the knowledge of the other professional.

(b) A certified Ohio behavior analyst shall cooperate with other professionals in order to serve his/her clients.

(I) Violations of law:

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(1) Violation of applicable statutes. A certified Ohio behavior analyst shall not violate any applicable statute or administrative rule regulating the practice of applied behavior analysis.

(2) Use of fraud, misrepresentation, or deception. A certified Ohio behavior analyst shall not use fraud, misrepresentation, or deception in obtaining a certified Ohio behavior analyst certificate, in engaging in any examination process required for certification, in assisting another to obtain a certified Ohio behavior analyst certificate, in billing clients or third-party payers, in providing applied behavior analysis services, in reporting the results of those services, or in conducting any other activity related to the practice of applied behavior analysis.

(J) Aiding illegal practice:

(1) Aiding unauthorized practice. A certified Ohio behavior analyst shall not aid or abet another person in misrepresenting his/her professional credentials or in illegally engaging in the practice of applied behavior analysis.

(2) Delegating professional responsibility. A certified Ohio behavior analyst shall not delegate professional responsibilities to a person not qualified and/or not appropriately credentialed to provide such services.

(3) Providing supervision. A certified Ohio behavior analyst shall exercise appropriate supervision over supervisees, as set forth in the rules of the board.

(4) Reporting of violations to board. A certified Ohio behavior analyst who has substantial reason to believe that another certified Ohio behavior analyst or supervisee has committed an apparent violation of the statutes or rules of the board that has substantially harmed or is likely to substantially harm a person or organization shall so inform the board in writing; however, when the information regarding such violation is obtained in a professional relationship with a client, the certified Ohio behavior analyst shall report it only with the written permission of the client. Under such circumstances certified Ohio behavior analyst shall advise the client of the name, address, and telephone number of the state board of psychology and of the client's right to file a complaint. The certified Ohio behavior analyst shall make reasonable efforts to guide and/or facilitate the client in the complaint process as needed or requested by the client. Nothing in this rule shall relieve a certified Ohio behavior analyst from the duty to file any report required by applicable statutes.

(K) Supervision rules. Rules 4783-6-01 and 4783-6-02 of the Administrative Code, pertaining to supervision of persons working directly under the authority and direction of the certified Ohio behavior analyst, shall be considered as a part of these rules of professional conduct.

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?

Biannually, COBA applicants and license holders submit approximately \$125,000. The Psychology board deposits revenue pursuant to the following:

4732.08 Depositing receipts.

All receipts of the state board of psychology from any source, including moneys collected under Chapter 4783. of the Revised Code, shall be deposited in the state treasury to the credit of the occupational licensing and regulatory fund.”

All revenue is therefore deposited in the 4K90 fund for the use of and distribution by OBM, the owner of the fund.

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

There are no known federal regulations requiring the state of Ohio to regulate Applied Behavior Analysis.

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

“Harm” comes in the form of violations of client rights—in this case, the client typically includes the child target of ABA services and the parents/guardian. Ohio families and individuals seeking ABA services have a right to competent services, confidentiality, trust, and to a clear account of the problem/condition of the client, the proposed solutions, and the reasoning. Ohioans have a right to freedom from untrained and incompetent providers. Specifically, the Psychology Board’s rules of professional conduct governing COBA’s are found in OAC 4783-7:

4783-7-01 General rules of professional conduct pursuant to section 4783.09 of the Revised Code.

(A) General considerations:

(1) Purpose. The rules of professional conduct constitute the standards against which the required professional conduct of a certified Ohio behavior analyst is measured.

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

(2) Scope. The rules of professional conduct shall apply to the conduct of all certified Ohio behavior analysts, including the applicant’s conduct during the period of any education, training or employment that is required for certification. The term “certified Ohio behavior analyst” as used within these rules of professional conduct, shall be interpreted accordingly, whenever applied behavior analysis is being provided in any context.

(3) Violations. A violation of the rules of professional conduct constitutes unprofessional conduct and is sufficient reason for a reprimand, suspension or revocation of a certificate, or denial of either original certification or request for reinstatement of certification.

(4) Aids to interpretation. Ethics codes and standards for providers promulgated by the “Behavior Analyst Certification Board” the “American Psychological Association,” and other relevant professional groups shall be used as aids in resolving ambiguities that may arise in the interpretation of the rules of professional conduct, except that these rules of professional conduct shall prevail whenever any conflict exists between these rules and any professional association or certification board standard.

(5) A certified Ohio behavior analyst, or an applicant for certification, shall provide a written response within a reasonable period of time not to exceed sixty days to any written inquiry, regarding compliance with law or rule, received from the board.

(B) Negligence:

(1) A certified Ohio behavior analyst shall be considered negligent if his/her behaviors toward his/her clients, supervisees, service recipients, employees, students, or any person with who there is a signed attestation required in paragraph (5) of rule 4783-6-02, in the judgment of the board, clearly fall below the standards for acceptable practice of applied behavior analysis.

(2) Misrepresentation of qualifications. The certified Ohio behavior analyst shall not misrepresent directly or by implication his/her professional qualifications.

(3) Misrepresentation of affiliations. The certified Ohio behavior analyst shall not misrepresent directly or by implication his/her affiliations or the purposes or characteristics of institutions and organizations with which the certified Ohio behavior analyst is associated.

(4) A certified Ohio behavior analyst shall not request or authorize any client to solicit business on behalf of the certified Ohio behavior analyst.

(5) A certified Ohio behavior analyst associated with the development, promotion, or sale of psychological devices, books, or other products shall ensure that such devices, books, or products are not misrepresented as to qualities, performance or results to be obtained from their use.

(6) Maintenance and retention of records.

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

(a) A certified Ohio behavior analyst providing applied behavior analysis services to a client, or services billed to a third-party payer, shall maintain a professional record that includes:

(i) The presenting problem, including any relevant diagnosis and any recommendation for applied behavior analysis services rendered by a licensed professional.

(ii) The date(s) and purpose of each service contact.

(iii) The fee arrangement.

(iv) The treatment plan and the functional assessment on which the behavior plan is based.

(v) The data collected to ascertain the efficacy of the applied behavior analysis and any subsequent modifications of the plan.

(vi) Notation and results of formal contacts with other providers, and

(vii) Authorizations, if any, by the client for release of records or information.

(b) To meet the requirements of these rules, but not necessarily for other legal purposes, the certified Ohio behavior analyst shall ensure that each dated entry in the professional record is maintained for a period of not less than five years after the last date of service rendered, or not less than the length of time required by other regulations if that is longer. The general record or a summary thereof shall be kept for period of not less than twelve years after the last date of service rendered.

(c) A certified Ohio behavior analyst shall store and dispose of written, electronic, and other records of clients in such a manner as to ensure their confidentiality.

(d) In the event a complaint has been filed, a certified Ohio behavior analyst shall provide the original or a full copy of the client file or other client-identifiable documents to the board upon request, provided that the request is accompanied by a copy of a release signed by the client.

(C) Welfare of the client:

(1) Identification of the client: The term client is broadly applicable to whomever the certified Ohio behavior analyst provides services whether an individual person (service recipient), parent or guardian of a service recipient, an institutional representative or a public or private agency, firm or corporation.

(a) When the service recipient is not the primary client, the certified Ohio behavior analyst retains responsibility for the welfare of the service recipient.

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

(b) When there is a conflict of interest between the service recipient, the client, the institution, agency firm or corporation, the certified Ohio behavior analyst shall clarify the nature and direction of his/her loyalties and responsibilities and keep all parties concerned informed of his/her commitments.

(2) Sufficient professional information. Certified Ohio behavior analysts rely on scientifically and professionally derived knowledge when engaging in the practice of applied behavior analysis.

(a) The certified Ohio behavior analyst conducts a functional assessment, as defined below, to provide the necessary data to develop an effective behavior change program for a client or service recipient.

(b) Functional assessment includes a variety of systematic information-gathering activities regarding factors influencing the occurrence of a behavior (e.g. antecedents, consequences, setting events, motivating operations) including interview, direct observation and experimental analysis.

(3) Informed client. When certified Ohio behavior analysts provide assessment, evaluation, treatment, supervision, teaching, consultation, research, or other behavior analytic services to an individual, group, or an organization, they use language that is fully understandable to the recipient of those services and/or to those responsible for the care of the individual service recipient.

(a) Certified Ohio behavior analysts provide appropriate information prior to service delivery about the nature of such services and appropriate information about results and conclusions.

(b) The client must be provided on request an accurate, current set of the certified Ohio behavior analyst’s credentials.

(c) Clients must be informed of their rights and about procedures to complain about professional practices of the certified Ohio behavior analyst.

(4) Informed choice: A certified Ohio behavior analyst shall afford each client informed choice and reasonable protection from physical or mental harm or danger.

(a) Clients have a right to effective treatment (i.e., based on the research literature and adapted to the individual client).

(b) Clients have the right to have the treatment plan explained clearly in terms appropriate to their understanding and to be informed about alternative treatments.

(c) The certified Ohio behavior analyst explains treatment plan modifications and the reasons for the modifications to the client and obtains and documents consent to implement the modifications.

(d) The certified Ohio behavior analyst informs each client of the environmental conditions that are necessary for the treatment plan to be effective.

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

- (i) If environmental conditions preclude implementation of a treatment plan, the behavior analyst recommends that other professional assistance (i.e., assessment, consultation or therapeutic intervention by other professionals) be sought.
- (ii) If environmental conditions hamper implementation of the treatment plan, the behavior analyst seeks to eliminate the environmental constraints, or identifies in writing the obstacles to doing so.
- (e) The certified Ohio behavior analyst reviews and appraises the restrictiveness of alternative interventions and always recommends the least restrictive procedures likely to be effective in dealing with a behavior problem.
- (f) The certified Ohio behavior analyst establishes understandable, objective, and measurable criteria for the termination of the treatment plan and describes them to the client or service recipient.
- (g) The certified Ohio behavior analyst must obtain the client’s approval of the treatment plan procedures in writing before implementing them.
- (5) Stereotypes. A certified Ohio behavior analyst shall not impose on a client any stereotypes of behavior, values, or roles related to age, gender, religion, race, disability, nationality, or sexual orientation that would interfere with the objective provision of services to the client.
- (6) Termination. A certified Ohio behavior analyst shall terminate a professional relationship when it is reasonably clear that the client is not benefiting from the relationship and shall make referrals to other services when appropriate.
- (7) Referral. A certified Ohio behavior analyst shall make an appropriate referral of a client to another professional when requested to do so by the client.
- (8) Practicing while impaired. A certified Ohio behavior analyst shall not undertake or continue a professional role when the judgment, competence and/or objectivity of the certified Ohio behavior analyst is impaired due to mental, emotional, physiological, pharmacological or substance abuse conditions. If impaired judgment, competence and/or objectivity develops after a professional role has been initiated, the certified Ohio behavior analyst shall terminate the professional role in an appropriate manner, shall notify the client or other relevant parties of the termination in writing and shall assist the client, supervisee, or service recipient in obtaining appropriate services from another professional.
- (9) Continuity of care.
 - (a) A certified Ohio behavior analyst shall make arrangements for another appropriate professional to deal with the emergency needs of his/her clients during periods of foreseeable absence from professional availability.
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(c) A certified Ohio behavior analyst entering into employment or contractual relationships shall make reasonable efforts to provide for orderly and appropriate resolution of responsibility for client care in the event that the employment or contractual relationship ends, with paramount consideration being given to the welfare of the client.

(D) Remuneration:

(1) Financial arrangements:

(a) All financial arrangements shall be provided in writing to each client in advance of billing, preferably within the initial session but no later than the end of the second contact.

(b) A certified Ohio behavior analyst shall not mislead or withhold from any client, prospective client or third-party payer, information about the cost of his/her professional services.

(c) A certified Ohio behavior analyst shall not exploit a client or responsible payer by charging a fee that is excessive for the services performed or by entering into an exploitative bartering arrangement in lieu of a fee.

(d) The primary obligation of a certified Ohio behavior analyst employed by an institution, agency, or school is to persons entitled to his/her services through the institution, agency or school. A certified Ohio behavior analyst shall not accept a private fee or any other form of remuneration from such persons unless the policies of a particular institution agency or school make explicit provision for private work with its clients by members of its staff. In such instances the client shall be fully apprised of available services and all policies affecting him/her, prior to entering into a private professional relationship with a certified Ohio behavior analyst.

(2) Improper financial arrangements:

(a) A certified Ohio behavior analyst shall neither derive nor solicit any form of monetary profit or personal gain as a result of his/her professional relationship with clients or immediate ex-clients, beyond the payment of fees for psychological services rendered. However, unsolicited token gifts from a client are permissible.

(b) A certified Ohio behavior analyst shall not use his/her professional relationship with clients or immediate ex-clients to derive personal gain, other than through fees for professional services, for himself/herself, or for any other person, or for any organization from the sale or promotion of a non-applied behavior analysis related product or service.

(c) A certified Ohio behavior analyst shall neither give nor receive any commission, rebate or other form of remuneration for referral of a client for professional services, without full disclosure in advance to the client of the terms of such an agreement.

(d) A certified Ohio behavior analyst shall not bill for services that are not rendered. However, he/she may bill for missed appointments that the client did not cancel in advance, if the client has previously received notice of this responsibility.

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(E) Multiple relationships. A multiple relationship exists when a certified Ohio behavior analyst is in a professional role and is in another relationship with the same person or entity or with an individual closely associated with the person or entity. Depending on the timing and nature of one’s interactions before or after then establishment of a professional role, multiple relationships can result in exploitation of others, impaired judgment by clients, supervises and service recipients and/or impaired judgment competence and objectivity of the certified Ohio behavior analyst. Certified Ohio behavior analysts actively identify and manage interpersonal boundaries to ensure that there is not exploitation of others and that professional judgment, competence and objectivity with one’s professional role is not compromised.

(1) In some communities and situations, unavoidable interpersonal contacts can occur due to cultural, linguistic, or geographical considerations. For purposes of this rule, incidental contacts in the personal life of a certified Ohio behavior analyst are not relationships.

(2) Prohibited multiple relationships. The board prescribes that certain multiple relationships are expressly prohibited due to inherent risks of exploitation, impaired judgment by clients and persons closely associated with clients, and supervisees, and/or impaired judgment, competence or objectivity of the certified Ohio behavior analyst.

(a) A certified Ohio behavior analyst shall not:

(i) Undertake a professional relationship with persons with whom he/she has engaged in sexual intercourse or other sexual intimacies; or

(ii) Undertake a professional relationship with persons with whom he/she has had a familial, personal, social, supervisory, employment, or other relationship, and there is resulting: exploitation of the person; or, impaired judgment, competence, and/or objectivity in the performance of one’s functions as a certified Ohio behavior analyst.

(b) A certified Ohio behavior analyst shall not:

(i) Engage in sexual intercourse or other sexual intimacies; or, verbal or nonverbal conduct that is sexual in nature with any current client, any person closely associated with a current client, or supervisee; or

(ii) Establish any personal, financial, employment, or other relationship with any current client, any person closely associated with a current client, or supervisee and there is resulting: exploitation of the person; or, impaired judgment, competence, and/or objectivity in the performance of one’s functions as a certified Ohio behavior analyst.

(c) A certified Ohio behavior analyst shall not:

(i) Engage in sexual intercourse or other sexual intimacies; or, verbal or nonverbal conduct that is sexual in nature with any person with whom there has been a professional relationship at any time within the previous twenty-four months; or

(ii) Enter into any personal, financial, employment or other relationship (other than reestablishing a professional relationship) with any person with whom there has been a professional relationship at any time within the previous twenty-four months and there is resulting: exploitation

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

of the person; or, impaired judgment, competence, and/or objectivity in the performance of one’s functions as a certified Ohio behavior analyst.

(d) A certified Ohio behavior analyst shall not terminate or interrupt a professional role with any person for the purpose, expressed or implied, of entering into a sexual, personal, or financial relationship with that person or any individual closely associated with that person.

(e) The prohibitions established in paragraphs (E)(2)(b) and (E)(2)(c) of this rule extend indefinitely beyond twenty-four months after termination of the professional relationship if the person, secondary to emotional, mental, or cognitive impairment, remains vulnerable to exploitative influence.

(F) Assessment:

(1) Certified Ohio behavior analysts’ assessments, recommendations, reports, and evaluative statements are based on information and techniques sufficient to provide appropriate substantiation for their findings.

(2) Certified Ohio behavior analysts refrain from misuse of assessment techniques, interventions, results, and interpretations and take reasonable steps to prevent others from misusing the information these techniques provide.

(3) Certified Ohio behavior analysts recognize limits to the certainty with which judgments or predictions can be made about individuals.

(4) Certified Ohio behavior analysts do not promote the use of behavioral assessment techniques by unqualified persons, i.e., those who are unsupervised by experienced professionals and have not demonstrated valid and reliable assessment skills.

(5) Certified Ohio behavior analyst must obtain the client’s approval in writing of the behavior assessment procedures before implementing them.

(6) Certified Ohio behavior analysts conduct a functional assessment, as defined in paragraph (O) of Chapter 4783-3-01 of the Administrative Code, to provide the necessary data to develop an effective treatment plan.

(7) Unless the nature of the relationship is clearly explained to the person being assessed in advance and precludes provision of an explanation of results (such as in some organizational consultation, some screenings, and forensic evaluations), certified Ohio behavior analysts ensure that an explanation of the results is provided using language that is reasonably understandable to the person assessed or to another legally authorized person on behalf of the client. Regardless of whether the interpretation is done by the certified Ohio behavior analyst, or by supervisees, behavior analysts take reasonable steps to ensure that appropriate explanations of results are given.

(G) Confidentiality:

(1) Confidential information is information revealed by an individual or individuals or otherwise obtained by a certified Ohio behavior analyst, when there is reasonable expectation that it was revealed or obtained as a result of the professional relationship between the individual(s)

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

and the certified Ohio behavior analyst. Such information is not to be disclosed by certified Ohio behavior analyst without the informed consent of the individual(s).

(a) When rendering behavior analysis services as part of a team or when interacting with other appropriate professionals concerning the welfare of a client, a certified Ohio behavior analyst may share confidential information about the client provided that reasonable steps are taken to ensure that all persons receiving the information are informed about the confidential nature of the information being shared and agree to abide by the rules of confidentiality.

(b) When any case report or other confidential information is used as the basis of teaching, research, or other published reports, a certified Ohio behavior analyst shall exercise reasonable care to ensure that the reported material is appropriately disguised to prevent client or subject identification.

(c) A certified Ohio behavior analyst shall ensure that no interview or therapeutic interventions with a client are observed or electronically recorded without first informing the client or the client’s guardian and, where the sensitivity of the material requires it, obtaining written consent from same.

(d) A certified Ohio behavior analyst shall limit access to client records and shall ensure that all persons working under his/her authority comply with the requirements for confidentiality of client material.

(e) A certified Ohio behavior analyst shall continue to treat all information regarding a client as confidential after the professional relationship between the certified Ohio behavior analyst and the client has ceased.

(f) In a situation in which more than one party has an appropriate interest in the professional services rendered by a certified Ohio behavior analyst to a client, the certified Ohio behavior analyst shall, to the extent possible, clarify to all parties the dimensions of confidentiality and professional responsibility that shall pertain in the rendering of services.

(i) Such clarification is specifically indicated, among other circumstances, when the client is an organization or when the client has been referred by a third party.

(ii) In accord with paragraphs (C)(3) and (F)(7) of this rule, a certified Ohio behavior analyst shall clarify with the individual receiving services because of a third-party referral whether, and under what conditions-including costs, information or feedback will be provided to the individual, or the individual(s) responsible for the care of the individual receiving those services.

(2) Protecting confidentiality of clients. In accordance with division (B) of section 4783.03 of the Revised Code, the confidential relations and communications between a certified Ohio behavior analyst and clients are placed under the same umbrella of a privilege as those between physician and patient under division (B) of section 2317.02 of the Revised Code. The privilege is intended to protect the interest of the client

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

by encouraging free disclosure to the certified Ohio behavior analyst and by preventing such free disclosure to others. Thus, the client rather than the certified Ohio behavior analyst holds and may assert the privilege.

(a) A certified Ohio behavior analyst shall not testify concerning a communication made to him/her by a client. The certified Ohio behavior analyst may testify by express consent of the client or legal guardian or, if the client is deceased, by the express consent of the surviving spouse or the executor or administrator of the estate of such deceased client. If the client voluntarily testifies, certified Ohio behavior analysts may be compelled to testify on the same subject; or if the client, the executor or administrator files a claim against the certified Ohio behavior analyst, such filing shall constitute a waiver of this privilege with regard to the care and treatment of which complaint is made.

(b) Court decisions construing the scope of the physician-patient privilege, pursuant to section 2317.02 of the Revised Code, are applicable to this privilege between certified Ohio behavior analyst and the client.

(c) A certified Ohio behavior analyst may disclose confidential information without the informed written consent of a client when the certified Ohio behavior analyst judges that disclosure is necessary to protect against a clear and substantial risk of imminent serious harm being inflicted by the client on himself/herself or on another person. In such case, the certified Ohio behavior analyst may disclose the confidential information only to appropriate public authorities, the potential victim, professional workers, and/or the family of the client.

(d) A certified Ohio behavior analyst shall safeguard the confidential information obtained in the course of practice, teaching, research, or other professional duties. With the exceptions as required or permitted by statute, a certified Ohio behavior analyst shall disclose confidential information to others only with the informed written consent of the client.

(e) At the beginning of a professional relationship a certified Ohio behavior analyst shall inform his/her client of the legal limits of confidentiality. To the extent that the client can understand, the certified Ohio behavior analyst shall inform a client who is below the age of majority or who has a legal guardian of the limit the law imposes on the right of confidentiality. When services are provided to more than one patient or client during a joint session (for example to a family or couple, or parent and child, or group), a certified Ohio behavior analyst shall, at the beginning of the professional relationship, clarify to all parties the limits of confidentiality.

(f) A certified Ohio behavior analyst may release confidential information upon court order or to conform to state or federal laws, rules, or regulations.

(g) A certified Ohio behavior analyst shall comply with any relevant law concerning the reporting of abuse of children or vulnerable adults.

(H) Competence:

(1) Limits on practice: A certified Ohio behavior analyst provides services only within the boundaries of his/her competence, based on education, training and supervised experience. The practice of applied behavior analysis does not include psychological testing, diagnosis of a

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

mental or physical disorder, neuropsychology, psychotherapy, cognitive therapy, sex therapy, psychoanalysis, hypnotherapy, and long-term counseling as treatment modalities.

(2) Maintaining competence: A certified Ohio behavior analyst shall maintain current competency in the areas in which he/she practices, through continuing education, consultation and/or other training, in conformance with current standards of scientific and professional knowledge.

(3) Referrals. A certified Ohio behavior analyst shall make or recommend referral to other professional resources when such referral is in the best interests of the client.

(4) Interprofessional relations:

(a) A certified Ohio behavior analyst shall neither establish nor offer to establish a continuing professional relationship with a client receiving behavior analysis services from another professional, except with the knowledge of the other professional.

(b) A certified Ohio behavior analyst shall cooperate with other professionals in order to serve his/her clients.

(I) Violations of law:

(1) Violation of applicable statutes. A certified Ohio behavior analyst shall not violate any applicable statute or administrative rule regulating the practice of applied behavior analysis.

(2) Use of fraud, misrepresentation, or deception. A certified Ohio behavior analyst shall not use fraud, misrepresentation, or deception in obtaining a certified Ohio behavior analyst certificate, in engaging in any examination process required for certification, in assisting another to obtain a certified Ohio behavior analyst certificate, in billing clients or third-party payers, in providing applied behavior analysis services, in reporting the results of those services, or in conducting any other activity related to the practice of applied behavior analysis.

(J) Aiding illegal practice:

(1) Aiding unauthorized practice. A certified Ohio behavior analyst shall not aid or abet another person in misrepresenting his/her professional credentials or in illegally engaging in the practice of applied behavior analysis.

(2) Delegating professional responsibility. A certified Ohio behavior analyst shall not delegate professional responsibilities to a person not qualified and/or not appropriately credentialed to provide such services.

(3) Providing supervision. A certified Ohio behavior analyst shall exercise appropriate supervision over supervisees, as set forth in the rules of the board.

(4) Reporting of violations to board. A certified Ohio behavior analyst who has substantial reason to believe that another certified Ohio behavior analyst or supervisee has committed an apparent violation of the statutes or rules of the board that has substantially harmed or is

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

likely to substantially harm a person or organization shall so inform the board in writing; however, when the information regarding such violation is obtained in a professional relationship with a client, the certified Ohio behavior analyst shall report it only with the written permission of the client. Under such circumstances certified Ohio behavior analyst shall advise the client of the name, address, and telephone number of the state board of psychology and of the client’s right to file a complaint. The certified Ohio behavior analyst shall make reasonable efforts to guide and/or facilitate the client in the complaint process as needed or requested by the client. Nothing in this rule shall relieve a certified Ohio behavior analyst from the duty to file any report required by applicable statutes.

(K) Supervision rules. Rules 4783-6-01 and 4783-6-02 of the Administrative Code, pertaining to supervision of persons working directly under the authority and direction of the certified Ohio behavior analyst, shall be considered as a part of these rules of professional conduct.

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

The Psychology Board has the responsibility for regulating behavior that typically occurs when patients are highly vulnerable in terms of their emotional condition, self-concept, and relationships. Ohio’s consumers of psychological services expect from their psychologist compassion, competence, trust, confidentiality, and a clearly defined role. No set of regulatory laws and rules can prevent all harm among those in the regulated community. Therefore, there need to be clear statutory do’s and don’ts and rules of professional conduct rooted in patient rights and prevailing standards of care. The Board’s educational, training, and examination requirements Certified Ohio Behavior Analysts are highly effective and clear. The Board’s laws and rules governing complaint filing and investigations provide an efficient process rooted in due process for the license holder and compassion and support for the complainant.

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

The public would benefit from the inclusion of a Certified Ohio Behavior Analyst (COBA) on the Board. The Board’s board member appointment requirements were not amended when taking on the regulation of COBA’s in 2013. The requirement to have six (6) psychologists/school psychologists and three (3) consumer advocates could be enhanced by a statutory change to 4732.02 requiring that there be a COBA on the Board or a psychologist who is also a COBA. This would help by ensuring that there is a board member who is trained and expert in Applied Behavior Analysis to assist with investigations specific to the practice of ABA (most of the complaints are in the context of services being rendered to children on the Autism Spectrum).

Comparison to other states (How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)

Ohio's regulations are less restrictive than most states that regulate the practice of Applied Behavior Analysis. The Ohio application process is efficient and clear, and there is no requirement to send test scores or an academic transcript. Numerous other states that issue behavior analyst licenses require primary source verification of education and training. The primary statutory requirement for this license is active certification as a Board Certified Behavior Analyst (BCBA) by the Behavior Analyst Certification Board (BACB). The BACB conducts the education and training reviews, on which the Psychology Board relies. Board staff verifies the applicant's BCBA online and then the applicant is scheduled for the pre-licensure workshop and examination.

Surrounding state comparison (LSC)

Certified Behavior Analyst						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (<i>R.C. 4783.02</i>)	Yes (<i>Ind. Code Ann. 25-41-1-1</i>)	Yes (<i>Ky. Rev. Stat. Ann. 319C.020(1)</i>)	Yes (<i>Mich. Comp. Laws 333.1823</i>)	Yes (<i>63 Pa. Cons. Stat. 422.25; 49 Pa. Code Part I, Subpt. A, Ch. 18, Subch. I</i>)	No
Education or training	Demonstrates both of the following: 1. Current certification as a Board Certified Behavior Analyst (BCBA) by the	Certified as a BCBA (<i>Ind. Code Ann. 25-41-1-1(2)</i>)	Certified as a BCBA (<i>Ky. Rev. Stat. Ann. 319C.080(1)(a)</i>)	Certified as a BCBA and not have been convicted of certain crimes (<i>Mich. Admin. Code R. 338.1823(1)(c) and (d)</i>)	Meets all of the following: 1. Holds a master's or higher degree from an accredited college or university in a field related	N/A

Certified Behavior Analyst

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	Behavior Analyst Certification Board (BACB) or completion of equivalent requirements and passage of a psychometrically valid exam administered by a nationally accredited credentialing organization; 2. An understanding of the law regarding behavioral health practice <i>(R.C. 4783.04(A)(3) and (4))</i>				to mental health, psychology, or social work; 2. 90 hours of coursework in evidence-based practices from an accredited college or university or Board-approved training <i>(49 Pa. Code 18.524(a) and (d))</i>	
Experience	1,500 hours of relevant supervised experience in	N/A	Five hours of training in adult abuse and neglect prevention; child	Complete training in identifying victims of human trafficking that	Both of the following:	N/A

Certified Behavior Analyst						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	applied behavior analysis satisfactory to the Board if applicant does not possess a BCBA certificate (O.A.C. 4783-4-01(B)(1)(a) (iii))		abuse, neglect, and dependency prevention; or a combination of the two (201 Ky. Admin. Regs. 43:010, Section 2(3))	meets certain standards (Mich. Admin. Code R. 338.1821(1))	<ol style="list-style-type: none"> 1. One year of experience involving functional behavior assessments of individuals under 21 years old; 2. 1,000 hours of clinical experience dealing with behavioral challenges or in a related field with individuals with autism spectrum disorders (49 Pa. Code 18.524(b) and (c))	
Exam	Yes, a passing score on a jurisprudence workshop examination	N/A	Yes, must have passed the BCBA examination (Ky. Rev. Stat. Ann. 319C.080(1)(a))	N/A	N/A	N/A

Certified Behavior Analyst						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<i>(O.A.C. 4783-4-01(B)(3))</i>					
Continuing education	23 hours <i>(O.A.C. 4783-2-01(B)(1))</i>	N/A	N/A	N/A	N/A	N/A
Initial licensure fee	\$125 <i>(O.A.C. 4783-1-02(A))</i>	N/A	\$400 <i>(201 Ky. Admin. Regs. 43:030, Section 1(a) and (b))</i>	\$443.70 <i>(Michigan Licensing and Regulatory Affairs, Bureau of Professional Licensing, Behavioral Analyst Licensing Guide)</i>	\$75 <i>(49 Pa. Code 16.13(i))</i>	N/A
License duration	Two years <i>(O.A.C. 4783-1-03(A))</i>	N/A	Two years <i>(201 Ky. Admin. Regs. 43:030, Section 1(b)(2))</i>	Four years <i>(Michigan Licensing and Regulatory Affairs, Bureau of Professional Licensing, Behavioral Analyst Licensing Guide)</i>	Two years <i>(49 Pa. Code 16.13(i))</i>	N/A
Renewal fee	\$150 <i>(O.A.C. 4783-1-02(B))</i>	N/A	\$300 <i>(201 Ky. Admin. Regs.)</i>	\$367.20 <i>(Michigan Licensing and Regulatory)</i>	\$75 <i>(49 Pa. Code 16.13(i))</i>	N/A

Certified Behavior Analyst						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
			<i>43:030, Section 1(b)(2))</i>	<i>Affairs, Bureau of Professional Licensing, Behavioral Analyst Licensing Guide)</i>		

CHEMICAL DEPENDENCY PROFESSIONALS BOARD

General information (CDP)

Duties

The program's purpose is to ensure high standards of substance use disorder treatment and prevention services for all citizens through the assurance of a competent, well trained, ethical workforce.

The following duties for OCDP Board are:

- Issue and renew licenses/certificates and endorsements issued by the Board
- Establish and maintain educational and experience standards for individuals seeking a CDP Board license or certification
- Consumer protection through the investigation of ethics complaints and guiding professional practice by the enforcement of ethical standards
- Review and approve the content of education and training as it pertains to chemical dependency professionals
- Ensure competence and professional growth by auditing continuing education hours for the renewal of licenses/certificates
- College and University program endorsement
- Supporting the development of a skilled workforce to serve the needs of Ohio's citizens by working on workforce development-related initiatives

Membership *(Current members, chairperson and other officers, and selection process.)*

The Ohio Chemical Dependency Professionals Board (OCDP Board) is a 13-member board, of which 12 members are appointed by the Governor (4758.10). The 13th member is a designee from ODADAS who will serve as an ex-officio member. Members consist of four individuals with a valid LICDC license, two individuals with a valid LCDC III, one individual with a valid LCDC II, two individuals certified in prevention as an OCPS or OCPC, one doctor authorized to practice medicine and surgery or osteopathic medicine and surgery and has experience practicing in a field related to chemical dependency counseling, and two members of the general public. Also, not more than one-half of the voting members of the board may be of the same gender or members of the same political party, and at least two members of the board shall be of African, Native American, Hispanic, or Asian descent.

Individuals interested in becoming a member of the OCDP Board can submit applications to the Governor's Office.

Membership *(Current members, chairperson and other officers, and selection process.)*

Current Members as of 9/29/2020:

Wendy Haynes-Britton (CHAIR), Andrew Moss (VICE CHAIR), Alex Bishara (TREASURER), Philip Atkins, Trisha Farrar, John Lisy, Jim Mermis, Staci Morris, and Rick Massatti (OHMHAS).

Budget *(Current budget, description of budgeting process, sources of funding, and expected increases or decreases in budget or funding in future years.)*

Current budget for FY21 is \$664,212 *(amount is with mandatory reduction in budget due to COVID-19)* The Board does not receive any general revenue funding, funding is revenue generated by licensing fees, renewal fees , continuing education providers and college endorsements and is part of the 4k90 Funds.

The Board expects increases in our revenue and funding for future years as the demand for our licensed and certified workforce continues.

Workload *(Assess current, past, and anticipated workload. Has the workload increased or decreased significantly in the preceding six years?)*

The Board has continued to have a steady increase in new applications received on an annual basis, especially within our entry-level (CDCA) certification, many of them from the recovery community. From FY19 to FY20 there was a 24% increase in active CDCA certifications. With our Governors support of state initiatives around treatment, recovery, and prevention, along with the Ohio Dept. of Mental Health and Addiction Services federal State Opioid Response (SOR 2.0) grant award of over 90 million, our state will continue to need credentialed chemical dependency professionals in the workforce. Also COVID-19 will require a skilled workforce to work with individuals and communities who are demonstrating a need for more behavioral health services.

While the Board supports the State's initiatives to support those in recovery, consequently due to their past addiction history many have criminal justice in their past so it does take more staff time for our investigator to review and investigate those applications.

Up until FY20 the OCDP Board only had a part-time contract investigator, and also had periods of time with no Executive Director and no funding to cover hearings, causing a time delay in processing ethical violation cases. We have more than doubled the amount of consent agreements and hearings conducted since FY18-19, but our Board due to the volume of those with the entry level certification or nature of

Workload *(Assess current, past, and anticipated workload. Has the workload increased or decreased significantly in the preceding six years?)*

the disease of addiction for relapse can increase the number of ethical grievances received by this Board. We anticipate the workload for investigations to protect the public and the profession to continue remaining a large percentage of the workload for our board.

Resources in the state are funding more educational opportunities for the workforce to get trained, licensed and obtain renewal CEUS . Also, the rule change for the scope of practice guidelines for supervision of prevention credentials that went into effect in SY19 has increased the number of prevention applications and the need for more prevention specific continuing education training. Both scenarios have led to more CDP board staff reviews of sponsor applications for chemical dependency specific education training, courses, workshops and conferences; a 50% increase over last two years in continuing education sponsor reviews.

Staffing *(How many staff are currently employed by the board? What are their roles? Are staffing levels proportionate to the board's current and anticipated workload?)*

There are seven full time board staff members currently.

1. Executive Director oversees the responsibilities and duties of the CDP Board, supports the Board and 5 subsequent committees, communications with the field, along with oversight of budget and ethical violations.
2. AP4 provides training and guidance in license application processing and complex licensing issues, produces e-license reports and handles technical issues with e-licenses, processes continuing education providers, CE Audits, conducts reconciliation of revenue , and serves as CE Broker and IC&RC examination liaison.
3. CLE2 processes all treatment licenses, prevention certificates and endorsements.
4. A CLE1 processes all chemical dependency counselor assistant (CDCA) certificates and updating our website.
5. Customer Service Assistant handles close to 75-100 informational phone calls and emails a week, also processing refunds, check deposits and transcripts
6. Investigator- Application review for those with criminal justice history, ethical violation data entry, record keeping and investigations

Due to the increase volume of CDCA applications and ethical grievances, we have requested a split full-time position to serve as an investigative assistant and license processor to assist with additional administrative load these two duties require.

Administrative hearings and public complaints *(Describe the Board's processes for administering discipline and addressing complaints. Assess the efficiency of the processes.)*

The OCDP Board receives public complaints/grievances through email or mail and is reviewed to determine if it a potential violation of our Code of Ethics. If it does, a copy of the grievance is sent to the licensee/certificate holder along with a response form. They are given 30 days to respond.

After receipt of the response form, our Investigator begins the investigation process. Once all evidence has been collected and all interviews have been completed the investigator writes an investigative report with a recommendation using the Continuum of Sanctions developed by the Board. The report is then sent to the Executive Director (ED) for final review, recommendations, and approval. The ED forwards the investigative report to the Ethics Committee for review. Ethic Committee reviews the report and fills out an Ethics Committee Review form with recommendations and mitigating factors. The form is sent back to the investigator and the ED. If discipline is warranted a consent agreement is offered to the Respondent. All cases are heard and voted upon at the next Board meeting for Board Action. If the Consent Agreement is signed and approved by the Board then it goes up on e-License, National Practitioner Data Bank and to IC&RC if reciprocal license held.

If respondent does not sign Consent Agreement, Board approves a Notice of Opportunity (for a hearing) to be sent out. If requests a Hearing, Notice of Hearing with a date is sent out to the respondent. A hearing is set with a Hearing Officer and our assigned Assistant Attorney General (AAG) or another designated AAG. If respondent cannot be located, doesn't respond and doesn't request a hearing then the case goes to a Goldman Hearing which is prepared and held with our (AAG) and the Board's assigned Hearing Officer.

Empirical data suggests improved processes in place over the last 18 months and the hiring of the full time Investigator has improved the efficiency of the processing of addressing and processing ethical complaints. We are processing as efficiently as we can based on the legal and financial constraints placed upon our Board. The board will continue to work with the AAG to efficiently maximize the current resources that are provided under our statute.

Chemical dependency counselor (II, or III), (LCDC)

Survey responses (CDP)

Description
<p>LCDCII 's and LCDCIII 's may practice chemical dependency counseling, and have a Scope of Practice over this occupational license to do all the following:</p> <p>Perform treatment planning, assessment, crisis intervention, individual and group counseling, case management and education services as they relate to abuse of and dependency on alcohol and other drugs.</p> <p>LCDCIII may also diagnose chemical dependency conditions under supervision.</p>

Type <i>(See R.C. 4798.01 for relevant definitions.)</i>
Specialty occupational license for medical reimbursement

If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	Approx. 60 LCDCII and 160 LCDCIII
Number renewed annually	Approx. 136 LCDCII , and 450 LCDCIII
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	Remained steady over the last few years.
Education or training requirements	LCDCII Requires:

If the regulation is a registration, certification, or license requirement, please complete the following:	
	<p>A minimum of an Associate’s degree in a behavioral science, Nursing OR a Bachelor’s or higher degree in any field</p> <p>LCDCIII requires:</p> <p>A minimum of a Bachelor’s degree in a behavioral science or nursing</p> <p>Both require:</p> <p>180 hours of chemical dependency specific education grid in the nine specific content areas.</p>
Experience requirements	<p>One year (2,000 hours) of chemical dependency counseling related work experience (compensated work or supervised internship), and</p> <p>220 practical experience hours in the twelve core functions. This may be completed as part of the work experience requirements</p>
Examination requirements (<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>Successful completion of the ADC examination provided by International Certification & Reciprocity Consortium (IC&RC) or completion of Examination Waiver Form. IC&RC schedules the exams , collects and retains the fees for the exams.</p>
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	<p>Forty (40) hours of field related continuing education is required</p> <ul style="list-style-type: none"> ▪ Six (6) hours must be chemical dependency specific ▪ Three (3) hours must be in ethics
Initial fee	\$50.00
Duration	Two Years, with an additional 2-year grace period to renew with a late fee.

If the regulation is a registration, certification, or license requirement, please complete the following:	
Renewal fee <i>(If different from initial fee, please explain why.)</i>	\$150.00. The initial fee to apply for a license has remained at \$50.00 since the inception of CDP Board. Since it is a specialty license demonstrating an increased skill set and knowledge of substance use disorders and treatment, the \$50.00 fee may have remained low since they also may hold another general social work, counseling, or psychology license. Also license applicants must pay for the \$150 exam fee prior to receiving a license. The higher renewal fee is more representative of the costs associated with board operations.
Does the Board recognize uniform licensure requirements or allow for reciprocity?	Addiction professionals certified/licensed by an IC&RC member board who relocate to Ohio may transfer their credential to the OCDP Board using the reciprocity process; ADC Reciprocal with Associate's degree in a behavioral science or Bachelor's degree in any field. LCDCIII: ADC Reciprocal with bachelor's degree in a behavioral science
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	LSW/LISW can declare Scope of Practice
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	Yes, however our license demonstrates additional knowledge and skills to treat substance use disorder
Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?	Yes
Other information <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i>	Potential disqualifying offenses (link on our website under Board Statements) https://ocdp.ohio.gov/Portals/0/pdfs/DQ%20Fresh%20Start%20Position%20Statement%20Amended%209.9.2020.pdf?ver=2020-09-09-144815-167

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

4758.30, 4758.31, 4758-8, 4758-10

**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 from license and renewal fees are deposited into the 4k90 fund. Total FY20 revenue for OCPD Board = \$606,926.85. This would include not only license and renewal fees, but also approximately \$16,500 in revenue from such sources as Continuing Education Provider fees, wall certificate requests, escrow requests and any college endorsement fees, etc.

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

Substance Abuse and Mental Health Services Administration (SAMHSA) does give guidance as a federal agency to Laws and regulations pertaining to substance abuse and mental health services.

No.

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

Incompetence and misconduct

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

Yes

Yes, in certain disciplinary situations

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

Yes. For example, direct legislative authority to impose fines for disciplinary actions, explore possible adjustments regarding educational/academic requirements.

Comparison to other states (How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)

Most all states regulate chemical dependency counselors, and about 34 grant prevention certifications, and 2 others through Indian Health Services. Regulation comes from International Certification & Reciprocity Consortium (IC&RC) or National Certification Commission for Addiction Professionals standards that are adopted by the States. Ohio is not the most restrictive nor is it the most lax. Because our regulation comes through IC&RC , Ohio in general is probably similar to the 44 states who are IC&RC States, so our regulations are quite mainstream.

Surrounding state comparison (LSC)

Licensed Chemical Dependency Counselor (LCDC) II or III						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (<i>R.C. 4758.41 and 4758.42</i>)	Yes – addiction counselor (<i>Ind. Code Ann. 25-23.6-10.5-1 to 25-23.6-10.5-15.5; 839 Ind. Admin. Code 1-5.5-1 to 1-5.5-8</i>)	Yes – certified alcohol and drug counselor (CADC) (<i>Ky. Rev. Stat. Ann. 309.083; 201 Ky. Admin. Regs. 35:010 to 35:090</i>)	Yes – CADC (<i>Mich. Comp. Laws 330.1274a; Michigan Certification Board for Addiction Professionals, CADC – Certified Alcohol and Drug Counselor: Overview of Requirements</i>)	No – license is held by the facility, not the practitioner	Yes (<i>W. Va. Code 30-31-1</i>)
Education or training	Associate’s degree; 180 hours Chemical	Bachelor’s degree in addiction counseling,	Bachelor’s degree; 270 hours of classroom	300 education hours, 180 of which must be	Any of the following:	Accredited degree; 300 hours training or

Licensed Chemical Dependency Counselor (LCDC) II or III						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	Dependency (CD)-specific education; 200 hours practical experience (<i>R.C. 4758.41 and 4758.42; O.A.C. 4758-5-03 and 4758-5-04</i>)	including 40 semester hours of CD-specific education and 350 hours practical experience (<i>Ind. Code Ann. 25-23.6-10.5-1 and 25-23.6-10.5-5</i>)	training (<i>Ky. Rev. Stat. Ann. 309.083; 201 Ky. Admin. Regs. 35:010 to 35:090</i>)	specific to substance abuse disorders	<ol style="list-style-type: none"> 1. Licensure as a physician; 2. Master's degree in a relevant field that includes a practicum; 3. Bachelor's degree in a relevant field; 4. Associate's degree in a relevant field; 5. Licensure as a registered nurse; or 6. Certification as an addictions counselor by a statewide certification body which is a member of a national certification body or certification 	<p>instruction, 70 of which must be addiction-specific, and six of those 70 addiction-specific ethics for LCDC II</p> <p>Master's or doctorate degree; 300 hours training or instruction, 180 of which must be addiction-specific, and six of those 180 addiction-specific ethics for LCDC III</p> <p>(<i>W. Va. Code 30-31-8; W. Va. Code R. 27-1-6</i>)</p>

Licensed Chemical Dependency Counselor (LCDC) II or III						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
					by another state government's substance abuse counseling certification board <i>(28 Pa. Code 704.7; also see, Pennsylvania Certification Board, Certified Peer Specialist Information and Application)</i>	

Licensed Chemical Dependency Counselor (LCDC) II or III						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Experience	2,000 hours CD work or internship (with minimum hours in specified content areas); 120 hours practical (<i>R.C. 4758.41 and 4758.42; O.A.C. 4758-5-03 and 4758-5-04</i>)	Two years of addiction counseling experience, 150 hours of which must be supervised (<i>Ind. Code Ann. 25-23.6-10.5-7</i>)	6,000 hours of experience working with persons with a substance abuse disorder (can be partially substituted by higher education); 300 hours of clinical supervision (<i>Ky. Rev. Stat. Ann. 309.083; 201 Ky. Admin. Regs. 35:010 to 35:090</i>)	6,000 hours of experience working with persons with a substance abuse disorder (can be partially substituted by higher education); 300 hours of clinical supervision	If qualifying on the basis of a bachelor's degree or as a registered nurse, one year of clinical experience in a health or human service agency If qualifying on the basis of an associate's degree, two years of clinical experience in a health or human service agency (<i>28 Pa. Code 704.7</i>)	Three years supervised work experience; 100 to 300 hours supervised experience (minimum ten hours in the 12 core functions) for LCDC II Three years direct experience; 2,000 hours supervised experience (minimum ten hours in the 12 core functions) for LCDC III (<i>W. Va. Code 30-31-8; W. Va. Code R. 27-1-6</i>)
Exam	International Certification & Reciprocity Consortium (IC&RC) Alcohol and Drug Counselor (ADC)	IC&RC ADC examination (<i>Ind. Code Ann. 25-23.6-10.5-1; Indiana Professional Licensing Agency,</i>	IC&RC ADC examination (<i>Ky. Rev. Stat. Ann. 309.083; 201 Ky. Admin. Regs. 35:025</i>)	IC&RC ADC examination, or IC&RC Advanced Alcohol and Drug Counselor (AADC) examination	None required	IC&RC ADC examination (<i>W. Va. Code 30-31-8; W. Va. Code R. 27-1-6</i>)

Licensed Chemical Dependency Counselor (LCDC) II or III						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	examination (<i>R.C. 4758.41, 4758.42, and 4758.22; O.A.C. 4758-5-04</i>)	<i>Behavioral Health and Human Services Licensing Board, Licensed Addiction Counselor (LAC) Information and Instructions</i>)				
Continuing education	40 hours every two years, including six hours CD-specific and three hours ethics (<i>R.C. 4758.28; O.A.C. 4758-13</i>)	40 hours every two years (<i>839 Ind. Admin. Code 1-6-3</i>)	60 hours every three years (<i>Ky. Rev. Stat. Ann. 309.083; 201 Ky. Admin. Regs. 35:040</i>)	40 hours every two years	25 hours annually (<i>28 Pa. Code 704.11(f)</i>)	40 hours every two years, including six hours addiction-specific ethics (<i>W. Va. Code R. 27-3-1 and 27-1-6</i>)
Initial licensure fee	\$50 (<i>O.A.C. 4758-3-01</i>)	\$50 (<i>839 Ind. Admin. Code 1-2-5</i>)	\$50 application fee, \$200 initial issuance fee (<i>201 Ky. Admin. Regs. 35:020</i>)	\$150	N/A	\$75 (<i>W. Va. Code 30-31-8; W. Va. Code R. 27-1-6</i>)
License duration	Two years (<i>R.C. 4758.26</i>)	Two years (<i>Ind. Code Ann. 25-23.6-10.5-12; 839 Ind. Admin. Code 1-6-3</i>)	Three years (<i>Ky. Rev. Stat. Ann. 309.084; 201 Ky. Admin. Regs. 35:010 to 35:090</i>)	Two years (for initial period) or two to three years (for renewal period)	N/A	Two years (<i>W. Va. Code 30-31-10</i>)

Licensed Chemical Dependency Counselor (LCDC) II or III						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Renewal fee	\$150 (<i>O.A.C. 4758-3-01</i>)	\$50 (<i>839 Ind. Admin. Code 1-2-5</i>)	\$200 (<i>201 Ky. Admin. Regs. 35:020</i>)	\$145 (for two years) or \$200 (for three years)	N/A	\$175 (<i>W. Va. Code 30-31-10</i>)

Independent chemical dependency counselor (LICDC)

Survey responses (CDP)

Description
<p>LICDC's may practice chemical dependency counseling, and have a Scope of Practice over this occupational license to do all the following:</p> <p>Diagnose and treat chemical dependency conditions; Perform treatment planning, assessment, crisis intervention, individual and group counseling, case management and education services as they relate to abuse of and dependency on alcohol and other drugs;</p> <p>Provide clinical supervision of chemical dependency counseling under supervision</p>
Type <i>(See R.C. 4798.01 for relevant definitions.)</i>
<p>Specialty occupational license for medical reimbursement</p>

If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	Approx.190
Number renewed annually	Approx. 944 renewals
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	Increase as it is the highest license, and independent license meaning an LICDC can perform without supervision as well as provide clinical supervision of chemical dependency counseling (under supervision). You must have a LICDC to receive the Clinical Supervisor endorsement, thus it is a desired license to hold.
Education or training requirements	A minimum of a Master’s degree or higher in a behavioral science with documentation of coursework in ten specific content areas 180 hours of chemical dependency specific education grid in the nine specific content areas
Experience requirements	One year (2,000 hours) of chemical dependency counseling related work experience (compensated work or supervised internship), and 220 practical experience hours in the twelve core functions. This may be completed as part of the work experience requirements
Examination requirements (<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>)	Successful completion of the ADC examination provided by International Certification & Reciprocity Consortium (IC&RC) or completion of Examination Waiver Form. IC&RC schedules the exams , collects and retains all the fees for the exams
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	Forty (40) hours of field related continuing education is required <ul style="list-style-type: none"> ▪ Six (6) hours must be chemical dependency specific ▪ Three (3) hours must be in ethics

If the regulation is a registration, certification, or license requirement, please complete the following:	
Initial fee	\$50.00
Duration	Two years with a 2-year grace period to renew with a late fee
Renewal fee <i>(If different from initial fee, please explain why.)</i>	\$150.00. The initial fee to apply for a license has remained at \$50.00 since the inception of CDP Board. Since it is a specialty license demonstrating an increased skill set and knowledge of substance use disorders and treatment, the \$50.00 fee may have remained low since they also may hold another general social work, counseling, or psychology license. Also license applicants must pay for the \$150 exam fee prior to receiving a license. The higher renewal fee is more representative of the costs associated with board operations.
Does the Board recognize uniform licensure requirements or allow for reciprocity?	Addiction professionals certified/licensed by an IC&RC member board who relocate to Ohio may transfer their credential to the OCDP Board using the reciprocity process; ADC Reciprocal with Master's degree in a behavioral science
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	LSW/LISW can declare Scope of Practice
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	Yes, however our license demonstrates additional knowledge and skills to treat substance use disorder
Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?	Yes

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

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

Potentially Disqualifying offenses (Link above)

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

4758.30, 4758.31, 4758-8, 4758-10

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 from license and renewal fees are deposited into the 4k90 fund. Total FY20 revenue for OCDP Board = \$606,926.85. This would include not only license and renewal fees, but also approximately \$16,500 in revenue from such sources as Continuing Education Provider fees, wall certificate requests, escrow requests and any college endorsement fees, etc.

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

Substance Abuse and Mental Health Services Administration (SAMHSA) does give guidance as a federal agency to Laws and regulations pertaining to substance abuse and mental health services.

No.

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

Incompetence and misconduct

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

Yes

Yes, in certain disciplinary situations

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

Yes. For example, direct legislative authority to impose fines for disciplinary actions, expand scope for dual diagnosis, and explore possible adjustments regarding educational /academic requirements.

Comparison to other states (*How many other states regulate the occupation? How do Ohio’s regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?*)

Most all states regulate chemical dependency counselors. Regulation comes from International Certification & Reciprocity Consortium (IC&RC) or National Certification Commission for Addiction Professionals standards that are adopted by the States. Ohio is not the most restrictive nor is it the most lax. Because our regulation comes through IC&RC, Ohio in general is probably similar to the 44 states who are IC&RC states so our regulations are quite mainstream.

Surrounding state comparison (LSC)

Licensed Independent Chemical Dependency Counselor (LICDC)						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (<i>R.C. 4758.02</i>)	Yes – “clinical addiction counselor” (<i>Ind. Code Ann. 25-23.6-10.5-1 to 25-23.6-10.5-15.5; 839 Ind. Admin.</i>)	No clear equivalent	Yes – “certified advanced alcohol and drug counselor” (CAADC) (<i>Mich. Comp. Laws 330.1274a;</i>)	No – license is held by the facility, not the practitioner	No clear equivalent

Licensed Independent Chemical Dependency Counselor (LICDC)

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
		<i>Code 1-5.5-1 to 1-5.5-8)</i>		<i>Michigan Certification Board for Addiction Professionals, CAADC – Certified Advanced Alcohol and Drug Counselor: Overview of Requirements)</i>		
Education or training	Master’s degree in a behavioral science or nursing including 180 hours of approved CD-specific education (<i>R.C. 4758.40; O.A.C. 4758-5-05</i>)	Master’s or doctorate degree in addiction counseling, addiction therapy, or a related field and 700 hours in a supervised clinical addiction counseling services practicum (<i>Ind. Code Ann. 25-23.6-10.5-2 and 25-23.6-10.5-6</i>)	N/A	Master’s degree or license at a master’s level, including 186 contact hours and 180 hours specific to substance abuse disorders	Any of the following: <ol style="list-style-type: none"> 1. Licensure as a physician 2. Master’s degree in a relevant field that includes a practicum 3. Bachelor’s degree in a relevant field 4. Associate’s degree in a relevant field 	N/A

Licensed Independent Chemical Dependency Counselor (LICDC)

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
					<p>5. Licensure as a registered nurse; or</p> <p>6. Certification as an addictions counselor by a statewide certification body which is a member of a national certification body or certification by another state government's substance abuse counseling certification board</p> <p><i>(28 Pa. Code 704.7; also see, Pennsylvania Certification Board, Certified Peer Specialist</i></p>	

Licensed Independent Chemical Dependency Counselor (LICDC)

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
					<i>Information and Application)</i>	
Experience	2,000 hours CD counseling-related work or supervised internship experience; 220 hours of practical experience (<i>R.C. 4758.40; O.A.C. 4758-5-05</i>)	Two years of addiction counseling experience, 150 hours supervised (<i>Ind. Code Ann. 25-23.6-10.5-8</i>)	N/A	2,000 hours of counseling experience following completion of master's degree	If qualifying on the basis of a bachelor's degree or as a registered nurse, one year of clinical experience in a health or human service agency If qualifying on the basis of an associate's degree, two years of clinical experience in a health or human service agency (<i>28 Pa. Code 704.7</i>)	N/A
Exam	IC&RC ADC examination (<i>O.A.C. 4758-5-05</i>)	IC&RC AADC examination (<i>Ind. Code Ann. 25-23.6-10.5-2; Indiana Professional Licensing Agency, Behavior Health</i>)	N/A	IC&RC AADC examination	None required	N/A

Licensed Independent Chemical Dependency Counselor (LICDC)

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
		<i>and Human Service Licensing Board, Licensed Clinical Addiction Counselor (LCAC) Information and Instructions)</i>				
Continuing education	40 hours every two years (<i>R.C. 4758.51; O.A.C. 4758-13-01</i>)	40 hours every two years (<i>839 Ind. Admin. Code 1-6-3</i>)	N/A	40 hours every two years	25 hours annually (<i>28 Pa. Code 704.11(f)</i>)	N/A
Initial licensure fee	\$50 (<i>O.A.C. 4758-3-01</i>)	\$50 (<i>839 Ind. Admin. Code 1-2-5</i>)	N/A	\$150	N/A	N/A
License duration	Two years (<i>R.C. 4758.26</i>)	Two years (<i>Ind. Code Ann. 25-23.6-10.5-12; 839 Ind. Admin. Code 1-6-3</i>)	N/A	Two years (for initial period) or two to three years (for renewal period)	N/A	N/A
Renewal fee	\$150 (<i>O.A.C. 4758-3-01</i>)	\$50 (<i>839 Ind. Admin. Code 1-2-5</i>)	N/A	\$145 (for two years) or \$200 (for three years)	N/A	N/A

Chemical dependency counselor assistant certificate (CDCA)

Survey responses (CDP)

Description	
<p>CDCA's may perform treatment planning, assessment, crisis intervention, individual and group counseling, case management, and education services as they relate to abuse of or dependency on alcohol and other drugs only under supervision (one hour of supervision for every 40 hours) under their Scope of Practice.</p>	
Type <i>(See R.C. 4798.01 for relevant definitions.)</i>	
<p>Specialty occupational license for medical reimbursement</p>	
If the regulation is a registration, certification, or license requirement, please complete the following:	
<p>Number issued annually</p>	<p>2151 CDCAPRE (preliminary certificates) , and 1014 CDCA Renewable certificates were issued in FY20. For a total of 3165.</p>
<p>Number renewed annually</p>	<p>Approx. 905 CDCA Renewable Certificates are renewed annually. (CDCAPRE is a non-renewable certificate)</p>

If the regulation is a registration, certification, or license requirement, please complete the following:	
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	Significant increases starting with BH redesign, Medicaid expansion and continuing to date, especially as those in recovery seek to help others with substance use disorders and the CDCA certificate gives them an opportunity to be employed and work in this field.
Education or training requirements	<p>Must be at least 18 years of age and hold a High School Diploma or GED</p> <p>Forty (40) hours of chemical dependency specific education grid in the required content areas</p> <p>Must hold the Preliminary for a minimum of 10 months</p> <p>FOR CDCA RENEWABLE (or CDCA) :</p> <p>Must have held the CDCA Preliminary 10 months before applying</p> <p>Thirty (30) hours of chemical dependency specific education grid in the required content areas</p>
Experience requirements	None
Examination requirements (<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
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	<p>For the CDCA Renewable:</p> <p>Forty (40) hours of field related continuing education is required</p> <ul style="list-style-type: none"> ▪ Six (6) hours must be chemical dependency specific ▪ Three (3) hours must be in ethics
Initial fee	\$50.00

If the regulation is a registration, certification, or license requirement, please complete the following:	
Duration	13 months for CDCAPRE with a one-year grace period to apply for their CDCA renewable. CDCA renewable (or CDCA) is 2 years with a 2-year grace period to renew with a late fee.
Renewal fee <i>(If different from initial fee, please explain why.)</i>	\$150.00; One reason to continue to keep the initial fee at the \$50.00 is to alleviate for some starting out in the field any financial hardships particularly among applicants in recovery that might be “starting over” and be unemployed. The assumption at time of renewal is that they are much more likely to be employed and afford the higher renewal fee which is more representative of costs associated with board operations.
Does the Board recognize uniform licensure requirements or allow for reciprocity?	Not at the CDCA certificate level
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	LSW and LISW can declare Scope of Practice
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	Yes
Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?	Yes
Other information <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i>	Potential Disqualifying Offenses (Link above)

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

4758.30, 4758.31, 4758-8, 4758-10

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 from license and renewal fees are deposited into the 4k90 fund. Total FY20 revenue for OCDP Board = \$606,926.85. This would include not only license and renewal fees, but also approximately \$16,500 in revenue from such sources as Continuing Education Provider fees, wall certificate requests, escrow requests and any college endorsement fees, etc.

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

Substance Abuse and Mental Health Services Administration (SAMHSA) does give guidance as a federal agency to Laws and regulations pertaining to substance abuse and mental health services.

No

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

Incompetence and misconduct

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

Yes

Yes, in certain disciplinary situations

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

Yes. For example, direct legislative authority to impose fines for disciplinary actions.

Comparison to other states (How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)

Most all states regulate chemical dependency counselors. Regulation comes from International Certification & Reciprocity Consortium (IC&RC) or National Certification Commission for Addiction Professionals standards that are adopted by the States. Ohio is not the most restrictive nor is it the most lax. Because our regulation comes through IC&RC , Ohio in general is probably similar to the 44 states who are IC&RC states so our regulations are quite mainstream. (Note: CDCA is a certificate and not a license, and not recognized by IC&RC as reciprocal.)

Surrounding state comparison (LSC)

Chemical Dependency Counselor Assistant Certificate (CDCA)						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (R.C. 4758.02)	No clear equivalent	No clear equivalent	No clear equivalent	No – license is held by the facility, not the practitioner	No clear equivalent
Education or training	40 hours of CD-specific education plus an additional 30 hours of CD-specific education during the 12 months following initial certification (R.C.	N/A	N/A	N/A	Any of the following: <ol style="list-style-type: none"> 1. Master's degree in a relevant field 2. Bachelor's degree in a relevant field 	N/A

Chemical Dependency Counselor Assistant Certificate (CDCA)

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	4758.43; O.A.C. 4758-5-01)				3. Licensure as a registered nurse 4. Associate’s degree in a relevant field; or 5. High school diploma or General Education Development (GED) equivalent <i>(28 Pa. Code 704.8)</i>	
Experience	None required	N/A	N/A	N/A	None required	N/A
Exam	None required	N/A	N/A	N/A	None required	N/A
Continuing education	40 hours every two years (R.C. 4758.51; O.A.C. 4758-13-01)	N/A	N/A	N/A	40 hours during first year; 30 hours annually thereafter (28 Pa. Code 704.11(g))	N/A
Initial licensure fee	\$50 (O.A.C. 4758-3-01)	N/A	N/A	N/A	N/A	N/A

Chemical Dependency Counselor Assistant Certificate (CDCA)						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License duration	13 months for initial certification; two years for each certificate thereafter (<i>R.C. 4758.26</i>)	N/A	N/A	N/A	N/A, but may only qualify as counselor assistant for up to five to seven years (<i>28 Pa. Code 704.10(c)</i>)	N/A
Renewal fee	\$150 (<i>O.A.C. 4758-3-01</i>)	N/A	N/A	N/A	N/A	N/A

Independent chemical dependency counselor-clinical supervisor license (LICDC-CS) Survey responses (CDP)

Description
<p>LICDC-CS's in addition to practicing chemical dependency counseling, may do all of the following:</p> <p>Diagnose and treat chemical dependency conditions; Perform treatment planning, assessment, crisis intervention, individual and group counseling, case management and education services as they relate to abuse of and dependency on alcohol and other drugs; Provide clinical supervision of chemical dependency counseling and diagnosing and treating chemical dependency conditions; Supervise treatment services</p>

Type (See R.C. 4798.01 for relevant definitions.)

Specialty occupational license for medical reimbursement

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

Number issued annually

Approx. 24

Number renewed annually

Unable to get the data as the endorsement renews with the LICDC license for those with the CS endorsement

Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?

Showing a slight decrease over the years that could be attributed to older license holder with this highest level of license retiring and not enough younger license holders advancing up to this clinical supervisor endorsement.

Education or training requirements

Hold an active LICDC
30 hours of clinical supervisory education

Experience requirements

One year (2,000 hours) of chemical dependency counseling related work experience (compensated work or supervised internship)
One **additional** year (2,000 hours) of work experience as a clinical supervisor of chemical dependency counseling services (Cannot be the same dates as the chemical dependency counseling related work)

If the regulation is a registration, certification, or license requirement, please complete the following:	
Examination requirements (<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>)	Successful completion of the ADC & CS examinations provided by International Certification & Reciprocity Consortium (IC&RC) or completion of Examination Waiver Form IC&RC schedules, collects and retains fees for the exam.
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	Forty (40) hours of field related continuing education is required <ul style="list-style-type: none"> ▪ Six (6) hours must be chemical dependency specific ▪ Three (3) hours must be in ethics ▪ Show six (6) hours in Clinical Supervision topics
Initial fee	\$50.00
Duration	Two years with a 2-year grace period to renew with a late fee, CS endorsement renews with LICDC license
Renewal fee (<i>If different from initial fee, please explain why.</i>)	CS endorsement renews with LICDC license
Does the Board recognize uniform licensure requirements or allow for reciprocity?	Addiction professionals certified/licensed by an IC&RC member board who relocate to Ohio may transfer their credential to the OCDP Board using the reciprocity process. ;CS Reciprocal with Master's degree
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	LSW-S /LISW-S can declare Scope of Practice

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

<p>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?</p>	<p>Yes, however the LICDC license with the CS endorsement demonstrates additional knowledge and skills to treat substance use disorder, and provide clinical supervision of others.</p>
<p>Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?</p>	<p>Yes</p>
<p>Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)</p>	<p>Potential Disqualifying Offenses (Link above)</p>

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

4758.30, 4758.31, 4758-8, 4758-10

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 from license and renewal fees are deposited into the 4k90 fund. Total FY20 revenue for OCDP Board = \$606,926.85. This would include not only license and renewal fees, but also approximately \$16,500 in revenue from such sources as Continuing Education Provider fees, wall certificate requests , escrow requests and any college endorsement fees, etc.

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

Substance Abuse and Mental Health Services Administration (SAMHSA) does give guidance as a federal agency to Laws and regulations pertaining to substance abuse and mental health services including prevention services.

No.

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

Incompetence and misconduct

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

Yes
 Yes, in certain disciplinary situations

Comparison to other states (*How many other states regulate the occupation? How do Ohio’s regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?*)

Most all states regulate chemical dependency counselors. Regulation comes from International Certification & Reciprocity Consortium (IC&RC) or National Certification Commission for Addiction Professionals standards that are adopted by the States. Ohio is not the most restrictive nor is it the most lax. Because our regulation comes through IC&RC , Ohio in general is probably similar to the 44 states who are IC&RC states so our regulations are quite mainstream.

Surrounding state comparison (LSC)

Independent Chemical Dependency Counselor – Clinical Supervisor License (LICDC-CS)						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (<i>R.C. 4758.39</i>)	Yes – clinical addiction counselor (<i>Ind. Code Ann. 25-23.6-10.5-1 to 25-23.6-10.5-15.5; 839 Ind. Admin.</i>)	Yes – licensed CADC (<i>Ky. Rev. Stat. Ann. 309.0832; 201 Ky. Admin. Regs. 35:010 to 35:090</i>)	Yes – certified clinical supervisor (CCS) (<i>Mich. Comp. Laws 330.1274a; Michigan Certification</i>)	No – license is held by the facility, not the practitioner	Yes (<i>W. Va. Code 30-31-1</i>)

Independent Chemical Dependency Counselor – Clinical Supervisor License (LICDC-CS)

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
		<i>Code 1-5.5-1 to 1-5.5-8)</i>		<i>Board for Addiction Professionals, CCS - Certified Clinical Supervisor: Overview of Requirements)</i>		
Education or training	Four-year degree; 90 hours of supervisory or administrative education; 120 hours prevention education in all domains (<i>R.C. 4758.39; O.A.C. 4758-5-06</i>)	Master’s or doctorate degree in addiction counseling, addiction therapy, or a related field; 700 hours in a clinical addiction counseling services practicum or internship (<i>Ind. Code Ann. 25-23.6-10.5-2.5 and 25-23.6-10.5-6</i>)	Master’s or doctorate degree; 180 hours of classroom training (<i>Ky. Rev. Stat. Ann. 309.0832; 201 Ky. Admin. Regs. 35:010 to 35:090</i>)	30 hours of training and CADC, CAADC, or similar certification	Any of the following: <ol style="list-style-type: none"> 1. Master’s degree in a relevant field that includes a practicum 2. Bachelor’s degree in a relevant field 3. Associate’s degree in a relevant field, or 4. Full certification as an addictions counselor by a statewide certification 	ADC or AADC credential (<i>W. Va. Code 30-31-8; W. Va. Code R. 27-1-6</i>)

Independent Chemical Dependency Counselor – Clinical Supervisor License (LICDC-CS)

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
					body which is a member of a national certification body or certification by another state government's substance abuse counseling certification board <i>(28 Pa. Code 704.6; also see, Pennsylvania Certification Board, Certified Peer Specialist Information and Application)</i>	
Experience	One year of experience, plus two years' experience supervisory or administrative, plus 120 practical	Two years of addiction counseling experience, 150 hours of which are supervised	2,000 hours of experience working with persons with a substance abuse disorder; 300 hours of clinical	10,000 hours, including 4,000 hours of clinical supervision (may substitute 1,000 hours for associate's	Two years as supervisors in the provision of clinical services or a completion of a core curriculum in clinical	Five years' experience as alcohol/drug abuse counselor; two years clinical supervisory experience; plus

Independent Chemical Dependency Counselor – Clinical Supervisor License (LICDC-CS)

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	hours in six performance domains (<i>R.C. 4758.39; O.A.C. 4758-5-06</i>)	(<i>839 Ind. Admin. Code 1-5.5-4</i>)	supervision (<i>Ky. Rev. Stat. Ann. 309.0832; 201 Ky. Admin. Regs. 35:010 to 35:090</i>)	degree, 2,000 hours for bachelor’s degree, or 4,000 hours for master’s degree)	supervision and one of the following: <ol style="list-style-type: none"> 1. If qualifying on the basis of a master’s degree, two years of clinical experience in a health or human service agency 2. If qualifying on the basis of a bachelor’s degree, three years of clinical experience in a health or human service agency 3. If qualifying on the basis of an 	30 hours clinical supervision training (<i>W. Va. Code 30-31-8; W. Va. Code R. 27-1-6</i>)

Independent Chemical Dependency Counselor – Clinical Supervisor License (LICDC-CS)

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
					associate's degree, four years of clinical experience in a health or human service agency; or 4. If qualifying on the basis of certification with statewide body or another state, three years of clinical experience in a health or human service agency <i>(28 Pa. Code 704.6)</i>	
Exam	IC&RC prevention examination <i>(R.C.)</i>	IC&RC AADC examination or master addiction	IC&RC comprehensive examination <i>(Ky.)</i>	IC&RC CCS examination	None required	IC&RC prevention examination <i>(W. Va. Code 30-31-8;</i>

Independent Chemical Dependency Counselor – Clinical Supervisor License (LICDC-CS)

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	4758.39; O.A.C. 4758-5-06)	counselor (MAC) examination administered by the National Certification Commission for Addiction Professionals (<i>Ind. Code Ann. 25-23.6-10.5-2.5; Indiana Professional Licensing Agency, Behavioral Health and Human Services Licensing Board, Licensed Clinical Addiction Counselor (LCAC) Information and Instructions</i>)	<i>Rev. Stat. Ann. 309.0832; 201 Ky. Admin. Regs. 35:025)</i>			<i>W. Va. Code R. 27-1-6)</i>
Continuing education	40 hours every two years, including six hours in domain VI and three hours ethics (<i>R.C. 4758.51; O.A.C. 4758-5-06)</i>)	40 hours every two years (<i>839 Ind. Admin. Code 1-6-3)</i>)	60 hours every three years (20 hours per year for associates) (<i>Ky. Rev. Stat. Ann. 309.0832; 201 Ky. Admin. Regs. 35:040)</i>)	Six hours every two years plus continuing education for subordinate licenses	12 hours annually (<i>28 Pa. Code 704.11(e)</i>)	40 hours every two years, including six hours supervision-specific ethics (<i>W. Va. Code R. 27-1-6)</i>)

Independent Chemical Dependency Counselor – Clinical Supervisor License (LICDC-CS)						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Initial licensure fee	\$50 (<i>O.A.C. 4758-3</i>)	\$50 (<i>839 Ind. Admin. Code 1-2-5</i>)	\$50 application fee, \$300 initial issuance fee (<i>201 Ky. Admin. Regs. 35:020</i>)	\$150	N/A	\$75 (<i>W. Va. Code 30-31-8</i>)
License duration	Two years (<i>R.C. 4758.26; O.A.C. 4758-5-06</i>)	Two years (<i>839 Ind. Admin. Code 1-6-3</i>)	Three years (<i>Ky. Rev. Stat. Ann. 309.084; 201 Ky. Admin. Regs. 35:010 to 35:090</i>)	Two years (for initial period) or two to three years (for renewal period)	N/A	Two years (<i>W. Va. Code 30-31-10</i>)
Renewal fee	\$150 (<i>O.A.C. 4758-3</i>)	\$50 (<i>839 Ind. Admin. Code 1-2-5</i>)	\$300 (<i>201 Ky. Admin. Regs. 35:020</i>)	\$145 (for two years), or \$200 (for three years)	N/A	\$150 (<i>W. Va. Code 30-31-10</i>)

Prevention specialist assistant certificate (OCPSA)

Survey responses (CDP)

Description
An OCPSA may engage and perform prevention activities only while under supervision

Type (See R.C. 4798.01 for relevant definitions.)

Specialty occupational license for medical reimbursement

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

Number issued annually	Approx. 61
Number renewed annually	Approx. 76
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	Increasing every year
Education or training requirements	Be at least eighteen years of age. Have at least a high school diploma or high school equivalence diploma. Have at least forty-five (45) hours of prevention related education of which fifty percent shall have been obtained within the last two years, and nine hours shall be alcohol and other drug prevention specific.
Experience requirements	At least one hundred (100) hours of compensated or volunteer work, field placement, intern, or practicum experience in prevention services.
Examination requirements (<i>Who administers the exam? How is the exam</i>)	None

If the regulation is a registration, certification, or license requirement, please complete the following:	
<i>and administrator selected? What fees are charged? Does the Board receive any proceeds of those fees? If so, how are the proceeds used?)</i>	
Continuing education requirements <i>(Including a description of the curriculum and the process of setting it.)</i>	Twenty (20) hours of field related continuing education is required Three (3) hours must be from Content Area 6: Prevention Professional Growth & Responsibility One and a half (1.5) must be in prevention ethics
Initial fee	\$50.00
Duration	Two Years, with an additional 2-year grace period to renew with a late fee.
Renewal fee <i>(If different from initial fee, please explain why.)</i>	\$150.00 The initial fee to apply for a prevention certificate has remained at \$50.00 since the inception of CDP Board. Since it is a specialty credential demonstrating an increased skill set and knowledge of behavioral health prevention including substance misuse prevention, the \$50.00 fee may have remained low since they also may hold another general social work license, nursing or certified health education specialist certification . Also as an entry level certificate available to volunteers in a community coalition , or a college student \$50.00 is more reasonable expense. The assumption at time of renewal is that they are much more likely to be employed and afford the higher renewal fee which is more representative of costs associated with board operations.
Does the Board recognize uniform licensure requirements or allow for reciprocity?	Yes, PS Reciprocal with High School Diploma or GED
Are there any similar national registrations, certifications, or licenses?	The Certified Health Education Specialist (CHES) and the LSW/LISW are reciprocal in the Ohio MHAS standards.

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

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?	Yes
Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?	Yes
Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)	Potential Disqualifying Offenses (Link above)

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

4758.30, 4758.31, 4758-8, 4758-10

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 from license and renewal fees are deposited into the 4k90 fund. Total FY20 revenue for OCDP Board = \$606,926.85. This would include not only license and renewal fees, but also approximately \$16,500 in revenue from such sources as Continuing Education Provider fees, wall certificate requests, escrow requests and any college endorsement fees, etc.

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

Substance Abuse and Mental Health Services Administration (SAMHSA) does give guidance as a federal agency to Laws and regulations pertaining to substance abuse and mental health services including prevention services.

No.

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

Incompetence and misconduct

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

Yes

Yes, in certain disciplinary situations

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

Yes, for example fines for disciplinary violations

Comparison to other states *(How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)*

About 34 states grant prevention certifications, and 2 others through Indian Health Services. Regulation comes from International Certification & Reciprocity Consortium (IC&RC) standards that are adopted by the States. Ohio is not the most restrictive nor is it the most lax. Because our regulation comes through IC&RC, Ohio in general is probably similar to the other IC&RC States, so our regulations are quite mainstream. The OCPSA is not regulated or offered reciprocity thru IC&RC

Surrounding state comparison (LSC)

Prevention Specialist Assistant Certificate (OCPSA)						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (<i>R.C. 4758.02</i>)	No clear equivalent	No clear equivalent	No clear equivalent	No clear equivalent	No clear equivalent
Education or training	High school education; 45 hours of prevention related-education, nine hours of which are specific to alcohol and other drug prevention (<i>R.C. 4758.46; O.A.C. 4758-5-08</i>)	N/A	N/A	N/A	N/A	N/A
Experience	100 hours compensated or volunteer work, field placement, intern, or practicum experience in prevention services (<i>R.C. 4758.46; O.A.C. 4758-5-08</i>)	N/A	N/A	N/A	N/A	N/A
Exam	None required	N/A	N/A	N/A	N/A	N/A

Prevention Specialist Assistant Certificate (OCPSA)						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Continuing education	20 hours every two years (<i>R.C. 4758.51; O.A.C. 4758-13-02</i>)	N/A	N/A	N/A	N/A	N/A
Initial licensure fee	\$50 (<i>O.A.C. 4758-3</i>)	N/A	N/A	N/A	N/A	N/A
License duration	Two years (<i>R.C. 4758.26</i>)	N/A	N/A	N/A	N/A	N/A
Renewal fee	\$150 (<i>O.A.C. 4758-3</i>)	N/A	N/A	N/A	N/A	N/A

Prevention specialist certificate (OCPS)

Survey responses (CDP)

Description
<p>OCPS 's may perform under their Scope of Practice for this specialty occupational certificate certain prevention strategies identified by Center for Substance abuse prevention (CSAP) and IC & RC. They may only perform Planning and evaluation, Community organization and Public policy and Environmental Change prevention activities and manage prevention programs under supervision. OCPS may supervise staff and volunteers including prevention program volunteers, RAs, OCPSA's and OCPS's.</p>

Type (See R.C. 4798.01 for relevant definitions.)

Specialty occupational license for medical reimbursement

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

Number issued annually

Approx. 21

Number renewed annually

Approx. 56

Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?

Remained steady

Education or training requirements

An associate's degree or higher from an accredited educational institution.

One hundred twenty (120) hours of prevention related education of which fifty per cent shall have been obtained within the last five years and twenty-four hours shall be alcohol and other drug prevention specific.

Experience requirements

Two thousand (2000) hours of documented work experience in prevention of which a minimum of twenty per cent shall be devoted to planning and/or delivering prevention services. This work may include paid and volunteer hours, field placement, internship, or practicum experience.

One hundred twenty (120) practical experience hours. A minimum of ten hours shall be completed in each of the performance domains

If the regulation is a registration, certification, or license requirement, please complete the following:	
Examination requirements (<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>)	Successful completion of the IC&RC prevention specialist (PS) examination. IC&RC schedules and collects and retain fees for the exams
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	Forty (40) hours of field related continuing education is required for renewal Six (6) hours must be from Content Area 6 Professionals Growth & Responsibility Three (3) hours must be in prevention ethics
Initial fee	\$50.00
Duration	Two Years, with an additional 2-year grace period to renew with a late fee.
Renewal fee (<i>If different from initial fee, please explain why.</i>)	150.00 The initial fee to apply for a prevention certificate has remained at \$50.00 since the inception of CDP Board. Since it is a specialty credential demonstrating an increased skill set and knowledge of behavioral health prevention including substance misuse prevention, the \$50.00 fee may have remained low since they also may hold another general social work license, nursing or certified health education specialist certification. Also OCPS /OCPC applicants must pay for the \$150 exam fee prior to receiving a certificate. The higher renewal fee is more representative of the costs associated with board operations. .
Does the Board recognize uniform licensure requirements or allow for reciprocity?	Prevention professionals certified by an IC&RC member board who relocate to Ohio may transfer their credential to the OCDP Board by using the reciprocity process; PS Reciprocal with Associate's degree
Are there any similar national registrations, certifications, or licenses?	The Certified Health Education Specialist (CHES) and the LSW/LISW are reciprocal in the Ohio MHAS standards.

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

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?	Yes
Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?	Yes
Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)	Potential Disqualifying Offenses (Link above)

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

4758.30, 4758.31, 4758-8, 4758-10

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 from license and renewal fees are deposited into the 4k90 fund. Total FY20 revenue for OCDP Board = \$606,926.85. This would include not only license and renewal fees, but also approximately \$16,500 in revenue from such sources as Continuing Education Provider fees, wall certificate requests, escrow requests and any college endorsement fees, etc.

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

Substance Abuse and Mental Health Services Administration (SAMHSA) does give guidance as a federal agency to Laws and regulations pertaining to substance abuse and mental health services including prevention services.

No.

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

Incompetence and Misconduct

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

Yes

Yes, in certain disciplinary situations

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

Yes, for example direct legislative authority to impose fines for disciplinary violations

Comparison to other states *(How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)*

About 34 states grant prevention certifications, and 2 others through Indian Health Services. Regulation comes from International Certification & Reciprocity Consortium (IC&RC) standards that are adopted by the States. Ohio is not the most restrictive nor is it the most lax. Because our regulation comes through IC&RC, Ohio in general is probably similar to the other IC&RC States, so our regulations are quite mainstream.

Surrounding state comparison (LSC)

Prevention Specialist Certificate (OCPS)

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (<i>R.C. 4758.45</i>)	No clear equivalent	No, but there is an independent body that certifies prevention specialists (<i>Kentucky Certification Board for Prevention Professionals, About Us</i>)	Yes – certified prevention specialist (CPS) (<i>Mich. Comp. Laws 330.1274a; Michigan Certification Board for Addiction Professionals, CPS – Certified Prevention Specialist: Overview of Requirements</i>)	No clear equivalent	Yes (<i>W. Va. Code 30-31-1</i>)
Education or training	Associate’s degree; 120 hours training or instruction (<i>R.C. 4758.45; O.A.C. 4758-5-09</i>)	N/A	Bachelor’s degree; 150 hours of training	120 education hours, including 24 hours on substance use disorder prevention	N/A	Two-year degree or 60 hours from accredited school, 12 hours of which in domain areas, plus 180 hours prevention-specific (<i>W. Va. Code 30-31-8; W. Va. Code R. 27-1-6</i>)
Experience	2,000 hours related work experience; 120	N/A	2,000 hours of prevention work experience; 120	2,000 hours of prevention work experience; 120	N/A	Two years’ experience, one of which is direct

Prevention Specialist Certificate (OCPS)						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	hours experience in six domains (<i>R.C. 4758.45; O.A.C. 4758-5-09</i>)		hours of direct supervision	hours of direct supervision		service provision (<i>W. Va. Code 30-31-8; W. Va. Code R. 27-1-6</i>)
Exam	IC&RC prevention examination (<i>R.C. 4758.45; O.A.C. 4758-5-09</i>)	N/A	IC&RC prevention examination	IC&RC Prevention Specialist (PS) examination	N/A	IC&RC prevention examination (<i>W. Va. Code 30-31-8; W. Va. Code R. 27-1-6</i>)
Continuing education	40 hours every two years, including six hours in domain VI and three hours ethics (<i>R.C. 4758.51; O.A.C. 4758-13-02</i>)	N/A	40 hours every two years	40 hours every two years	N/A	40 hours every two years, including six hours addiction- or prevention-specific ethics (<i>W. Va. Code R. 27-1-6</i>)
Initial licensure fee	\$50 (<i>O.A.C. 4758-3</i>)	N/A	\$75 application fee, \$75 initial issuance fee	\$150	N/A	\$75 (<i>W. Va. Code 30-31-8</i>)
License duration	Two years (<i>R.C. 4758.26; O.A.C. 4758-5-09</i>)	N/A	Two years	Two years (for initial period) or two to three years (for renewal period)	N/A	Two years (<i>W. Va. Code 30-31-10</i>)

Prevention Specialist Certificate (OCPS)						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Renewal fee	\$150 (<i>O.A.C. 4758-3</i>)	N/A	\$75	\$145 (for two years) or \$200 (for three years)	N/A	\$175 (<i>W. Va. Code 30-31-10</i>)

Prevention consultant certificate (OCPC)

Survey responses (CDP)

Description
<p>OCPC's may engage manage, supervise and perform the prevention strategies identified by the Center for substance abuse prevention (CSAP) and IC&RC ; Conduct program, organizational and community assessment, development and evaluation activities; Provide specialized consultation and technical assistance of program, organizational and community assessment, planning, evaluation, prevention intervention and referral activities; Facilitate the assessment, development, implementation and evaluation of prevention policy and environmental strategies.</p> <p>OCPC's may supervise prevention program volunteers, and all level of prevention certificate holders. They may manage prevention departments and programs, and practice as an independent practitioner.</p>
Type <i>(See R.C. 4798.01 for relevant definitions.)</i>
Specialty occupational license for medical reimbursement

If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	Approx. 7
Number renewed annually	Approx. 65
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	Relatively steady, slight decrease
Education or training requirements	<p>A bachelor's degree or higher from an accredited educational institution.</p> <p>One hundred twenty hours of prevention related education of which fifty per cent shall have been obtained within the last five years and twenty-four hours shall be alcohol and other drug prevention specific.</p> <p>Ninety hours of administrative or supervisory education; forty-five clock hours in human resource management and forty-five clock hours in fiscal management.</p>
Experience requirements	<p>Six thousand hours of documented compensated work experience in prevention, including at least four thousand hours of administering or supervising the services.</p> <p>One hundred twenty practical experience hours</p>
Examination requirements (<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>Successful completion of the IC&RC prevention specialist (PS) examination.</p> <p>\$150 exam fee charged, collected and retained by IC&RC</p>

If the regulation is a registration, certification, or license requirement, please complete the following:	
Continuing education requirements <i>(Including a description of the curriculum and the process of setting it.)</i>	<p>A minimum of forty hours of approved continuing education credit within the two year renewal period.</p> <p>A minimum of six hours from Content Area P6: professional growth and responsibility.</p> <p>A minimum of three hours of the total forty hours shall be in ethics education; and the remaining hours must be prevention related .</p>
Initial fee	\$50.00
Duration	Two Years, with an additional 2-year grace period to renew with a late fee.
Renewal fee <i>(If different from initial fee, please explain why.)</i>	<p>\$150.00 The initial fee to apply for a prevention certificate has remained at \$50.00 since the inception of CDP Board. Since it is a specialty credential demonstrating an increased skill set and knowledge of behavioral health prevention including substance misuse prevention, the \$50.00 fee may have remained low since they also may hold another general social work license, nursing or certified health education specialist certification. Also OCPS /OCPC applicants must pay for the \$150 exam fee prior to receiving a certificate. The higher renewal fee is more representative of the costs associated with board operations.</p>
Does the Board recognize uniform licensure requirements or allow for reciprocity?	<p>Prevention professionals certified by an IC&RC member board who relocate to Ohio may transfer their credential to the OCDP Board by using the reciprocity process; PS Reciprocal with Bachelor's degree</p>
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	<p>The Certified Health Education Specialist (CHES) and the LSW/LISW are reciprocal in the Ohio MHAS standards.</p>
Are there any circumstances in which an individual may practice elements of the	Yes

If the regulation is a registration, certification, or license requirement, please complete the following:	
occupation without being regulated by the board?	
Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?	Yes
Other information (Significant attributes or prerequisites to licensure not addressed in this chart.)	Potential Disqualifying Offenses (Link above)

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

4758.30, 4758.31, 4758-8, 4758-10

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 from license and renewal fees are deposited into the 4k90 fund. Total FY20 revenue for OCDP Board = \$606,926.85. This would include not only license and renewal fees, but also approximately \$16,500 in revenue from such sources as Continuing Education Provider fees, wall certificate requests, escrow requests and any college endorsement fees, etc.

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

Substance Abuse and Mental Health Services Administration (SAMHSA) does give guidance as a federal agency to Laws and regulations pertaining to substance abuse and mental health services including prevention services.

No.

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

Incompetence and misconduct

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

Yes

Yes, in certain disciplinary situations

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

Yes, for example direct legislative authority to impose fines for disciplinary violations

Comparison to other states (How many other states regulate the occupation? How do Ohio’s regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)

About 34 states grant prevention certifications, and 2 others through Indian Health Services. Regulation comes from International Certification & Reciprocity Consortium (IC&RC) standards that are adopted by the States. Ohio is not the most restrictive nor is it the most lax. Because our regulation comes through IC&RC , Ohio in general is probably similar to the other IC&RC States, so our regulations are quite mainstream.

Surrounding state comparison (LSC)

Prevention Consultant Certificate (OCPC)						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (<i>R.C. 4758.44</i>)	No clear equivalent	No clear equivalent	Yes – certified prevention consultant – reciprocal (CPC-R) (<i>Mich. Comp. Laws 330.1274a; Michigan</i>)	No clear equivalent	Yes (<i>W. Va. Code 30-31-1</i>)

Prevention Consultant Certificate (OCPC)						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
				<i>Certification Board for Addiction Professionals, CPC-R – Certified Prevention Consultant – Reciprocal: Overview of Requirements)</i>		
Education or training	Four-year degree; 90 hours of supervisory or administrative education; 120 hours prevention education in all domains (<i>R.C. 4758.44; O.A.C. 4758-5-10</i>)	N/A	N/A	240 hours, 48 of which must be specific to substance use disorder prevention	N/A	Four-year degree, of which 24 hours is in domain areas, plus 300 hours, 240 of which is prevention-specific (<i>W. Va. Code 30-31-8; W. Va. Code R. 27-1-6</i>)
Experience	One year of experience, plus two years' experience supervisory or administrative, plus 120 practical hours in six performance	N/A	N/A	8,000 hours (may substitute 2,000 hours for bachelor's degree or 4,000 hours for postgraduate degree); 240	N/A	Four years' experience (<i>W. Va. Code 30-31-8; W. Va. Code R. 27-1-6</i>)

Prevention Consultant Certificate (OCPC)						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	domains (<i>R.C. 4758.44; O.A.C. 4758-5-10</i>)			hours of direct supervision		
Exam	IC&RC prevention examination (<i>R.C. 4758.44; O.A.C. 4758-5-10</i>)	N/A	N/A	IC&RC PS examination	N/A	IC&RC prevention examination (<i>W. Va. Code 30-31-8; W. Va. Code R. 27-1-6</i>)
Continuing education	40 hours every two years, including six hours in domain VI and three hours ethics (<i>R.C. 4758.51; O.A.C. 4758-5-10</i>)	N/A	N/A	40 hours every two years	N/A	40 hours every two years, including six hours addiction- or prevention-specific ethics (<i>W. Va. Code R. 27-1-6</i>)
Initial licensure fee	\$50 (<i>O.A.C. 4758-3</i>)	N/A	N/A	\$150	N/A	\$75 (<i>W. Va. Code 30-31-8</i>)
License duration	Two years (<i>R.C. 4758.26; O.A.C. 4758-5-10</i>)	N/A	N/A	Two years (for initial period) or two to three years (for renewal period)	N/A	Two years (<i>W. Va. Code 30-31-10</i>)
Renewal fee	\$150 (<i>O.A.C. 4758-3</i>)	N/A	N/A	\$145 (for two years) or \$200 (for three years)	N/A	\$175 (<i>W. Va. Code 30-31-10</i>)

Gambling disorder endorsement

Survey responses (CDP)

Description	
<p>An endorsement on treatment licenses</p> <p>Treat gambling disorder conditions, and perform treatment planning, assessment, crisis intervention, individual and group counseling, case management, and educational services insofar as those functions relate to gambling disorder.</p> <p>Some licenses can diagnose gambling disorder conditions (LCDCIII)</p> <p>Supervise gambling disorder counseling with or without supervision (LICDC, LICDC-CS)</p>	
Type <i>(See R.C. 4798.01 for relevant definitions.)</i>	
N/A	
If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	Approx. 4
Number renewed annually	Data not available as the endorsement renews with the license renewal. 34 active gambling endorsements for FY2020

If the regulation is a registration, certification, or license requirement, please complete the following:	
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	Slight increase. With statewide efforts, such as PGNO(Problem Gambling Network of Ohio) , to increase knowledge about the endorsement we believe we will see substantial increases in the number of clinicians with the endorsement.
Education or training requirements	Must hold LCDCII, LCDCIII, LICDC license Thirty hours of gambling disorder education completed in the following areas: Knowledge of gambling disorder, Gambling counseling practice, Special issues in gambling treatment, Professionalism in gambling treatment
Experience requirements	One hundred hours of compensated work or supervised internship in gambling disorder direct clinical experience.
Examination requirements (<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
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	For renewal of a gambling disorder endorsement, a minimum of six hours shall be in gambling disorder education The remaining hours must be field related.
Initial fee	\$50.00
Duration	Two Years, with an additional 2-year grace period to renew with a late fee. GAMB endorsement renews WITH the license

If the regulation is a registration, certification, or license requirement, please complete the following:	
Renewal fee <i>(If different from initial fee, please explain why.)</i>	GAMB endorsement renews WITH the license; renewal fee is \$150.00
Does the Board recognize uniform licensure requirements or allow for reciprocity?	No
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	The National Council on Problem Gambling provides an International Certified Gambling Counselor I and II credential, (ICGC). These are credentials added to another license in the behavioral health field, Bachelors level and higher. Most states just use the international certification through IGCCB - https://www.igccb.org/ ; Much like with prevention, Ohio leads in regards to gambling services as well.
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	Yes
Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?	Yes
Other information <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i>	Potential Disqualifying Offenses (Link above)

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

4758.30, 4758.31, 4758-8, 4758-10

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 from license and renewal fees are deposited into the 4k90 fund. Total FY20 revenue for OCDP Board = \$606,926.85. This would include not only license and renewal fees, but also approximately \$16,500 in revenue from such sources as Continuing Education Provider fees, wall certificate requests, escrow requests and any college endorsement fees, etc.

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

The ICGC is recognized nationally but there is no federal requirement.

Laws should already fall within the counseling realm of MH and/or AOD services; however, by having the license/endorsement, it could be used as further defense should there be a question regarding malpractice.

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

Incompetence and misconduct

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

Yes

Yes, in certain disciplinary situations

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

No

Comparison to other states (How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)

Some states such as Louisiana, Nevada, and Connecticut have gambling specific credentials; some have none. Using the ICGC requirements and the Connecticut credential as a guide we worked with Dr. Lori Rugle in Connecticut to craft the endorsement language here in Ohio.

Ohio is respected by other states for our approach to training and work force development. I don't know that we are more restrictive as much as we are consistent in our training and resources for clinicians. The requirements for Ohio are on par with IGCCB requirement, with the benefit that the GAMB endorsement is added to the license and doesn't require the expense of having the second license. An individual obtaining our GAMB endorsement would be on track with more contact hours and preparation for the national written examination to move up to the ICGC.

Surrounding state comparison (LSC)

Gambling Disorder Endorsement						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (R.C. 4758.02)	No clear equivalent	No clear equivalent	No clear equivalent	No clear equivalent	No clear equivalent
Education or training	Licensed as a LICDC, LCDC II, or LCDC III; 30 hours of gambling disorder training (R.C. 4758.48)	N/A	N/A	N/A	N/A	N/A
Experience	100 hours of gambling disorder direct clinical experience (before the expiration of	N/A	N/A	N/A	N/A	N/A

Gambling Disorder Endorsement						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	initial endorsement) (<i>R.C. 4758.48</i>)					
Exam	None required	N/A	N/A	N/A	N/A	N/A
Continuing education	Six hours every two years (<i>R.C. 4758.51; O.A.C. 4758-13-01</i>)	N/A	N/A	N/A	N/A	N/A
Initial licensure fee	\$50 (<i>O.A.C. 4758-3</i>)	N/A	N/A	N/A	N/A	N/A
License duration	Two years (<i>R.C. 4758.26</i>)	N/A	N/A	N/A	N/A	N/A
Renewal fee	\$150 (<i>O.A.C. 4758-3</i>)	N/A	N/A	N/A	N/A	N/A

Registered applicant certificate (RA)

Survey responses (CDP)

Description	
The initial prevention certificate that allows someone to work under a Scope of Practice with a Professional development Plan to achieve higher prevention credentials	
Type <i>(See R.C. 4798.01 for relevant definitions.)</i>	
Specialty occupational license for medical reimbursement	
If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	Approx. 275
Number renewed annually	RA is a non-renewable certificate

If the regulation is a registration, certification, or license requirement, please complete the following:	
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	Decrease, could be that RA are moving up to the higher prevention certificate levels as the filed expands and it is non-renewable
Education or training requirements	Be at least eighteen years of age Have at least a high school diploma or high school equivalence diploma Complete and submit a professional development plan that is acceptable to the board
Experience requirements	none
Examination requirements (<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
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	None, it is non-renewable
Initial fee	\$10.00
Duration	The registered applicant is a two year certificate.
Renewal fee (<i>If different from initial fee, please explain why.</i>)	It is not a renewable certificate

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?	No
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	No
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	Yes
Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?	Yes
Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)	Potential Disqualifying Offenses (Link above)

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

4758.30, 4758.31, 4758-8, 4758-10

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 from license and renewal fees are deposited into the 4k90 fund. Total FY20 revenue for OCDP Board = \$606,926.85. This would include not only license and renewal fees, but also approximately \$16,500 in revenue from such sources as Continuing Education Provider fees, wall certificate requests, escrow requests and any college endorsement fees, etc.

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

As above for Prevention certificates

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

Incompetence and misconduct

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

Yes

Yes, in some disciplinary violations

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

Increase the fee as the RA receives a Scope of Practice for two years, and it may be the reason they don't move faster to a higher certificate when they could.

Comparison to other states *(How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)*

As above for the other prevention certificates, though many do not offer the Registered Applicant (RA)

Surrounding state comparison (LSC)

Registered Applicant Certificate (RA)						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (<i>R.C. 4758.02</i>)	No clear equivalent	Yes – registered alcohol and drug peer support specialist (<i>Ky. Rev. Stat. Ann. 309.0831; 201 Ky. Admin. Regs. 35:010 to 35:090</i>)	No clear equivalent	No clear equivalent	No clear equivalent
Education or training	High school education; submission of acceptable professional development plan (<i>R.C. 4758.47; O.A.C. 4758-5-07</i>)	N/A	High school education; 60 hours of classroom training (<i>Ky. Rev. Stat. Ann. 309.0831; 201 Ky. Admin. Regs. 35:010 to 35:090</i>)	N/A	N/A	N/A
Experience	None required	N/A	500 hours of experience working with persons with a substance abuse disorder; 25 hours of direct supervision; must sign an affidavit of	N/A	N/A	N/A

Registered Applicant Certificate (RA)						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
			recovery (<i>Ky. Rev. Stat. Ann. 309.0831; 201 Ky. Admin. Regs. 35:010 to 35:090</i>)			
Exam	None required	N/A	IC&RC (<i>Ky. Rev. Stat. Ann. 309.0831; 201 Ky. Admin. Regs. 35:025</i>)	N/A	N/A	N/A
Continuing education	N/A	N/A	Ten hours per year (<i>Ky. Rev. Stat. Ann. 309.0831; 201 Ky. Admin. Regs. 35:040</i>)	N/A	N/A	N/A
Initial licensure fee	\$50 (<i>O.A.C. 4758-3</i>)	N/A	\$50 application fee, \$100 initial issuance fee (<i>201 Ky. Admin. Regs. 35:020</i>)	N/A	N/A	N/A
License duration	Two years (<i>R.C. 4758.26</i>)	N/A	Three years (<i>Ky. Rev. Stat. Ann. 309.084; 201 Ky. Admin. Regs. 35:010 to 35:090</i>)	N/A	N/A	N/A

Registered Applicant Certificate (RA)						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Renewal fee	Cannot be renewed	N/A	\$100 (201 Ky. Admin. Regs. 35:020)	N/A	N/A	N/A

COUNSELOR, SOCIAL WORKER, AND MARRIAGE AND FAMILY THERAPIST BOARD (CSW)

General information (CSW)

Duties

The mission of the Counselor, Social Worker, and Marriage and Family Therapist Board is to protect the citizens of the state of Ohio through the effective and efficient regulation of the practices of counseling, social work and marriage and family therapy as identified in Ohio Revised Code and Ohio Administrative Code Chapters 4757. This mission is accomplished by the review of applicants' credentials, the administration of licensure exams, approving continuing education programs, and the establishment and enforcement of ethical standards.

Membership *(Current members, chairperson and other officers, and selection process.)*

Board Members are appointed by the Governor. The Board Chairperson and Professional Standards Committee Chairpersons are selected annually during the Board's July meeting. The role of Board Chairperson rotates between the three Professional Standards Committees, though the nominated person is approved by a vote of the full Board. The Professional Standards Committee Chairpersons are selected by each committee. No office may serve in the same role for more than two consecutive terms. Below are the current Members of the Board:

James Minikowski, IMFT – Board Chairperson

Hollie Hinton – Chairperson, Marriage and Family Therapist Professional Standards Committee

Raymond "Butch" Losey, LPCC-S, Ph.D., Chairperson, Counselor Professional Standards Committee

Scott Wilkes, LISW-S, Ph.D., Chairperson, Social Worker Professional Standards Committee

Margaret "Charlie" Knerr, IMFT-S

Jose Camerino, LISW-S, IMFT-S

Sara Blakeslee Salkil, IMFT-S, Ph.D.

Lisa Haberbusch, LISW-S

Membership *(Current members, chairperson and other officers, and selection process.)*

Erin Michel, LISW
Anna Bomas, LSW
Andy Bowers, Esq. – Public Member
Ryan Pickut, LPCC-S
Christin Jungers, LPCC-s, Ph.D.
Joe Geig, LPCC-S
Sue Pohler, Esq. – Public Member

Budget *(Current budget, description of budgeting process, sources of funding, and expected increases or decreases in budget or funding in future years.)*

The Board current budget is approximately \$1,854,000

The budget is developed by the Executive Director in consultation with staff, the Board, and the Central Service Agency. The Board is entirely self-funded through license application and renewal fees. The Board also earns a modest amount of revenue through certain service fees for issuing license verifications, processing name changes, and approving continuing education. CSW does not anticipate a significant increase or decrease in revenue. The licensure base continues to grow. Additionally, many licensees choose to maintain their license following retirement which insures the bases of licensees remains stable.

Workload *(Assess current, past, and anticipated workload. Has the workload increased or decreased significantly in the preceding six years?)*

The Board annually received over 4,000 applications.

The number of applications is not expected to decline. According to the Ohio Behavioral Health Council, there is an expected need for additional persons working in the fields requiring a license from the Board. Additionally, as noted above, many persons licensed by the Board elect to retain their license even during retirement. This factor creates a burden for the Board in that it must render renewal assistance and continue to respond to licensee inquiries regarding continuing education and other issues.

The workload has not significantly increased or decreased. However, the Board is finding that many licensees seek personal assistance with the application process. This creates a burden on licensure staff as they seek to assist these applicants.

Staffing *(How many staff are currently employed by the board? What are their roles? Are staffing levels proportionate to the board's current and anticipated workload?)*

The Board currently employs 13 staff. One position is vacant; however, it is anticipated this position will be backfilled. The Board employs one Executive Director, one Deputy Director, three Investigators, five License Examiners, a Renewal Coordinator, Auditor Coordinator, and Continuing Education Coordinator. The Continuing Education Coordinator also provides administrative support including processing accounts payable and payroll. The Deputy Director manages the investigators as well as carrying his own caseload. The current staffing levels allow the Board to fulfill its mission, however, additional staffing would assist in ensuring that license applications and investigations can be processed more efficiently. Additionally, given the demand on the Board for training and information, additional staff would help to meet this need. Ideally, the Board would have one additional License Examiner and one additional Investigator. Staffing at this level would allow the Board to meet current and future demand.

Administrative hearings and public complaints *(Describe the Board's processes for administering discipline and addressing complaints. Assess the efficiency of the processes.)*

The Board employs three full time investigators who are managed by the Deputy Director who also carries a load of cases. When received, complaints are initially reviewed by the Compliance Officer who sets up a case in eLicense, as appropriate. In some instances, a case is not created when it is determined we have no jurisdiction, for example the complaint is about a non-licensed person such as a pastor, or the complaint is about a person licensed by another board, for example the State Board of Psychology. Once the case is opened, it is assigned to an investigator. The investigator reviews the complaint and determines a course of action. Usually this involves requesting client files from the licensee who is the respondent. Once these files are received, the investigator may elect to talk to the complainant, respondent, or other parties. The investigator, in a role as a neutral fact finder, develops a report that is then sent to an investigative liaison. The liaison is a licensed Member of the Board. He or she will review the report and any evidence and determine whether a violation was committed and recommend a course of action. All cases are presented for closure or further action to the respective Professional Standards Committees. Complaints can be resolved as unfounded, or there may be a violation. If the violation is minor, the liaison may recommend a non-public caution. However, if the violation is significant, the licensee can be subject to a public reprimand; additional supervision or training; personal counseling; suspension, or revocation. Licensees who do not voluntarily sign a consent agreement can request a hearing under ORC Chapter 119. In such cases, the Assistant Attorney General represents the Board in the hearing. The Board contracts with a Hearing Officer who prepares a report for consideration by the Board. The Board must then determine whether discipline is warranted based on the report of the Hearing Officer.

Licensed professional counselor

Survey responses (CSW)

Description

The Licensed Professional Counselor is a dependent level license. An LPC may diagnose and treat mental and emotional disorders under the supervision of an independent licensee of the Board (e.g. LPCC, LISW, or IMFT, as well as a psychologists).

Type *(See R.C. 4798.01 for relevant definitions.)*

License

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

Number issued annually

700

Number renewed annually

2500

Have there been significant increases or decreases in active registrations,

The Board has experiences steady increase in applications and renewals. There have been no significant fluctuations over the last six years.

If the regulation is a registration, certification, or license requirement, please complete the following:	
certifications or licenses in the preceding six years?	
Education or training requirements	A master's degree in clinical mental health counseling is required for licensure as an LPC. Persons graduating from programs in Ohio must be CACREP-accredited. Persons graduating from programs outside of Ohio must have mental health counseling degree comparable to a CACREP-accredited degree.
Experience requirements	Licensure as an LPC does not require experience other than the experience gained through practica and internships associated with the master's degree program.
Examination requirements (<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>)	Persons licensed as an LPC must pass the National Counselor Exam. The exam is owned and administered by the National Board for Certified Counselors (NBCC). The exam is \$275. The Board does not receive any revenue from the exam fees.
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	All LPCs must complete a minimum of thirty hours of continuing education hours each two-year renewal period. Three of the thirty hours must cover ethics. Continuing education programs are approved by the Board as well as by certain Board approved associations such as NBCC. Continuing education programs must have a direct relationship to the practice of counseling.
Initial fee	The initial application fee is \$80. An additional \$3.50 eLicense transaction fee is also assessed. The fee partial funds the eLicense system.
Duration	An initial application is valid for two years. When a license is issued, the license is valid for two years, at which time it must be renewed.
Renewal fee (<i>If different from initial fee, please explain why.</i>)	The renewal fee is the same as the application fee, \$80. The \$3.50 eLicense transaction fee is also assessed.

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?	At present there are no national uniform licensing requirements. A consortium of organizations is working with Council of State Governments to develop a compact proposal.
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	The National Board of Certified Counselors issues a National Certified Counselor credential. Persons holding the credential are required to follow the NBCC code of ethics. They can be subject to loss of the credential if they violate the code. While the certification may signal in the marketplace the level of qualification of a Counselor it is not a substitute for a license owing to the fact that it places the state in a position of relying upon a private organization to determine the qualifications of persons practicing the profession. In addition, the State cedes authority to set the ethical standards by which professionals may operate. Not unimportant is the authority of the state to investigate ethical violations, and, in extreme cases, refer cases to local law enforcement.
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	Certain persons are exempt from Board regulation as defined in ORC 4757.41. These persons included but are not limited to: students enrolled in a program of study, pastors/pastoral counselors, certain Red Cross volunteers, among others.
Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?	In ORC 4757, the Board has discretion with respect to considering the qualifications of applicants licensed in other states. Additionally, the Board has discretion regarding the type of exam used. The Board also may determine whether persons with certain criminal convictions can be licensed.
Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)	N/A

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

The Board has authority to investigate complaints regarding ethics violations by licensed persons. Additionally, the Board has authority to conduct continuing education audits. ORC 4757 gives the Board authority to write rules that govern the practice of the professions licensed by the Board.

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?

The Board receives over \$500,000 in revenue each year from persons applying for or renewing counseling licenses (LPC and LPCC). This revenue funds the Board's ongoing operations.

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

No federal laws apply to the practice of Counseling.

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

The regulation of Counselors seeks to protect consumers from fraud, ensure persons providing services have the suitable skills to do so, and to facilitate billing for insurance.

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

The regulation is effective in that it provides for a scope of practice and a code of ethics that guides licensees during practice. There are few less restrictive means of protecting the public. Because persons seeking the services of licensees of the Board can be vulnerable persons a less restrictive regulatory structure may result in more harm to members of the public.

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

At present, the Board is not considering any changes that necessitate legislative action. However, the Board continues to explore how best to facilitate licensure mobility/portability and ensure licensees have access to appropriate supervision toward independent licensure. Additionally, the Board continues to explore rules changes to facilitate license portability.

Comparison to other states (How many other states regulate the occupation? How do Ohio's regulations compare to those other states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)

All 50 states implement some form of licensure for Counseling. While title may vary, the licensure is very similar. In virtually all states, persons licensed as "Counselors" must have a master's degree that provides an education in the diagnosis and treatment of mental and emotional disorders. Ohio's laws and rules are very similar to those in other states. Where Ohio differs from other states is that all Ohio counseling education programs must be CACREP-accredited. However, persons who have graduated from online or out of state program still be licensed.

Surrounding state comparison (LSC)

Professional Counselor						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (<i>R.C. 4757.22, 4757.23, 4757.25, 4757.31, 4757.32, and 4757.33; O.A.C. 4757-1-05(B) and (D), 4757-7-01, 4757-9-02, 4757-13-01, 4757-13-02, 4757-13-03, 4757-13-04, and 4757-13-06</i>)	Yes – mental health counselor associate (<i>Ind. Code Ann. 25-23.6-8.5-1, 25-23.6-8.5-1.5, 25-23.6-8.5-3, 25-23.6-8.5-4, 25-23.6-8.5-8, 25-23.6-8.5-8.5, 25-23.6-8.5-9.5, and 25-23.6-10.5-1.5; 839 Ind. Admin. Code 1-2-5 and 1-2-1; Indiana Professional Licensing Agency,</i>	Yes – professional counselor associate (<i>Ky. Rev. Stat. Ann. 210.366 and 335.525(2); 201 Ky. Admin. Regs. 35:020, 35:025, 35:040, 35:050, and 35:075</i>)	Yes – professional counselor (no distinction between professional counselors and professional clinical counselors) (<i>Mich. Comp. Laws 333.16148, 333.16317, 333.16341, 333.18105, 333.18107, and 3333.18114; Mich. Admin.</i>	Yes – professional counselor (no distinction between professional counselors and professional clinical counselors) (<i>63 Pa. Cons. Stat. 1907, 1910, 1910.1, and 1918; 49 Pa. Code 47.4, 49.1, 49.11, 49.13, 49.16, 49.18, and 49.32</i>)	Yes – professional counseling license (no distinction between professional counselors and professional clinical counselors) (<i>W. Va. Code 30-31-1, 30-31-8, 30-31-10; W. Va. Code R. 27-1-6, 27-2-2, 27-3-3, 27-3-4, 27-4-2, 27-4-4, 27-4-5; West Virginia Board of</i>

Professional Counselor						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
		<i>LMHC Frequently Asked Questions)</i>		<i>Code R. 338.1751a, 338.1753b, 338.1753c, and 338.7002)</i>		<i>Examiners in Counseling, Applicants for LPC Licensure)</i>
Education or training	<p>Graduate degree in counseling obtained from either:</p> <ol style="list-style-type: none"> 1. A counseling program accredited by the Council for Accreditation of Counseling and Related Educational Programs; or 2. A counseling education program approved by the Counselor, Social Worker, and Marriage and Family 	<p>Master's or doctorate degree in an area related to mental health counseling</p> <p>60 hours of graduate work in counseling that must include either a master's degree that required no less than 48 semester hours or a doctorate degree in counseling with the work consisting of certain prescribed content areas</p>	<p>Master's, specialist, or doctorate degree in counseling or a related field from a regional accredited institution of higher education</p> <p>60 graduate semester hours of education in specified topics</p>	<p>Master's or doctorate degree in counseling or student personnel work in a program approved by the Michigan Board of Counseling</p> <p>Training in identifying victims of human trafficking that meets certain prescribed standards</p>	<p>Completion of a planned program of 60 semester hours or 90 quarter hours of graduate coursework in counseling or a field closely related to the practice of professional counseling including a master's degree granted on or before June 30, 2009, in professional counseling or a field closely related to the practice of professional</p>	<p>Master's or doctorate degree from accredited counseling program with specific focus on counseling</p>

Professional Counselor						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<p>Therapist Board</p> <p>90 quarter hours or 60 semester hours of graduate credit in counselor training acceptable to the Board's Counselors Professional Standards Committee, which the individual may complete while working toward a graduate degree in counseling or subsequent to receiving the degree</p>				<p>counseling from an accredited education institution</p> <p>Completion of a planned program of 60 semester hours or 90 quarter hours of graduate coursework in counseling or a field closely related to the practice of professional counseling including a 48 semester hour or 72 quarter hour master's degree in professional counseling or a field closely related to the practice of professional counseling from an accredited</p>	

Professional Counselor						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
					education institution A doctorate degree in counseling or a field closely related to the practice of professional counseling from an accredited educational institution	
Experience	No	Practicum of 100 hours and one internship of 600 hours with at least 66 hours of face-to-face supervision 3,000 hours of postgraduate clinical experience over a two year period	No	If the individual has a master's degree, the individual must have practiced counseling under the supervision of a licensed professional counselor for at least 3,000 hours in not less than a two-year period, with at least 100 hours of regularly scheduled	If the individual does not have an out-of-state license and does not have a doctorate degree, at least 3,000 hours of supervised clinical experience obtained after the completion of 48 semester hours or 72 quarter hours of graduate coursework	For an individual with a master's degree, at least two years of supervised professional experience in counseling; for an individual with a doctorate degree, one year of supervised professional experience in counseling

Professional Counselor						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
				<p>supervision in the immediate physical presence of the supervisor</p> <p>If the individual has completed 30 semester hours or 45 quarter hours in counseling beyond a master's degree, the individual must have practiced counseling under the supervision of a licensed professional counselor for at least 1,500 hours in not less than a one-year period, with at least 50 hours of regularly scheduled supervision in the immediate physical presence of the supervisor</p>	<p>If the individual does not have an out-of-state license and has a doctorate degree, completion of at least 2,400 hours of supervised clinical experience, 1,200 hours of which was obtained subsequent to the granting of the doctorate degree</p> <p>If the individual has an out-of-state license, 3,000 hours of supervised clinical experience that conforms to the licensure requirements of the state in which the individual is currently licensed</p> <p>If the individual has an out-of-state license,</p>	

Professional Counselor						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
					active practice of professional counseling for five of the last seven years immediately preceding the application for licensure	
Exam	Exam administered by the Board for the purpose of determining ability to practice as a licensed professional counselor	Exam provided for mental health counselor associates by a testing service selected by the Board	None	A passing score on either: <ol style="list-style-type: none"> 1. The National Counselor Examination (NCE) developed by the National Board for Certified Counselors (NBCC); or 2. The Certification Rehabilitation Counselor Examination (CRC) developed and scored by the 	One of the following: <ol style="list-style-type: none"> 1. The NCE given by the NBCC; 2. The CRC given by the CRCC; 3. The Art Therapy Credentials Board (ATCB) Certification Examination given by ATCB; 4. The Board Certification Examination given by the Certification Board for 	One of the following: <ol style="list-style-type: none"> 1. The NCE given by the NBCC; 2. The CRC given by the CRCC; or 3. The National Clinical Mental Health Counseling Examination (NCMHCE)

Professional Counselor						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
				Commission on Rehabilitation Counselor Certification (CRCC)	Music Therapists (CBMT); 5. The practice examination of psychological knowledge given by the North American Association of Masters in Psychology (NAMP); 6. The Advanced Alcohol & Other Drug Abuse Counselor Examination (AAODA) given by the International Certification and Reciprocity Consortium/ Alcohol and Other Drug	

Professional Counselor						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
					Abuse Inc. (IC & RC/AODA); or 7. The Examination for Master Addictions Counselors (EMAC) given by NBCC	
Continuing education	30 hours every two years, three of which must be in the area of ethics If the individual has supervising counselor status, three of the required 30 hours must be in supervision	40 hours every two years	Ten hours per year; three hours in domestic violence within three years of initial licensure	No	30 hours every two years, including three hours in ethical issues	35 hours every two years, including three hours of ethics and two hours in mental health specific to veterans and their families
Initial licensure fee	\$80	\$50	\$50	\$124.30	\$45	\$200
License duration	Two years	Two years	One year	Three years	Two years	Two years

Professional Counselor						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Renewal fee	\$80	\$50	\$50	\$144.30	\$95	\$220

Licensed professional clinical counselor

Survey responses (CSW)

Description
The LPCC has a similar scope to the LPC. However, a Licensed Professional Clinical Counselor (LPCC) may diagnose and treat mental and emotional disorders without supervision. LPCCs may supervise LPCs as well as other licensees of the Board as well as own and manage their own practice.

Type <i>(See R.C. 4798.01 for relevant definitions.)</i>
License

If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	500-600

If the regulation is a registration, certification, or license requirement, please complete the following:	
Number renewed annually	CSW licenses renew every two years. Approximately 50% (3500) of LPCCs renew each year.
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	The number of LPCCs has steadily grown owing to new licensees (LPCs who complete the licensure requirements or move to Ohio from another state) as well as the continued licensure of existing LPCCs.
Education or training requirements	MA/MS in Clinical Mental Health Counseling
Experience requirements	Persons issued an LPCC must meet the qualifications for an LPC. In addition, the LPCC applicant must demonstrate completing supervision under the direction of a LPCC with Supervision endorsement. This supervision experience consists of completing, over a minimum of twenty-four months, 3000 work hours and 150 hours of supervision. This supervision involves group or individual development. Once this supervision is experience is completed, the LPCC-S submits a summary of the hours completed and a recommendation.
Examination requirements (<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>)	Currently the Board requires LPCC candidates to take the National Clinical Mental Health Counselor Examination. The exam fee is \$275. The Board receives no revenue from the exam process.
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	See LPC response.
Initial fee	\$103.50

If the regulation is a registration, certification, or license requirement, please complete the following:	
Duration	Two years
Renewal fee <i>(If different from initial fee, please explain why.)</i>	\$103.50
Does the Board recognize uniform licensure requirements or allow for reciprocity?	See LPC response.
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	See LPC response.
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	See LPC response.
Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?	The Board has an endorsement provision in statute and rule that allows the Board to exercise discretion in matters of education, supervision hours for independent licensure, and exams.
Other information <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i>	N/A

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

See LPC Response.

**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?**

Over a two-year period, the Board earns approximately \$800,000 in revenue from application and renewal fees from LPCCs. The revenue is used to fund the Board's operating costs.

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

Not applicable. The Board's regulations are not imposed in response to federal law.

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

See LPC Response.

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

See LPC Response.

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

See LPC response.

Comparison to other states (How many other states regulate the occupation? How do Ohio’s regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)

See LPC response.

Surrounding state comparison (LSC)

Professional Clinical Counselor						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (<i>R.C. 4757.22, 4757.23, 4757.25, 4757.31, 4757.32, and 4757.33; O.A.C. 4757-1-05(B) and (D), 4757-7-01, 4757-9-02, 4757-13-01, 4757-13-02, 4757-13-03, 4757-13-04, and 4757-13-06</i>)	Yes –mental health counselor (<i>Ind. Code Ann. 25-23.6-8.5-1, 25-23.6-8.5-1.5, 25-23.6-8.5-3, 25-23.6-8.5-4, 25-23.6-8.5-8, 25-23.6-8.5-8.5, 25-23.6-8.5-9.5, and 25-23.6-10.5-1.5; 839 Ind. Admin. Code 1-2-5 and 1-2-1; Indiana Professional Licensing Agency,</i>	Yes – professional clinical counselor (<i>Ky. Rev. Stat. Ann. 210.366, 335.505, 335.515, 335.525(1), 335.527, and 335.535; 201 Ky. Admin. Regs. 36:020, 36:030, 36:070, 36:072, and 36:075</i>)	Yes – professional counselor (no distinction between professional counselors and professional clinical counselors) (<i>Mich. Comp. Laws 333.16148, 333.16317, 333.16341, 333.18105, 333.18107, and 3333.18114; Mich. Admin.</i>	Yes – professional counselor (no distinction between professional counselors and professional clinical counselors) (<i>63 Pa. Cons. Stat. 1907, 1910, 1910.1, and 1918; 49 Pa. Code 47.4, 49.1, 49.11, 49.13, 49.16, 49.18, and 49.32</i>)	Yes – professional counseling license (no distinction between professional counselors and professional clinical counselors) (<i>W. Va. Code 30-31-1, 30-31-8, 30-31-10; W. Va. Code R. 27-1-6, 27-2-2, 27-3-3, 27-3-4, 27-4-2, 27-4-4, and 27-4-5; West Virginia Board of</i>

Professional Clinical Counselor						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
		<i>LMHC Frequently Asked Questions)</i>		<i>Code R. 338.1751a, 338.1753b, 338.1753c, and 338.7002)</i>		<i>Examiners in Counseling, Applicants for LPC Licensure)</i>
Education or training	<p>A graduate degree in counseling obtained from either:</p> <ol style="list-style-type: none"> 1. A counseling program accredited by the Council for Accreditation of Counseling and Related Educational Programs; or 2. A counseling education program approved by the Counselor, Social Worker, and Marriage and Family 	<p>Master's or doctorate degree in an area related to mental health counseling</p> <p>60 hours of graduate work in counseling that must include either a master's degree that required no less than 48 semester hours or a doctorate degree in counseling with the work consisting of certain prescribed content areas</p>	<p>Master's, specialist or doctorate degree in counseling or a related field from a regionally accredited institution of higher education</p> <p>At least 60 graduate semester hours of education in specified topics</p>	<p>Master's or doctorate degree in counseling or student personnel work in a program approved by the Michigan Board of Counseling</p> <p>Training in identifying victims of human trafficking that meets certain prescribed standards</p>	<p>Completion of a planned program of 60 semester hours or 90 quarter hours of graduate coursework in counseling or a field closely related to the practice of professional counseling including a master's degree granted on or before June 30, 2009, in professional counseling or a field closely related to the practice of professional</p>	<p>Master's or doctorate degree from an accredited counseling program with specific focus on counseling</p>

Professional Clinical Counselor						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	Therapist Board 90 quarter hours or 60 semester hours of graduate credit in counselor training acceptable to the Board's Counselors Professional Standards Committee				counseling from an accredited education institution Completion of a planned program of 60 semester hours or 90 quarter hours of graduate coursework in counseling or a field closely related to the practice of professional counseling including a 48 semester hour or 72 quarter hour master's degree in professional counseling or a field closely related to the practice of professional counseling from an accredited	

Professional Clinical Counselor						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
					education institution A doctorate degree in counseling or a field closely related to the practice of professional counseling from an accredited educational institution	
Experience	Completion of supervised experience in counseling that amounts to either: 1. Not less than two years of experience, in the case of an individual holding only a master's degree, which must be completed	Practicum of 100 hours and one internship of 600 hours with at least 66 hours of face-to-face supervision 3,000 hours of postgraduate clinical experience over a two year period	4,000 hours of supervised experience in the practice of counseling after obtaining a master's degree, including at least 1,600 hours of direct counseling with individuals, couples, families, or groups, and 100 hours of individual, face-	If the individual has a master's degree, the individual must have practiced counseling under the supervision of a licensed professional counselor for at least 3,000 hours in not less than a two-year period, with at least 100 hours of regularly scheduled	If the individual does not have an out-of-state license and does not have a doctorate degree, at least 3,000 hours of supervised clinical experience obtained after the completion of 48 semester hours or 72 quarter hours of graduate coursework	For an individual with a master's degree, at least two years of supervised professional experience in counseling; for an individual with a doctorate degree, one year of supervised professional experience in counseling

Professional Clinical Counselor						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<p>after the master's degree is completed; or</p> <p>2. Not less than one year of experience, in the case of an individual holding a doctorate, which must be completed after the doctorate is completed</p>		<p>to-face clinical supervision</p> <p>Completion of an organized practicum or internship consisting of at least 400 hours of experience</p> <p>Evidence of a minimum of five years' experience as a certified or licensed professional counselor if licensed or certified in another state</p>	<p>supervision in the immediate physical presence of the supervisor</p> <p>If the individual has completed 30 semester hours or 45 quarter hours in counseling beyond a master's degree, the individual must have practiced counseling under the supervision of a licensed professional counselor for at least 1,500 hours in not less than a one-year period, with at least 50 hours of regularly scheduled supervision in the immediate physical presence of the supervisor</p>	<p>If the individual does not have an out-of-state license and has a doctorate degree, completion of at least 2,400 hours of supervised clinical experience, 1,200 hours of which was obtained subsequent to the granting of the doctorate degree</p> <p>If the individual has an out-of-state license, 3,000 hours of supervised clinical experience that conforms to the licensure requirements of the state in which the individual is currently licensed</p> <p>If the individual has an out-of-state license,</p>	

Professional Clinical Counselor						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
					active practice of professional counseling for five of the last seven years immediately preceding the application for licensure	
Exam	Exam administered by the Board for the purpose of determining ability to practice as a licensed professional clinical counselor A field evaluation	The NCMHCE given by NBCC	The NCE or NCMHCE given by NBCC	A passing score on either: 1. The NCE given by NBCC; or 2. The CRC given by CRCC	One of the following: 1. The NCE given by NBCC; 2. The CRC given by CRCC; 3. The ATCB Certification Examination given by ATCB; 4. The Board Certification Examination given by CBMT; 5. The practice examination of	One of the following: 1. The NCE given by NBCC; 2. The CRC given by CRCC; or 3. The NCMHCE given by NBCC

Professional Clinical Counselor						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
					psychological knowledge given by NAMP; 6. The AAODA given by IC & RC/AODA; or 7. The EMAC given by NBCC	
Continuing education	30 hours every two years, three of which must be in the area of ethics If the individual has supervising counselor status, three of the required 30 hours must be in supervision	40 hours every two years	Ten hours of continuing education in professional counseling or a related field annually Three hours in domestic violence training within three years of initial licensure Six hours in a course on suicide assessment, treatment, and management within the first year of licensure	No	30 hours every two years, including three hours in ethical issues	35 hours every two years, including three hours of ethics and two hours in mental health specific to veterans and their families

Professional Clinical Counselor						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
			and every six years thereafter Three hours in a course on the law for regulating professional counseling every three years			
Initial licensure fee	\$100	\$50	\$150	\$124.30	\$45	\$200
License duration	Two years	Two years	One year	Three years	Two years	Two years
Renewal fee	\$100	\$50	\$150	\$144.30	\$95	\$220

**Temporary licensed professional clinical counselor
Survey responses (CSW)**

Description
The Board does not issue temporary licensed professional clinical counselor licenses owing to the endorsement provisions in statute and rule that enable the Board to address issues with out of state license applications not conforming to Ohio standards. Persons with an Ohio LPC would not be issued a Temporary LPCC because they have an LPC that allows them to practice counseling.

Type (See R.C. 4798.01 for relevant definitions.)

License

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

Number issued annually

0

Number renewed annually

0

Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?

Not applicable.

Education or training requirements

Not applicable.

Experience requirements

Not applicable.

Examination requirements (*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?*)

Not applicable.

If the regulation is a registration, certification, or license requirement, please complete the following:	
Continuing education requirements <i>(Including a description of the curriculum and the process of setting it.)</i>	Not applicable.
Initial fee	Not applicable.
Duration	Not applicable.
Renewal fee <i>(If different from initial fee, please explain why.)</i>	Not applicable.
Does the Board recognize uniform licensure requirements or allow for reciprocity?	Not applicable.
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	Not applicable.
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	Not applicable.
Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?	Not applicable.

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

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

Not applicable.

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

Not applicable.

**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?**

Not applicable.

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

Not applicable.

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

Not applicable.

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

Not applicable.

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

Not applicable.

Comparison to other states (How many other states regulate the occupation? How do Ohio’s regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)

Not applicable.

Surrounding state comparison (LSC)

Temporary Professional Counselor						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes, for individuals who meet all requirements for full licensure pending receipt of transcripts or	Yes – mental health counselor or mental health counselor associate (<i>Ind. Code Ann. 25-23.6-8.5-1, 25-</i>	No clear equivalent	Yes – limited licensed professional counselor (must practice under supervision of fully licensed	No clear equivalent	Yes – temporary counseling permit (<i>W. Va. Code 30-31-1, 30-31-8, and 30-31-10; W. Va. Code R. 27-1-6, 27-2-2, 27-3-3,</i>

Temporary Professional Counselor						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	action by the Board (R.C. 4757.22, 4757.23, 4757.25, 4757.31, 4757.32, and 4757.33; O.A.C. 4757-1-05(B) and (D), 4757-7-01, 4757-9-02, 4757-13-01, 4757-13-02, 4757-13-03, 4757-13-04, and 4757-13-06)	23.6-8.5-1.5, 25-23.6-8.5-3, 25-23.6-8.5-4, 25-23.6-8.5-8, 25-23.6-8.5-8.5, 25-23.6-8.5-9.5, and 25-23.6-10.5-1.5; 839 Ind. Admin. Code 1-2-5 and 1-2-1; Indiana Professional Licensing Agency, LMHC Frequently Asked Questions)		professional counselor) (Mich. Comp. Laws 333.16148, 333.16317, 333.16341, 333.18105, 333.18111, and 333.18114; Mich. Admin. Code R. 338.1751a, 338.1754, and 338.1755)		27-3-4, 27-4-2, 27-4-4, and 27-4-5; West Virginia Board of Examiners in Counseling, Applicants for LPC Licensure)
Education or training	Same education requirements for a licensed professional counselor	A valid license or certificate to practice from another state and the individual has applied for a license from the Board Is practicing in a state that does not license or certify mental health counselors but is certified by a national	N/A	Master's or doctorate degree in counseling or student personnel work in a program approved by the Michigan Board of Counseling Training in identifying victims of human trafficking that meets certain prescribed standards	N/A	Same education requirements for a professional counseling license

Temporary Professional Counselor						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
		<p>association approved by the Board and the individual has applied for a license from the board</p> <p>Has been approved by the board to take the examination and has graduated from a school or program approved by the board and the individual has completed any experience requirement</p>				
Experience	No	No	N/A	No	N/A	Same experience requirements for a professional counseling license
Exam	Same exam requirement for a professional counselor	N/A	N/A	No	N/A	N/A

Temporary Professional Counselor						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Continuing education	N/A	N/A	N/A	No	N/A	N/A
Initial licensure fee	None	\$25	N/A	\$86.45	N/A	\$50
License duration	90 days, may be renewed for good cause shown	Two years, not renewable	N/A	One year, no more than ten renewals	N/A	Six months, not renewable
Renewal fee	None	N/A	N/A	\$106.45	N/A	N/A

Temporary licensed professional counselor

Survey responses (CSW)

Description
<p>This license type is the same as the LPC. The temporary license may be issued in a very limited set of circumstances. The applicant for a Temporary LPC must have completed their degree program and passed the required exam. The Temporary LPC bridges the gap between degree completion and the conferment of the degree.</p> <p>Persons holding a Temporary LPC must follow all of the laws and rules applicable to an LPC.</p>

Type (See R.C. 4798.01 for relevant definitions.)

License

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

Number issued annually	Approximately 10 per year.
Number renewed annually	Not applicable. The Temporary LPC is issued for a 90-day period.
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	Because the Temporary is issued based on a limited number of factors, the Board has not experienced in increase in requests for Temporary licenses.
Education or training requirements	Master's degree in Clinical Mental Health Counseling.
Experience requirements	See LPC response.
Examination requirements (<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>)	See LPC response.

If the regulation is a registration, certification, or license requirement, please complete the following:	
Continuing education requirements <i>(Including a description of the curriculum and the process of setting it.)</i>	Not applicable. The Temporary LPC is good for 90 days.
Initial fee	N/A
Duration	A Temporary LPC is valid for 90 days.
Renewal fee <i>(If different from initial fee, please explain why.)</i>	N/A
Does the Board recognize uniform licensure requirements or allow for reciprocity?	See LPC response.
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	See LPC response.
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	See LPC response.
Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?	Current rules restrict the issuance of Temporary LPCs to persons who have passed the exam and have completed a master's in clinical mental health counseling that has not yet been conferred.

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

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

N/A

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

See LPC response.

**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?**

Not applicable. The Board does not charge a fee to issue a Temporary LPC.

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

See LPC response.

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

See LPC response.

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

See LPC response.

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

At present the Board is not considering requesting any statutory changes regarding temporary licenses.

Comparison to other states (How many other states regulate the occupation? How do Ohio’s regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)

See LPC response.

Surrounding state comparison (LSC)

Temporary Professional Counselor						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes, for individuals who meet all requirements for full licensure pending receipt of transcripts or	Yes – mental health counselor or mental health counselor associate (<i>Ind. Code Ann. 25-23.6-8.5-1, 25-</i>	No clear equivalent	Yes – limited licensed professional counselor (must practice under supervision of fully licensed	No clear equivalent	Yes – temporary counseling permit (<i>W. Va. Code 30-31-1, 30-31-8, and 30-31-10; W. Va. Code R. 27-1-6, 27-2-2, 27-3-3,</i>

Temporary Professional Counselor						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	action by the Board (R.C. 4757.22, 4757.23, 4757.25, 4757.31, 4757.32, and 4757.33; O.A.C. 4757-1-05(B) and (D), 4757-7-01, 4757-9-02, 4757-13-01, 4757-13-02, 4757-13-03, 4757-13-04, and 4757-13-06)	23.6-8.5-1.5, 25-23.6-8.5-3, 25-23.6-8.5-4, 25-23.6-8.5-8, 25-23.6-8.5-8.5, 25-23.6-8.5-9.5, and 25-23.6-10.5-1.5; 839 Ind. Admin. Code 1-2-5 and 1-2-1; Indiana Professional Licensing Agency, LMHC Frequently Asked Questions)		professional counselor) (Mich. Comp. Laws 333.16148, 333.16317, 333.16341, 333.18105, 333.18111, and 333.18114; Mich. Admin. Code R. 338.1751a, 338.1754, and 338.1755)		27-3-4, 27-4-2, 27-4-4, and 27-4-5; West Virginia Board of Examiners in Counseling, Applicants for LPC Licensure)
Education or training	Same education requirements for a licensed professional counselor	A valid license or certificate to practice from another state and the individual has applied for a license from the Board Is practicing in a state that does not license or certify mental health counselors but is certified by a national	N/A	Master's or doctorate degree in counseling or student personnel work in a program approved by the Michigan Board of Counseling Training in identifying victims of human trafficking that meets certain prescribed standards	N/A	Same education requirements for a professional counseling license

Temporary Professional Counselor						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
		<p>association approved by the Board and the individual has applied for a license from the board</p> <p>Has been approved by the board to take the examination and has graduated from a school or program approved by the board and the individual has completed any experience requirement</p>				
Experience	No	No	N/A	No	N/A	Same experience requirements for a professional counseling license
Exam	Same exam requirement for a professional counselor	N/A	N/A	No	N/A	N/A

Temporary Professional Counselor						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Continuing education	N/A	N/A	N/A	No	N/A	N/A
Initial licensure fee	None	\$25	N/A	\$86.45	N/A	\$50
License duration	90 days, may be renewed for good cause shown	Two years, not renewable	N/A	One year, no more than ten renewals	N/A	Six months, not renewable
Renewal fee	None	N/A	N/A	\$106.45	N/A	N/A

Social worker

Survey responses (CSW)

Description
<p>A Licensed Social Worker may diagnose and treat mental and emotional disorders under supervision. This includes counseling and providing counseling and psychosocial interventions without supervision; and social psychotherapy under the supervision of an independent social worker, among others. A social worker may also engage in a range of psychosocial duties:</p> <ol style="list-style-type: none"> (1) Intervention planning; (2) Psychosocial intervention; (3) Counseling; (4) Social psychotherapy under supervision; and (5) Evaluation.

Type (See R.C. 4798.01 for relevant definitions.)

License

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

Number issued annually

Approximately 1000

Number renewed annually

Approximately 50% (9000) of the total licensees (18,000) renew each year.

Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?

There has been a steady increase as new license are issued and licenses maintained by experienced licensees.

Education or training requirements

Persons issued an LSW must hold a bachelor's or master's degree in social work. Bachelor's degrees must be from an accredited college or university. Master's degrees must be from a program accredited by the Council on Social Work Education (CSWE).

Experience requirements

Persons issued an LSW are not required to have work experience. However, all programs of education include as part of the program of education a field experience or internship that allows them to apply their education under the supervision of educators and licensed professionals.

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

<p>Examination requirements (<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>The LSW is issued based on the completion of an examination owned and administered by the Association of Social Work Boards. Applicants holding a bachelor’s degree in social work must take the ASWB Bachelor’s Exam, while persons with a master’s degree in social work must take the ASWB Master’s Exam. Both exams are \$230 per attempt. The exam fees are paid to ASWB. The Board receives no revenue from the exam fees.</p>
<p>Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)</p>	<p>LSWs must complete thirty hours of continuing education in each two-year renewal period. Three of the thirty hours must cover ethics or cultural competency. The amount of continuing education required is established by the Board based on national trends.</p>
<p>Initial fee</p>	<p>The application fee is \$80. A \$3.50 eLicense fee is also assessed.</p>
<p>Duration</p>	<p>Each license is valid for two years.</p>
<p>Renewal fee (<i>If different from initial fee, please explain why.</i>)</p>	<p>The renewal fee is \$80. A \$3.50 eLicense fee is also assessed.</p>
<p>Does the Board recognize uniform licensure requirements or allow for reciprocity?</p>	<p>At present there are no uniform licensure requirements. However, the Board does have endorsement/reciprocity language in rule and statute that gives the Board flexibility when considering applications from persons licensed in other states who apply to Ohio for a license.</p>
<p>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</p>	<p>There are not nationally recognized substitutes to licensure.</p>

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

<p>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?</p>	<p>Non-clinical aspects of social work, including case management, advocacy, information sharing, and related activities are part of the social work scope of practice but can be engaged in by persons who are not licensed.</p>
<p>Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?</p>	<p>The Board has limited discretion regarding to whom it issues an LSW. The statute limits the license to persons who have earned a degree in Social Work and who have passed an exam selected by the Board.</p>
<p>Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)</p>	<p>N/A</p>

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

The Board has authority to investigate complaints regarding ethics violations by licensed persons. Additionally, the Board has authority to conduct continuing education audits. ORC 4757 gives the Board authority to write rules that govern the practice of the professions licensed by the Board.

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?

Over a two year period, the Board earns revenue from applications and renewals of approximately \$1,600,000. The funds are used to pay Board operating expenses. Excess revenue is deposited in the 4K90 occupational licensing fund.

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

There are no federal regulations regarding the practice of Social Work.

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

The regulation of Social Workers seeks to protect consumers from fraud, ensure persons providing services have the suitable skills to do so, and to facilitate billing for insurance.

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

The regulation is effective in that it provides for a scope of practice and a code of ethics that guides licensees during practice. There are few less restrictive means of protecting the public. Because persons seeking the services of licensees of the Board can be vulnerable persons a less restrictive regulatory structure may result in more harm to members of the public.

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

The Board continues to explore means of increasing license mobility/portability. Many necessary changes can be implemented via rule changes.

Comparison to other states *(How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)*

All states regulate Social Work through an occupational license that protects the title, scope of practice, or both (Ohio has both title and practice protection). Most states are like Ohio in that there are two or more tiers of licensure. Where Ohio differs from other states is that we have an LSW and a Licensed Independent Social Worker license but not a License Masters Social Worker. This means Ohio has two broad scopes of practice where other states have three slightly narrower scopes of practice. Ohio's laws and rules for Social Work are not more restrictive than other states. There is significant uniformity requiring who can practice social work and the definition of the scopes.

Surrounding state comparison (LSC)

Social Worker						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (<i>R.C. 4757.27, 4757.28, 4757.29, 4757.31, 4757.32, and 4757.33; O.A.C. 4757-1-05(B) and (D), 4757-7-01, 4757-9-03, 4757-19-03, and 4757-19-06</i>)	Yes (<i>Ind. Code Ann. 25-23.6-5-1, 25-23.6-5-2, 25-23.6-5-3.5, 25-23.6-5-9, 25-23.6-2-8, 25-23.6-5-11, and 25-23.6-5-11.5; 839 Ind. Admin. Code 1-2-5 and 1-2-1</i>)	Yes (<i>Ky. Rev. Stat. Ann. 335.090, 335.120, and 335.130; 201 Ky. Admin. Regs. 23:020, 23:050, 23:060, 23:070, and 23:075</i>)	Yes – limited bachelor’s social worker or limited master’s social worker (<i>Mich. Comp. Laws 333.16148, 333.16317, 333.16348, 333.18504, and 333.18509(2); Mich. Admin. Code R. 338.2929 and 338.2939</i>)	Yes (<i>63 Pa. Cons. Stat. 1907, 1910, 1910.1, and 1918; 49 Pa. Code 47.4, 47.11, 47.12a, 47.12b, 47.12c, 47.14, 47.16, 47.32, and 47.39</i>)	Yes (<i>W. Va. Code Ann. 30-30-8, 30-30-10, 30-30-12, 30-30-14, 30-30-16, 30-30-19, and 30-30-22; W. Va. Code R. 25-1-3, 25-3-2, and 25-5-3</i>)
Education or training	Bachelor’s, master’s, or doctorate degree in social work	Master’s degree in social work	Bachelor’s degree in social work or social welfare program or an equivalent program	Limited bachelor’s: bachelor’s degree from a social work program Limited master’s: master’s degree from a social work program	Master’s degree in social work or social welfare or a doctorate degree in social work	Bachelor’s degree in social work
Experience	No	No	No	No	No	No

Social Worker						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Exam	Yes	Yes	Yes	No	Yes	Yes
Continuing education	30 hours every two years, including three hours in ethics	40 hours every two years	<p>15 hours every three years, which must include one and a half hours covering the recognition and prevention of pediatric abusive head trauma</p> <p>Three-hour course on the Kentucky Code of Ethical Conduct</p> <p>Six hours of continuing education in suicide assessment, treatment, and management every six years</p> <p>Three-hour course in domestic violence and elder abuse, neglect, and exploitation</p>	No	<p>30 hours every two years, including three hours in ethics</p> <p>Not required for first license renewal</p>	49 hours every two years

Social Worker						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
			during the first three-year renewal period after initial licensure			
Initial licensure fee	\$80	\$50	\$75	\$43.20	\$25	\$100
License duration	Two years	Two years	Three years	One year, renewable for no more than six years	Two years	Two years
Renewal fee	\$80	\$50	\$75	\$63.20	\$95	\$85

Independent social worker

Survey responses (CSW)

Description
<p>An independent social worker (LISW) may engage in the scope of practice for an LSW, however the LISW may do so without supervision. Additionally, the LISW may provide supervision to LSWs and other CSW Board licenses or persons licensed by other Boards if Board allows the LISW to supervise the licensee. LISW may also</p>

Type (See R.C. 4798.01 for relevant definitions.)

License

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

Number issued annually

Number renewed annually

Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?

Education or training requirements

A Master of Social Work (MSW) is required. The MSW must be from a Council on Social Work Education-accredited program.

Experience requirements

LSWs must complete a minimum of two years (24 months) of supervised work experience (3000 hours) as an LSW after they have earned an MSW. In addition, they must complete a minimum of 150 hours of supervision with an LISW with a Supervision endorsement. The 150 hours of training (group or individual) is intended to facilitate the professional development of the LSW. The amount of supervision hours required is comparable across the United States.

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

<p>Examination requirements (<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>LISWs may take one of two exams, either the Association of Social Work Board (ASWB) Clinical Exam or the ASWB Advanced Generalist Exam. The Clinical Exam is generally taken by LSWs whose practice focuses on providing counseling and therapy, while the Advanced Generalist Exam is taken by LSWs whose practice involves advocacy, program administration, and other aspects of the “macro” social work practice. The Board does not direct LISW applicants to take a specific exam. The choice should be aligned with the LSW’s scope of practice. However, to facilitate licensure if the LSW moves, the Clinical exam is more beneficial as virtually all states recognize the exam.</p>
<p>Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)</p>	<p>See LSW response.</p>
<p>Initial fee</p>	<p>The application fee is \$100. A \$3.50 eLicense fee is also assessed.</p>
<p>Duration</p>	<p>Se See LSW response.</p>
<p>Renewal fee (<i>If different from initial fee, please explain why.</i>)</p>	<p>The application fee is \$100. A \$3.50 eLicense fee is also assessed.</p>
<p>Does the Board recognize uniform licensure requirements or allow for reciprocity?</p>	<p>See LSW response.</p>
<p>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</p>	<p>See LSW response.</p>

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

Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	See LSW response.
Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?	Yes. The Board can exercise discretion in recognizing the hours of supervision and the type of exam required for licensure. Current law requires that all LSWs and LISWs hold a degree in social work.
Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)	Not applicable.

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

See LSW response.

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?

Over a two-year period, through new applications and renewals, the Board earns revenue in the amount of \$1,119,400. This revenue funds the Boards operations. Excess revenue is deposited in the 4k90 Occupational Licensing Fund.

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

Not applicable.

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

See LSW response.

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

See LSW response.

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

N/A

Comparison to other states *(How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)*

Ohio's regulation of social work is like other states' regulatory framework. At a minimum all states regulate the practice of independent clinical social work. Most states require licensure or registration for the entry level social work practice. While there are minor differences between states, it is not easier, nor is it harder, to become an LISW in Ohio.

Surrounding state comparison (LSC)

Independent Social Worker						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (<i>R.C. 4757.27, 4757.28, 4757.29, 4757.31, 4757.32, and 4757.33; O.A.C. 4757-1-05(B) and (D), 4757-7-01, 4757-9-03, 4757-19-03, and 4757-19-06</i>)	Yes – clinical social worker (<i>Ind. Code Ann. 25-23.6-5-1, 25-23.6-5-2, 25-23.6-5-3.5, 25-23.6-5-9, 25-23.6-2-8, 25-23.6-5-11, and 25-23.6-5-11.5; 839 Ind. Admin. Code 1-2-5 and 1-2-1</i>)	Yes – clinical social worker (<i>Ky. Rev. Stat. Ann. 335.100, 335.120, and 335.130; Ky. Admin. Regs. 23:020, 23:050, 23:060, 23:070, and 23:075</i>)	Yes – bachelor’s social worker license or master’s social worker license (<i>Mich. Comp. Laws 333.16148, 333.16317, 333.16348, 333.18504, 333.18509, and 333.18516; Mich. Admin. Code R. 338.2929, 338.2941, 338.2943, and 338.2945</i>)	Yes – clinical social worker license (<i>63 Pa. Cons. Stat. 1907, 1910, 1910.1, and 1918; 49 Pa. Code 47.4, 47.11, 47.12a, 47.12b, 47.12c, 47.14, 47.16, 47.32, and 47.39</i>)	Yes – independent clinical social worker or certified social worker (<i>W. Va. Code Ann. 30-30-8, 30-30-10, 30-30-12, 30-30-14, 30-30-16, 30-30-19, and 30-30-22; W. Va. Code R. 25-1-3, 25-3-2, and 25-5-3</i>)
Education or training	Master’s degree in social work	A doctorate or master’s degree in social work	Master’s or doctorate degree in social work from an approved educational institution	Bachelor’s: bachelor’s degree from a social work program similar to Michigan Master’s: master’s or doctorate degree program from an accredited school	Master’s degree in social work or social welfare or a doctorate degree in social work	Independent clinical: master’s degree in relevant coursework, supervised clinical field placement at the graduate level or equivalent postmaster’s clinical training

Independent Social Worker						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
				<p>of social work that complies with prescribed standards</p> <p>Completes training in identifying victims of human trafficking that meets certain prescribed standards</p> <p>Both: education requirement may be waived for individuals who hold a license in another jurisdiction with requirements</p>		<p>Certified: master's degree from a school of social work</p>
Experience	Two years of postmaster's degree social work experience supervised by an independent social worker	Two years of clinical social work experience after receiving a graduate degree and under the supervision of a qualified supervisor as	Two years full-time postmaster's experience of at least 30 hours per week acceptable, or three years of part time, consisting of at	<p>4,000 hours of postdegree social work experience accrued over not less than two years</p> <p>For a macro designation or a</p>	<p>Pennsylvania social worker license or an out-of-state clinical social worker license</p> <p>If the individual has a</p>	<p>Independent clinical: two years of clinical social work under the supervision of an independent clinical social worker</p>

Independent Social Worker						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
		determined by the Board (a doctoral internship may be used toward satisfying this requirement)	<p>least 20 hours per week</p> <p>200 hours of supervised experience, which must include two hours of clinical social work practice once every two weeks</p> <p>If providing supervision to a certified social worker, has three years of experience as a certified social worker</p>	clinical designation, an individual must complete certain prescribed experiences	<p>Pennsylvania social worker license, either:</p> <ol style="list-style-type: none"> 3,000 hours of supervised clinical experience after completion of the master's degree in social work; or An Academy of Certified Social Workers Certificate issued by the National Association of Social Workers prior to January 1, 2001 <p>If the individual has an out-of-state clinical social worker</p>	Certified: two years of postmaster's work experience or 3,000 hours

Independent Social Worker						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
					license, 3,000 hours of supervised clinical experience	
Exam	Yes	Yes	Yes	Yes	Yes	Yes
Continuing education	30 hours every two years, including three hours in ethics If the individual has supervising status, three of the required 30 hours must be in supervision	40 hours every two years	30 hours every three years, including one and a half hours covering the recognition and prevention of pediatric abusive head trauma once every six years Three hours on the Kentucky Code of Ethical Conduct Six hours of continuing education in suicide assessment, treatment, and management every six years	45 hours every three years, including five hours in ethics and two hours in pain and symptom management	30 hours every two years, including two hours in ethics Not required for first renewal period	40 hours of continuing education every two years

Independent Social Worker						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
			Completion of three-hour clinical social work supervision course if licensee is clinical social work supervisor			
Initial licensure fee	\$100	\$50	\$200	\$43.20	\$45	\$100
License duration	Two years	Two years	Three years	Three years	Two years	Two years
Renewal fee	\$100	\$50	\$200	\$63.20	\$95	\$85

Temporary social worker

Survey responses (CSW)

Description
The temporary social worker is a temporary license that allows the recipient to practice in the scope of an LSW for up to 90 days. The license is issued only in instances where the applicant has passed the ASWB Bachelor's or Master's Exam and has completed a BSW or MSW degree, but the degree has not yet been conferred.

Type (See R.C. 4798.01 for relevant definitions.)

License

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

Number issued annually

Generally, under 20 temporary licenses are issued each year.

Number renewed annually

Not applicable.

Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?

The number issued annually varies but is not indicative of a specific trend owing to the unique requirements for the issuance of the license.

Education or training requirements

See LSW response.

Experience requirements

See LSW response.

Examination requirements (*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?*)

See LSW response.

If the regulation is a registration, certification, or license requirement, please complete the following:	
Continuing education requirements <i>(Including a description of the curriculum and the process of setting it.)</i>	Not applicable as the license is temporary.
Initial fee	\$20
Duration	90 days
Renewal fee <i>(If different from initial fee, please explain why.)</i>	Not applicable.
Does the Board recognize uniform licensure requirements or allow for reciprocity?	Not applicable.
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	See LSW response.
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	See LSW response.
Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?	See LSW response.

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

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

See LSW Response.

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

See LSW response.

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?

The Board earns no more than \$200-\$400 per year from the issuance of temporary LSWs. The revenue is used to support the Board's operations.

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

See LSW response.

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

See LSW response.

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

See LSW response.

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

No. At present the Board is not considering implementing any changes regarding temporary LSWs.

Comparison to other states (How many other states regulate the occupation? How do Ohio’s regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)

Other states issue temporary LSW licenses. The requirements differ from state to state. Ohio’s requirements

Surrounding state comparison (LSC)

Temporary Social Worker						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes, for individuals who meet all requirements for social worker license pending academic	Yes, for individuals who meet all requirements for licensure pending exam results (<i>Ind. Code Ann. 25-</i>	Yes, for individuals who meet all requirements for licensure pending exam results (<i>Ky. Rev. Stat. Ann.</i>	No clear equivalent	No clear equivalent	Yes – temporary social work permit (must work under a supervising social worker) (<i>W. Va. Code Ann. 30-30-8, 30-30-10,</i>

Temporary Social Worker						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	transcript (R.C. 4757.27, 4757.28, 4757.29, 4757.31, 4757.32, and 4757.33; O.A.C. 4757-1-05(B) and (D), 4757-7-01, 4757-9-03, 4757-19-03, and 4757-19-06)	23.6-5-1, 25-23.6-5-2, 25-23.6-5-3.5, 25-23.6-5-9, 25-23.6-2-8, 25-23.6-5-11, and 25-23.6-5-11.5; 839 Ind. Admin. Code 1-2-5 and 1-2-1)	335.090; 201 Ky. Admin. Regs. 23:015 and 23:070)			30-30-12, 30-30-14, 30-30-16, 30-30-19, and 30-30-22; W. Va. Code R. 25-1-3, 25-3-2, and 25-5-3)
Education or training	Bachelor's, master's, or doctorate degree in social work	Master's degree in social work	Bachelor's degree in social work or social welfare program or an equivalent program	N/A	N/A	Graduate or undergraduate social work degree or in final semester of program
Experience	No	No	No	N/A	N/A	No
Exam	Yes	No	No	N/A	N/A	No
Continuing education	No	No	No	N/A	N/A	No
Initial licensure fee	\$20	\$25	Unspecified	N/A	N/A	\$50

Temporary Social Worker						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License duration	90 days, can be renewed once for good cause shown	One year	240 days	N/A	N/A	Six months, cannot be renewed
Renewal fee	\$20	N/A	N/A	N/A	N/A	N/A

Temporary independent social worker

Survey responses (CSW)

Description
The Board does not issue temporary licensed independent social worker licenses owing to the endorsement provisions in statute and rule that enable the Board to address issues with out of state license applications not conforming to Ohio standards. Persons with an Ohio LSW would not be issued a Temporary LISW because they have an LPC that allows them to practice counseling.
Type (See R.C. 4798.01 for relevant definitions.)
Not applicable.

If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	Not applicable.
Number renewed annually	Not applicable.
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	Not applicable.
Education or training requirements	Not applicable.
Experience requirements	Not applicable.
Examination requirements (<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>)	Not applicable.
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	Not applicable.
Initial fee	Not applicable.
Duration	Not applicable.

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

Renewal fee <i>(If different from initial fee, please explain why.)</i>	Not applicable.
Does the Board recognize uniform licensure requirements or allow for reciprocity?	Not applicable.
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	Not applicable.
Not applicable.	Not applicable.
Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?	Not applicable.
Other information <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i>	Not applicable.

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

Not applicable.

**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?**

Not applicable.

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

Not applicable.

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

Not applicable.

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

Not applicable.

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

Not applicable.

Comparison to other states *(How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)*

Not applicable.

Surrounding state comparison (LSC)

Temporary Independent Social Worker						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes, for individuals who meet all requirements for social worker license pending academic transcript (<i>R.C. 4757.27, 4757.28, 4757.29, 4757.31, 4757.32, and 4757.33; O.A.C. 4757-1-05(B) and (D), 4757-7-01, 4757-9-03, 4757-19-03, and 4757-19-06</i>)	Yes, for individuals who meet all requirements for licensure pending Board approval (<i>Ind. Code Ann. 25-23.6-5-1, 25-23.6-5-2, 25-23.6-5-3.5, 25-23.6-5-9, 25-23.6-2-8, 25-23.6-5-11, and 25-23.6-5-11.5; 839 Ind. Admin. Code 1-2-5 and 1-2-1</i>)	Yes, for individuals who meet all requirements for licensure pending Board approval (<i>Ky. Rev. Stat. Ann. 335.100; 201 Ky. Admin. Regs. 23:015 and 23:070</i>)	No clear equivalent	No clear equivalent	Yes – temporary social work permit (must work under a supervising social worker) (<i>W. Va. Code Ann. 30-30-8, 30-30-10, 30-30-12, 30-30-14, 30-30-16, 30-30-19, and 30-30-22; W. Va. Code R. 25-1-3, 25-3-2, and 25-5-3</i>)
Education or training	Master’s degree in social work	A master’s or doctorate degree in social work	Master’s or doctorate degree in social work	N/A	N/A	Graduate or undergraduate social work degree or in final semester of program
Experience	Two years of postmaster’s degree social	Two years of clinical social work experience	No	N/A	N/A	No

Temporary Independent Social Worker						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	work experience supervised by an independent social worker	after receiving a graduate degree and under the supervision of a qualified supervisor as determined by the Board (a doctoral internship may be used toward satisfying this requirement)				
Exam	Yes	No	No	N/A	N/A	No
Continuing education	No	No	No	N/A	N/A	No
Initial licensure fee	None	\$25	Unspecified	N/A	N/A	\$50
License duration	90 days, can be renewed once for good cause shown	The earlier of: 1. The date the individual is issued a license; 2. The date the Board disapproves	240 days	N/A	N/A	Six months, cannot be renewed

Temporary Independent Social Worker						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
		the license application; or 3. 180 days after the initial permit is issued				
Renewal fee	None	N/A	N/A	N/A	N/A	N/A

Social work assistant

Survey responses (CSW)

Description
The Social Work Assistant works at the direction of other licensees of this Board to provide case management and related support services in social service settings. The scope of practice includes: intake assessment and referral, screening, crisis intervention and resolution, case management and outreach, record keeping, social assessment, visual observation of person in environment, assist in facilitation with groups and families, advocacy; orientation, education and prevention services.

Type (See R.C. 4798.01 for relevant definitions.)

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

Number issued annually

Approximately 50-60 SWAs are issued each year.

Number renewed annually

Approximately 225 SWAs renew each year.

Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?

The number of SWAs has remained relative stable over the last six years.

Education or training requirements

SWAs must hold an associate degree in social service technology or a related degree providing a foundation in working in a social service setting.

Experience requirements

Persons registered as Social Work Assistants must complete an internship or practicum course in a setting where social work services are provided.

Examination requirements (*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?*)

No examination is required.

If the regulation is a registration, certification, or license requirement, please complete the following:	
Continuing education requirements <i>(Including a description of the curriculum and the process of setting it.)</i>	SWAs must earn 30 hours of CE every two years.
Initial fee	The application fee is \$60. Applicants are also assessed a \$3.50 eLicense fee.
Duration	The initial registration is valid for two years. The registration must be renewed every two years.
Renewal fee <i>(If different from initial fee, please explain why.)</i>	The renewal fee is \$60. Applicants are also assessed a \$3.50 eLicense fee.
Does the Board recognize uniform licensure requirements or allow for reciprocity?	The SWA is relatively unique to Ohio therefore there are not standards for recognizing similar registrations.
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	No. There are no similar registrations or certifications that could be used as a substitute for registration with the Board.
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	Any unlicensed/register person can perform all aspects of the scope of practice for the SWA.
Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?	The Board can exercise some discretion in determining qualified coursework.

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

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

N/A

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

The Board has authority to license and investigate SWAs. If SWAs are found to have violated the ORC/OAC 4757 they can be subject to discipline, up to license revocation.

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?

Every two years the Board earns approximately \$30,000 in revenue through the issuance of new registrations and the renewal of existing registrations. The revenue supports the Board's operating expenses.

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

No federal regulations apply to the occupation.

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

The SWA exists primarily as a means to ensure that persons performing certain services in clinical settings can bill insurers. The harm the regulation seeks to prevent is fraudulent billing as well as harm to clients through receipt of services by unqualified persons.

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

The Board receives few complaints regarding SWAs owing to their role in coordinating client care. As noted, all task in the SWA scope of practice can be undertaken by unlicensed persons. The Board cannot state with any amount of certainty that harm would result from a lack of regulation of SWAs.

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

The Board would like to reduce the number of required hours of continuing education hours for SWAs from 30 hours to 15 hours. This reduction was proposed as part of the 2020-2021 biennium budget but was removed by the General Assembly prior to the passage of the budget. The reduction in required hours reflects the difference in education and scope of practice for SWAs as compared to the Board's other licensees.

Comparison to other states (*How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?*)

Few other states have a registration similar to the SWA to enable an appropriate assessment of qualifications.

Surrounding state comparison (LSC)

Social Worker Assistant						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes – certificate of registration (<i>R.C. 4757.27, 4757.28, 4757.29, 4757.31, 4757.32, and 4757.33; O.A.C. 4757-1-05(B) and</i>	No clear equivalent	No clear equivalent	Yes – limited social service technician registration or social service technician registration (<i>Mich.</i>	Yes – provisional social worker license (<i>63 Pa. Cons. Stat. 1907, 1910, 1910.1, and 1918; 49 Pa. Code 47.4, 47.11,</i>	Yes – provisional social work license (<i>W. Va. Code Ann. 30-30-8, 30-30-10, 30-30-12, 30-30-14, 30-30-16, 30-30-</i>

Social Worker Assistant						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	(D), 4757-7-01, 4757-9-03, 4757-19-03, and 4757-19-06)			Comp. Laws 333.16148, 333.16317, 333.16348, 333.18503, and 333.18507; Mich. Admin. Code R. 338.2929, 338.2931, 338.2933, 338.2935, and 338.7002)	47.12a, 47.12b, 47.12c, 47.14, 47.16, 47.32, and 47.39)	19, and 30-30-22; W. Va. Code R. 25-1-3, 25-3-2, and 25-5-3)
Education or training	Associate's degree in social service technology, bachelor's degree that is equivalent to an associate's degree in social service technology, or a related, approved bachelor's degree or higher	N/A	N/A	Limited: two years of college in any field from an accredited college that meets prescribed standards Full: two years of college that included specified coursework relevant to a human services area, an associate's degree in social work, or the experience	Bachelor's degree in social work from a school of social work or social welfare Current enrollment in a master's degree program at a school of social work or social welfare	Bachelor's degree in a related field

Social Worker Assistant						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
				requirement; may be waived if individual holds registration from another jurisdiction with similar requirements		
Experience	No	N/A	N/A	<p>Limited: no, but must either be currently employed in human or social services or have been made an offer of employment in the practice of social work</p> <p>Full: 2,000 hours of supervised social work experience over at least a one-year period or the education requirement</p>	Three years full-time cumulative experience, under the supervision of a social worker who has graduated with a master's or doctorate degree in social work or social welfare	No
Exam	No	N/A	N/A	No	Yes	Yes

Social Worker Assistant						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Continuing education	30 hours every two years	N/A	N/A	No	No	20 hours every two years
Initial licensure fee	\$60	N/A	N/A	\$43.20	\$25	\$115
License duration	Two years	N/A	N/A	Limited: one year, may be renewed once Full: three years	Two years, may be renewed twice	Two years, may be renewed once
Renewal fee	\$60	N/A	N/A	\$63.20	Not specified	\$90

Marriage and family therapist

Survey responses (CSW)

Description
<p>A Marriage and Family Therapist (MFT) is responsible for the diagnosis, treatment, evaluation, assessment, counseling, and management, of mental and emotional disorders, whether cognitive, affective or behavioral, within the context of marriage and family systems, to individuals, couples, and families, singly or in groups, whether those services are offered directly to the general public or through public or private organizations, for a fee, salary or other consideration through the professional application of marriage and family theories, therapies, and techniques, including, but not limited to psychotherapeutic theories, therapies and techniques that marriage and family therapists are educated and trained to perform.</p>

Type (See R.C. 4798.01 for relevant definitions.)

License

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

Number issued annually	The Board issues approximately 30-40 MFTs each year.
Number renewed annually	Approximately 110 MFTs renew each year.
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	The number of MFTs issued annually has been increasing by a modest number annually.
Education or training requirements	Persons licensed by as MFTs must complete a minimum of a master's degree in marriage and family therapy. The degree must conform to the standards of the Commission on Accreditation for Marriage and Family Therapy Education.
Experience requirements	No experience is required prior to issuance of the MFT except for the experience gained through internships and practica completed as part of the degree program.

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

<p>Examination requirements (<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>All MFTs licensed by Ohio must pass either the exam administered by the Association of Marital and Family Therapy Regulatory Boards (AMFTRB). The fee for the exam is \$350. The Board derives no financial benefit from the exam fee.</p>
<p>Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)</p>	<p>MFTs must complete 30 hours of continuing education every two years.</p>
<p>Initial fee</p>	<p>The application fee is \$80. A \$3.50 eLicense transaction fee is also assessed.</p>
<p>Duration</p>	<p>A license is valid for two years from the date of issuance.</p>
<p>Renewal fee (<i>If different from initial fee, please explain why.</i>)</p>	<p>The renewal fee is \$80. A \$3.50 eLicense transaction fee is also assessed.</p>
<p>Does the Board recognize uniform licensure requirements or allow for reciprocity?</p>	<p>There are no uniform licensing requirements. However, the Board attempts to implement many aspects of the model licensing requirements promulgated by AMFTRB.</p>
<p>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</p>	<p>No. There are no national registrations or certifications that could serve a substitute for licensure.</p>

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

Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	Unless a person meets an exception in 4757.41 (e.g. clergy or a student studying MFT), to provide marriage and family counseling a person must be licensed.
Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?	Yes. The Board has discretion when considering criminal background violations as well as education qualifications.
Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)	N/A

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

The Board has authority to investigate complaints regarding ethics violations by licensed persons. Additionally, the Board has authority to conduct continuing education audits. ORC 4757 gives the Board authority to write rules that govern the practice of the professions licensed by the Board.

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?

Over a two-year period, the Board earns approximately \$17,000 in revenue through application and renewal fees. The fees fund the Board's operating costs.

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

No federal regulations apply to the practice of the profession.

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

The regulation of MFTs seeks to protect consumers from fraud, ensure persons providing services have the suitable skills to do so, and to facilitate billing for insurance.

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

The regulation is effective in that it provides for a scope of practice and a code of ethics that guides licensees while practicing the profession. There are few less restrictive means of protecting the public. Because persons seeking the services of licensees of the Board can be vulnerable persons a less restrictive regulatory structure may result in more harm to members of the public.

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

At present the Board is not considering any changes that cannot be implemented via the Board's rulemaking authority.

Comparison to other states *(How many other states regulate the occupation? How do Ohio's regulations compare to those other states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)*

Ohio's regulatory structure is like many states. It is neither more restrictive nor less restrictive. Ohio has a two-tier license structure. This structure ensures that persons licensed MFTs can practice as such provided, they renew and follow the applicable laws and rules. Other states rely on an associate, non-licensed status that does not offer as much flexibility to licensees.

Surrounding state comparison (LSC)

Marriage and Family Therapist						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (<i>R.C. 4757.30, 4757.301, 4757.31, and 4757.32; O.A.C. 4757-1-05(B) and (D), 4757-7-01, 4757-9-01, 4757-25-01, 4757-25-02, 4757-25-03, 4757-25-04, and 4757-25-05</i>)	Yes – marriage and family therapist associate (<i>Ind. Code Ann. 25-23.6-8-1, 25-23.6-8-1.5, 25-23.6-8-2.1, 25-23.6-8-2.5, 25-23.6-8-2.7, 25-23.6-8-8, 25-23.6-8-8.5, 25-23.6-8-9.5, and 25-23.6-8-10; 839 Ind. Admin. Code 1-2-1, 1-2-2, and 1-2-5; Indiana Professional Licensing Agency, Continuing Education Requirements</i>)	Yes – marriage and family therapist associate (<i>Ky. Rev. Stat. Ann. 335.330, 335.332, and 335.340; 201 Ky. Admin. Regs. 32:025, 32:030, 32:045, and 32:060</i>)	Yes – limited marriage and family therapist license (<i>Mich. Comp. Laws 333.16148, 333.16317, 333.16324, 333.16903, and 333.16909; Mich. Admin. Code R. 338.7202 and 338.7203</i>)	Yes – marriage and family therapist (no distinction between marriage and family therapist and independent marriage and family therapist) (<i>63 Pa. Cons. Stat. 1907, 1910, 1910.1, and 1918; 49 Pa. Code 47.4, 48.1, 48.11, 48.13, 48.16, 48.17, and 48.32</i>)	Yes – provisional marriage and family therapist license (<i>W. Va. Code Ann. 30-31-1, 30-31-9, and 30-31-10; W. Va. Code R. 27-8-4, 27-8-6, 27-8-7, 27-9-2, 27-10-3, 27-10-4, and 27-10-6; West Virginia Board of Examiners in Counseling, Becoming an LMFT</i>)
Education or training	Either: 1. A master’s or doctorate degree in marriage and	Master’s, doctorate, or equivalent from a foreign school in marriage and	Master’s or doctorate degree in marriage and family therapy, from a regionally accredited	Master’s degree or higher from an approved and accredited marriage and family therapy	Master’s degree with coursework requirements in marriage and family therapy or in a field closely	Master’s or doctorate degree with specific coursework in marriage and family therapy

Marriage and Family Therapist

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<p>family therapy; or</p> <p>2. A graduate degree that includes a minimum of 90 quarter hours of graduate level coursework in marriage and family therapy training</p>	<p>family or in a related area</p> <p>27 semester hours or 41 quarter hours of graduate coursework that must include graduate level course credits with material in at least all of 11 specifically prescribed content areas</p> <p>Not less than one graduate level course of two semester or four quarter hours in both legal, ethical, and professional standards issues and appraisal and assessment for individual or interpersonal disorder or dysfunction</p>	<p>educational institution or a master’s, postmaster’s, or doctorate degree from a program approved by the Commission on Accreditation for Marriage and Family Therapy Education or any successive organizations, or an equivalent course of study</p>	<p>training program or an approved and accredited college or university and completes prescribed graduate-level coursework</p> <p>Training in identifying victims of human trafficking that meets certain prescribed standards</p>	<p>related to the practice of marriage and family therapy obtained following completion of the individual’s degree or a doctorate degree in marriage and family therapy or in a field closely related to marriage and family therapy</p>	

Marriage and Family Therapist						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Experience	A practicum that includes 300 hours of client contact	At least one supervised clinical practicum, internship, or field experience in a marriage and family counseling setting that includes 500 hours of marriage and family therapy services with 100 hours of supervision from a licensed marriage and family therapist	None	In conjunction with the individual's educational program, a supervised clinical marriage and family therapy experience obtained either in a clinical practicum during graduate education or in an accredited postgraduate marriage and family institute training program	<p>If the individual does not have an out-of-state license and has a master's degree, 3,000 hours of supervised clinical experience obtained after completion of the individual's degree</p> <p>If the individual does not have an out-of-state license and has a doctorate degree, 2,400 hours of supervised clinical experience</p> <p>If the individual has an out-of-state license, 3,000 hours of supervised clinical experience that conforms to the licensure requirements of</p>	None

Marriage and Family Therapist						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
					<p>the state in which the individual is currently licensed</p> <p>If the individual has an out-of-state license, active practice of marriage and family therapy for five of the last seven years immediately preceding the application for licensure</p>	
Exam	The Examination In Marital and Family Therapy offered by the Association of Marital and Family Therapy Regulatory Boards (AMFTRB)	The Examination In Marital and Family Therapy offered by AMFTRB	The Examination In Marital and Family Therapy offered by AMFTRB	No	The Examination In Marital and Family Therapy offered by AMFTRB	The Examination In Marital and Family Therapy offered by AMFTRB
Continuing education	30 hours every two years, including three hours in ethics	40 hours every two years, including two hours in ethics	Ten hours every year, including three hours in ethics	No	30 hours every two years, including three hours in ethics	None

Marriage and Family Therapist						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
			Three hours of training in the field of domestic violence and elder abuse, neglect, and exploitation within three years of licensure			
Initial licensure fee	\$80	\$50	\$50	\$91.85	\$45	\$200
License duration	Two years	Two years	One year, no more than four renewals	One year, no more than five renewals	Two years	Three years, may be renewed once for a two-year period
Renewal fee	\$80	\$50	\$50	\$111.85	\$95	\$220

Independent marriage and family therapist

Survey responses (CSW)

Description

The IMFT is like the MFT except the IMFT may practice independently without supervision. The IMFT may supervise MFTs, LSWs, and LPCs in agency and practice settings.

Type *(See R.C. 4798.01 for relevant definitions.)*

License

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

Number issued annually

Approximately 25-50 IMFTs are issued each year.

Number renewed annually

Approximately 175 renew each year.

If the regulation is a registration, certification, or license requirement, please complete the following:	
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	Over the last six years there has been a modest increase in the number of IMFTs. Growth in the profession is partly based on IMFTs moving to Ohio from other jurisdictions.
Education or training requirements	See MFT response.
Experience requirements	IMFTs must earn 200 hours of supervision over a 24-month period. Over that 24-month period they must also accrue 1000 hours of direct client care hours, 500 of which must be “relational” (e.g. with couples or families).
Examination requirements (<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>)	There is no examination requirement. IMFTs must be MFTs at the time the license is issued or be reciprocal applicants from other states and have passed the exam.
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	IMFTs must earn 30 hours of continuing education every two years.
Initial fee	The application fee is \$100. A \$3.50 eLicense fee is assessed.
Duration	Licenses are valid for two years from the date of issuance or renewal.
Renewal fee (<i>If different from initial fee, please explain why.</i>)	The renewal fee is \$100. A \$3.50 eLicense fee is assessed.

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

<p>Does the Board recognize uniform licensure requirements or allow for reciprocity?</p>	<p>See MFT Response.</p>
<p>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</p>	<p>No. There are no national registrations or certifications that could serve a substitute for licensure.</p>
<p>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?</p>	<p>See MFT response.</p>
<p>Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?</p>	<p>Yes. The Board has discretion when considering criminal background violations, education qualifications, and hours of supervision. This is particularly relevant when the applicant is licensed in another state.</p>
<p>Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)</p>	<p>N/A</p>

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

See MFT response.

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?

The Board earns approximately \$40,000 every two years as a result of IMFT applications and renewals. The revenue supports the Board's operations.

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

See MFT response.

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

See MFT response.

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

See MFT response.

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

The Board is not currently considering substantive changes to IMFT licensure.

Comparison to other states *(How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)*

The licensure of IMFTs in Ohio is similar to other states. The licensure requirements are based on model legislation promulgated by AMFTRB. Ohio's requirements are more restrictive or less restrictive than the regulation in other states.

Surrounding state comparison (LSC)

Independent Marriage and Family Therapist						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (<i>R.C. 4757.30, 4757.301, 4757.31, and 4757.32; O.A.C. 4757-1-05(B) and (D), 4757-7-01, 4757-9-01, 4757-25-01, 4757-25-02, 4757-25-03, 4757-25-04, and 4757-25-05</i>)	Yes – marriage and family therapist (<i>Ind. Code Ann. 25-23.6-8-1, 25-23.6-8-1.5, 25-23.6-8-2.1, 25-23.6-8-2.5, 25-23.6-8-2.7, 25-23.6-8-8, 25-23.6-8-8.5, 25-23.6-8-9.5, and 25-23.6-8-10; 839 Ind. Admin. Code 1-2-1, 1-2-2, and 1-2-5; Indiana Professional Licensing Agency, Continuing Education Requirements</i>)	Yes – marriage and family therapist (<i>Ky. Rev. Stat. Ann. 335.330 and 335.340; 201 Ky. Admin. Regs. 32:030, 32:045, and 32:060</i>)	Yes – marriage and family therapist (<i>Mich. Comp. Laws 333.16148, 333.16317, 333.16324, 333.16903, and 333.16909; Mich. Admin. Code R. 338.7001a, 338.7202, and 338.7205</i>)	Yes – marriage and family therapist (no distinction between marriage and family therapist and independent marriage and family therapist) (<i>63 Pa. Cons. Stat. 1907, 1910, 1910.1, and 1918; 49 Pa. Code 47.4, 48.1, 48.11, 48.13, 48.16, 48.17, and 48.32</i>)	Yes – marriage and family therapist (<i>W. Va. Code Ann. 30-31-1, 30-31-9, and 30-31-10; W. Va. Code R. 27-8-4, 27-8-6, 27-8-7, 27-9-2, 27-10-3, 27-10-4, and 27-10-6; West Virginia Board of Examiners in Counseling, Becoming an LMFT</i>)
Education or training	Either: 1. A master’s or doctorate degree in marriage and	Master’s or doctorate degree in marriage and family therapy or in a related area that meets the same	Master’s or doctorate degree in marriage and family therapy, from a regionally accredited educational	Master’s degree or higher from an accredited and approved marriage and family therapy training program	Master’s degree with coursework requirements in marriage and family therapy or in a field closely related to the	Master’s or doctorate degree with specific coursework in marriage and family therapy

Independent Marriage and Family Therapist

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<p>family therapy; or</p> <p>2. A graduate degree that includes a minimum of 90 quarter hours of graduate level coursework in marriage and family therapy training</p>	<p>credentialing requirements</p> <p>Holds a marriage and family therapist associate license or is licensed or certified to practice as a marriage and family therapist in another state and is otherwise qualified</p> <p>27 semester hours or 41 quarter hours of graduate work that must include graduate level course credits with material in several prescribed content areas</p>	<p>institution or a master’s, postmaster’s, or doctorate degree from a program approved by the Commission on Accreditation for Marriage and Family Therapy Education or any successive organizations, or an equivalent course of study</p>	<p>or an accredited and approved college or university and has completed prescribed graduate-level coursework</p> <p>Training in identifying victims of human trafficking that meets certain prescribed standards</p>	<p>practice of marriage and family therapy obtained following completion of the individual’s degree or a doctorate degree in marriage and family therapy or in a field closely related to marriage and family therapy</p>	
Experience	A practicum that includes 300 hours of client contact	At least one supervised practicum, internship, or field experience in	Two years of experience in the practice of	A supervised clinical marriage and family therapy experience in	If the individual does not have an out-of-state license and has a master’s degree,	If the individual has a master’s degree, at least two years of supervised

Independent Marriage and Family Therapist

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	At least two years of supervised training while engaged in the practice of marriage and family therapy, including 200 hours of face-to-face supervision while completing 1,000 hours of documented client contact in marriage and family therapy	<p>marriage and family counseling that includes 500 hours of marriage and family services with at least 100 hours of supervision from a licensed practitioner</p> <p>At least two years of postdegree clinical experience, during which at least 50% of the applicant's clients were receiving marriage and family therapy services</p>	<p>marriage and family therapy</p> <p>200 hours of clinical supervision as a marriage and family therapy associate</p>	<p>conjunction with the individual's educational program with not less than 300 direct client contact hours</p> <p>A minimum of 1,000 direct client contact hours in a supervised marriage and family therapy experience (obtained after receiving degree)</p> <p>Experience requirement may be waived for individuals with a license in another state issued before December 31, 1999, who have been engaged in the practice of marriage and</p>	<p>3,000 hours of supervised clinical experience obtained after completion of the individual's degree</p> <p>If the individual does not have an out-of-state license and has a doctorate degree, 2,400 hours of supervised clinical experience</p> <p>If the individual has an out-of-state license, 3,000 hours of supervised clinical experience that conforms to the licensure requirements of the state in which the individual is currently licensed</p> <p>If the individual has an out-of-</p>	<p>professional experience in marriage and family therapy obtained after completion of the individual's degree</p> <p>If the individual has a doctorate degree, one year obtained after completion of the individual's degree</p>

Independent Marriage and Family Therapist						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
				family therapy for at least five years	state license, active practice of marriage and family therapy for five of the last seven years immediately preceding the application for licensure	
Exam	The Examination In Marital and Family Therapy offered by AMFTRB	The Examination In Marital and Family Therapy offered by AMFTRB	The Examination In Marital and Family Therapy offered by AMFTRB	The Examination In Marital and Family Therapy offered by AMFTRB Examination requirement may be waived for individuals with a license in another state issued before December 31, 1999, who have been engaged in the practice of marriage and family therapy for at least five years	The Examination In Marital and Family Therapy offered by AMFTRB	The Examination In Marital and Family Therapy offered by AMFTRB

Independent Marriage and Family Therapist						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Continuing education	30 hours every two years, including three hours in ethics If the individual has supervising marriage and family therapist status, three of the required 30 hours must be in supervision	40 hours every two years, including two hours in ethics	15 hours every year, including three hours in ethics Six hours of training in the field of suicide assessment, treatment, and management every six years Three hours of training in the field of domestic violence within three years of licensure	None	30 hours every two years, including three hours in ethics	35 hours every two years
Initial licensure fee	\$100	\$50	\$175	\$91.85	\$45	\$200
License duration	Two years	Two years	One year	Two years	Two years	Two years
Renewal fee	\$100	\$50	\$150	\$111.85	\$95	\$220

Temporary marriage and family therapist

Survey responses (CSW)

Description

The Temporary MFT has the same scope of practice as the MFT. The Temporary MFT is issued when an applicant for an MFT has completed their degree program and submitted an application to the Board but has yet to take the examination. This temporary is different than the Counselor or Social Worker Temporary in that it exists because the exam for MFT licensure was at one time held a limited number of times each year as opposed to the Social Work and Counseling exams that were administered more frequently (such remains the case today).

Type *(See R.C. 4798.01 for relevant definitions.)*

License

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

Number issued annually

The Board issues 10-15 per year.

Number renewed annually

Not applicable. The Temporary MFT is issued for up to one year and is not renewable.

If the regulation is a registration, certification, or license requirement, please complete the following:	
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	The have been not significant changes in the number issued.
Education or training requirements	See the MFT Response.
Experience requirements	See the MFT Response.
Examination requirements (<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>)	See the MFT response.
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	Not applicable.
Initial fee	The fee for a Temporary MFT is \$20.
Duration	The Temporary license is valid until the earlier of one year from that date, the date the applicant withdraws from taking the examination, the date the applicant is notified that the applicant failed the examination, or the date the applicant's license is issued.
Renewal fee (<i>If different from initial fee, please explain why.</i>)	Not applicable.

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

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

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

See MFT response.

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?

Over a two-year period, the Board rarely earns more than \$600 in revenue from the issuance of Temporary MFTs. The revenue supports the Board's operating costs.

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

See MFT response.

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

See MFT response.

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

See MFT response.

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

At present the Board is not considering any substantive changes to the Temporary MFT.

Comparison to other states *(How many other states regulate the occupation? How do Ohio's regulations compare to those other states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)*

Ohio uses a two-tiered approach to license where other states have an associate or unlicensed practice status. Most other states do not issue a temporary because of the associate or unlicensed level of practice, thus a comparison is not appropriate.

Surrounding state comparison (LSC)

Temporary Marriage and Family Therapist						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (<i>R.C. 4757.30, 4757.301, 4757.31, and 4757.32; O.A.C. 4757-1-05(B) and (D), 4757-7-01, 4757-9-01, 4757-25-01, 4757-25-02, 4757-25-03, 4757-25-04, and 4757-25-05</i>)	Yes – temporary permit (<i>Ind. Code Ann. 25-23.6-8-1, 25-23.6-8-1.5, 25-23.6-8-2.1, 25-23.6-8-2.5, 25-23.6-8-2.7, 25-23.6-8-8, 25-23.6-8-8.5, 25-23.6-8-9.5, and 25-23.6-8-10; 839 Ind. Admin. Code 1-2-1, 1-2-2, and 1-2-5; Indiana Professional Licensing Agency, Continuing Education Requirements</i>)	No clear equivalent	No clear equivalent	No clear equivalent	Yes – temporary permit (<i>W. Va. Code Ann. 30-31-1, 30-31-9, and 30-31-10; W. Va. Code R. 27-8-4, 27-8-6, 27-8-7, 27-9-2, 27-10-3, 27-10-4, and 27-10-6; West Virginia Board of Examiners in Counseling, Becoming an LMFT</i>)
Education or training	Same education requirements as marriage and family therapist license	Same education requirements as marriage and family therapist associate license	N/A	N/A	N/A	Same education requirements for marriage and family therapist license
Experience	Same experience requirements as	Has a valid license or certificate to	N/A	N/A	N/A	Supervision by an approved licensed

Temporary Marriage and Family Therapist

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	marriage and family therapist license	<p>practice from another state and the individual has applied for a license from the Board</p> <p>Is practicing in a state that does not license or certify marriage and family therapists but is certified by a national association approved by the Board and the individual has applied for a license</p> <p>Has been approved by the Board to take the exam and has graduated from a school or program approved by the Board</p>				<p>professional supervisor while under temporary permit required – hours count towards supervised professional experience required for licensure</p>

Temporary Marriage and Family Therapist

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Exam	No	No, must take license exam prior to expiration of permit	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	\$20	\$25	N/A	N/A	N/A	\$50
License duration	Valid until the earliest of: <ol style="list-style-type: none"> 1. One year after the date of issuance; 2. The date the individual withdraws from taking the examination; 3. The date the individual is notified that the individual failed the 	180 days or when the individual receives a license to practice	N/A	N/A	N/A	Six months, cannot be renewed

Temporary Marriage and Family Therapist						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	examination; or 4. The date the individual's marriage and family therapist license is issued					
Renewal fee	N/A	\$25	N/A	N/A	N/A	N/A

**Temporary independent marriage and family therapist
Survey responses (CSW)**

Description
The Board does not issue Temporary IMFT licenses. Persons who could qualify for a temporary are licensed as MFTs or licensed as IMFTs via endorsement/reciprocity.

Type (See R.C. 4798.01 for relevant definitions.)

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

Number issued annually	Not applicable.
Number renewed annually	Not applicable.
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	Not applicable.
Education or training requirements	Not applicable.
Experience requirements	Not applicable.
Examination requirements (<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>)	Not applicable.

If the regulation is a registration, certification, or license requirement, please complete the following:	
Continuing education requirements <i>(Including a description of the curriculum and the process of setting it.)</i>	Not applicable.
Initial fee	Not applicable.
Duration	Not applicable.
Renewal fee <i>(If different from initial fee, please explain why.)</i>	Not applicable.
Does the Board recognize uniform licensure requirements or allow for reciprocity?	Not applicable.
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	Not applicable.
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	Not applicable.
Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?	Not applicable.

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

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

Not applicable.

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

Not applicable.

**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?**

Not applicable.

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

Not applicable.

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

Not applicable.

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

Not applicable.

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

Not applicable.

Comparison to other states (How many other states regulate the occupation? How do Ohio’s regulations compare to those other states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)

Not applicable.

Surrounding state comparison (LSC)

Temporary Independent Marriage and Family Therapist						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (R.C. 4757.30, 4757.301, 4757.31, and 4757.32; O.A.C. 4757-1-05(B) and (D), 4757-7-01, 4757-9-01, 4757-	Yes – temporary permit (Ind. Code Ann. 25-23.6-8-1, 25-23.6-8-1.5, 25-23.6-8-2.1, 25-23.6-8-2.5, 25-23.6-8-2.7, 25-	No clear equivalent	No clear equivalent	No clear equivalent	No clear equivalent

Temporary Independent Marriage and Family Therapist

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	25-01, 4757-25-02, 4757-25-03, 4757-25-04, and 4757-25-05)	23.6-8-8, 25-23.6-8-8.5, 25-23.6-8-9.5, and 25-23.6-8-10; 839 Ind. Admin. Code 1-2-1, 1-2-2, and 1-2-5; Indiana Professional Licensing Agency, Continuing Education Requirements)				
Education or training	Same education requirements as independent marriage and family therapist license	Same education requirements as marriage and family therapist license	N/A	N/A	N/A	N/A
Experience	Same experience requirements as independent marriage and family therapist license	Has a valid license or certificate to practice from another state and the individual has applied for a license from the Board Is practicing in a state that does	N/A	N/A	N/A	N/A

Temporary Independent Marriage and Family Therapist

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
		<p>not license or certify marriage and family therapists but is certified by a national association approved by the Board and the individual has applied for a license</p> <p>Has been approved by the Board to take the exam and has graduated from a school or program approved by the Board</p>				
Exam	No	No, but must take license exam prior to expiration of permit	N/A	N/A	N/A	N/A
Continuing education	N/A	N/A	N/A	N/A	N/A	N/A

Temporary Independent Marriage and Family Therapist						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Initial licensure fee	None	\$25	N/A	N/A	N/A	N/A
License duration	Valid until the earliest of: <ol style="list-style-type: none"> 1. One year after the date of issuance; 2. The date the individual withdraws from taking the examination; 3. The date the individual is notified that the individual failed the examination; or 4. The date the individual's independent marriage and family therapist 	180 days or when the individual receives a license to practice	N/A	N/A	N/A	N/A

Temporary Independent Marriage and Family Therapist

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	license is issued					
Renewal fee	N/A	\$25	N/A	N/A	N/A	N/A

DEPARTMENT OF AGING (AGE)

General information (AGE)

Duties

The Department of Aging is the state's federally designated State Unit on Aging. Our programs, services, and supports are administered and coordinated through three distinct divisions.

The Division for Community Living oversees the administration of home and community-based services for older adults and younger adults with disabilities through the Aging and Disability Network. This includes administering two Medicaid waiver programs, PASSPORT and the Assisted Living Waiver, along with PACE (Program of All-Inclusive Care of the Elderly). Funding to administer these programs include state and federal dollars and grants.

The Office of the State Long-Term Care Ombudsman upholds the rights of long-term care residents and advocates for excellence in care in long-term care facilities. The office oversees a program of paid regional Ombudsmen representatives and volunteers who resolve programs, address questions, and advocate for long-term care residents. The program also works with nursing homes to fulfill the Nursing Home Quality Initiative and manages the Long-Term Care Consumer guide to help older adults and their loved ones determine what long-term care options best suit their needs.

The Elder Connections Division coordinates the administration of Older Americans Act programs and related services paid through state and federal dollars and grants. Services include transportation, nutrition, caregiver supports, in-home care, disease self-management, and workforce development.

Multiple support divisions support the functions of the Executive Division and the program divisions. They include Communications and Government Outreach, Fiscal, Human Resources, Information Systems, and Performance Center divisions.

Membership *(Current members, chairperson and other officers, and selection process.)*

Not applicable.

Budget *(Current budget, description of budgeting process, sources of funding, and expected increases or decreases in budget or funding in future years.)*

Am. Sub. H.B. 166 from the 133rd General Assembly dedicated, all funds, \$97.7 million in SFY20 and \$99.3 million in SFY21 to support the Department of Aging over the current biennium. Of the department's overall budget, the General Assembly appropriated \$19.3 in SFY20 and \$20.3 in SFY in state GRF to support the department and its services. The pandemic has caused increased demand for services across the aging network while simultaneously enduring fluctuating state and federal funding levels. Through the federal Families First Coronavirus Response Act and the Coronavirus Aid, Relief, and Economic Security Act, the department received an additional \$38.1 million in stimulus funding to support some of the increased demand for Older Americans Act services and our No Wrong Door relief efforts. At this point, it is unclear whether additional federal relief funding may be made available to the department to support critical programs. In addition, state revenue shortfalls caused by the pandemic required the department to cut some of its GRF funding to help the state remain solvent at the end of SFY20. Such economic uncertainty makes it difficult to project anticipated funding levels for current SFY21 and the next biennium.

Workload *(Assess current, past, and anticipated workload. Has the workload increased or decreased significantly in the preceding six years?)*

Due to the increase in the number of older adults and increased life expectancy, the department has seen an increase in demand for the services and supports we administer. We have also seen an increase in demand for certain services as a result of the pandemic.

Staffing *(How many staff are currently employed by the board? What are their roles? Are staffing levels proportionate to the board's current and anticipated workload?)*

Counting all full-time and project employees of the department, and the employees of the Board of Executives of Long-Term Services and Supports, there are 75 employees (as of 8/25/2020).

Administrative hearings and public complaints *(Describe the Board's processes for administering discipline and addressing complaints. Assess the efficiency of the processes.)*

Not applicable.

Long-term care ombudsman associate

Survey responses (AGE)

Description

Ombudsman associates provide outreach to consumers and sponsors; observe in facilities, homes, and service sites; perform intake of complaints; provide information to the public about the ombudsman program and consumer rights; make requests of provider staff on behalf of, and with the consent of, a consumer; assist with handling complaints while under the supervision of a certified ombudsman specialist; provide written reports of their activities to the regional ombudsman program or record their activities in the Ombudsman Documentation Information System (ODIS), as required by the regional program; paid and unpaid associates may enter other associates' reports into ODIS if approved to do so by the regional program director and granted access to ODIS by the state ombudsman.

Type *(See R.C. 4798.01 for relevant definitions.)*

Certificate.

If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	New certifications for the last two years as follows: 2019 - 90, 2018 - 57
Number renewed annually	178
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	Decreases have occurred as a result of funding reductions that eliminated full-time volunteer coordinator positions. The SFY20-21 budget provided funding increases to allow for hiring volunteer coordinators. The number of volunteers is beginning to increase again, though not at the rate anticipated due to COVID-19 interruption.
Education or training requirements	<p>All candidates must complete a conflict of interest screen in which any affiliation or past employment with or financial interest in a long-term provider is identified. The conflict is waived or remedied by the State Long-Term Care Ombudsman (SLTCO). Current employment can't be remedied.</p> <p>A candidate for certification as an ombudsman associate shall complete at least fourteen clock hours of professional development and pass the certification examination before performing any ombudsman duties. These fourteen hours of professional development shall include observation of, and participation in, a complaint-handling experience. That experience may be done after passing the certification examination, but an associate shall not perform any ombudsman duties before passing the certification examination and observing a complaint-handling experience. Within sixty days after completing the required professional development, the candidate shall take the ombudsman associate examination. A candidate who passes the examination and completes the required observation shall be certified as an ombudsman associate and may perform the duties of an ombudsman associate without direct supervision.</p> <p>The curriculum provided by the State Long-Term Care Ombudsman is also for regional program use. The regional programs are responsible for training their associates.</p>
Experience requirements	A candidate must be at least eighteen years of age and the ability to understand and empathize with the concerns of consumers of long-term care services.

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

<p>Examination requirements (<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>The certification exam developed and validated by the State Ombudsman is provided for regional program use. A written exam is administered by any of the 12 regional programs. However, during a pandemic, the exam is administered via electronic means and scored by the State Ombudsman. No fees are charged.</p>
<p>Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)</p>	<p>Six hours of continuing education are required annually. Continuing education units are approved based upon the presenter’s expertise in the content area; the session transmits knowledge relevant to the duties of a long-term care ombudsman; the session has not been held for the purpose of individual or group supervision.</p>
<p>Initial fee</p>	<p>None.</p>
<p>Duration</p>	<p>Certification is managed year by year through continuing education requirements.</p>
<p>Renewal fee (<i>If different from initial fee, please explain why.</i>)</p>	<p>None.</p>
<p>Does the Board recognize uniform licensure requirements or allow for reciprocity?</p>	<p>If another State Ombudsman has trained and tested a representative and that representative joins the Office of the SLTCO in Ohio, the curriculum of the other state is reviewed and compared with Ohio-specific content and completion of that content is required.</p>
<p>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</p>	<p>We are unaware of similar certifications.</p>
<p>Are there any circumstances in which an individual may practice elements of the</p>	<p>No.</p>

If the regulation is a registration, certification, or license requirement, please complete the following:	
occupation without being regulated by the board?	
Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?	Anyone who is a representative of the Office of the State Long-Term Care Ombudsman must be certified.
Other information (Significant attributes or prerequisites to licensure not addressed in this chart.)	None at this time.

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

The State Ombudsman has the authority to decertify a representative for cause (OAC 173-14-27).

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?

Not applicable.

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

The Older Americans Act (42 U.S.C. 3058g(a)(5)(A) and 42 U.S.C. 3058g(a)(5)(C)) requires the Ombudsman to designate representatives and includes criteria for eligibility. 45 C.F.R. 1324.13 requires the Ombudsman to establish procedures for training, certification, and continuing education.

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

Certified Ombudsman associates ensure that residents’ rights are not being violated and advocate for excellence in care. Ombudsmen are trained to investigate, educate, and mediate certain complaints made against long-term care providers that fall within the level and aspects of their training. Proper credentialing verifies that ombudsmen associates effectively represent the interests of residents based on federal law, Ohio law, and agencies’ rules, particularly when multiple federal and state agencies regulate facilities and providers.

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

Yes, proper credentialing establishes an environment that supports residents’ rights and excellent, dignified care. Lessening the current standard may jeopardize residents’ health and quality of care.

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

The department does not have recommendations to provide at this time.

Comparison to other states (*How many other states regulate the occupation? How do Ohio’s regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?*)

All State Ombudsmen are required to establish requirements for their representatives. Ohio’s curriculum and number of hours for volunteers are lower than most states. Beginning in FFY21, federal requirements are in place for the first time and will require a substantial increase in both initial training (36 hours minimum) and continuing education (18 hours annually). Ohio’s Office extends beyond the basic authority provided in the Older Americans Act and representatives also advocate for consumers of home and community-based services and managed care.

Surrounding state comparison (LSC)

Long-term Care Ombudsman Associate						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Certification required (<i>O.A.C. 173-14-04</i>)	No clear equivalent	Certification required – district long-term care ombudsman	No, hired by the state long-term care ombudsman (<i>Mich. Comp. Laws 400.586g to 586i</i>)	No, hired by state long-term care ombudsman	Certification required (<i>W. Va. Code Ann. 16-5L-7, Leg. Rule 76-4-9 to 11</i>)

Long-term Care Ombudsman Associate						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Education or training	14 hours of professional development – witnessing a complaint process (O.A.C. 173-14-04)	N/A	Bachelor’s degree in health or human services or equivalent experience (910 Ky. Admin. Regs. 1:210, Section 8)	N/A	N/A	A bachelor’s degree in gerontology, social work, health, or a related field or a bachelor’s degree in any field 25 hours of training
Experience	Experience related to aging, health care, or long-term care (R.C. 173.15)	N/A	One year experience in health or human services or two semesters and 400 hours in a clinic, practicum, or volunteer capacity in the field of aging or disabilities	N/A	N/A	If bachelor’s degree in related field, experience in aging, health care, social service programs, community programs, or long-term care issues If bachelor’s degree in unrelated field, at least three years of experience in gerontology, social work, health or a related field (up

Long-term Care Ombudsman Associate						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
						to two years of study in related field can substitute for experience)
Exam	Certification exam, and subsequent Ombudsman Associate Exam (O.A.C. 173-14-04)	N/A	Yes, recertification exam taken every two years (Kentucky Long-Term Care Ombudsman, Certification of Long-Term Care Ombudsman)	N/A	N/A	None
Continuing education	Six annual hours (O.A.C. 173-14-13)	N/A	Four annual hours, plus a test	N/A	N/A	25 annual hours
Initial licensure fee	Background check fee may apply (O.A.C. 173-14-14)	N/A	None	N/A	N/A	None
License duration	N/A	N/A	Two years	N/A	N/A	One year
Renewal fee	N/A	N/A	None	N/A	N/A	None

Long-term care ombudsman specialist

Survey responses (AGE)

Description

Perform the duties of an ombudsman associate; handle complaints; provide complaint supervision after completing the first forty hours of professional development and achieving a minimum score of seventy per cent on the ombudsman deployment examination; review complaints to set complaint-handling priorities; assign complaints; manage volunteer resources which may include recruiting, screening, training, supervision, evaluation, and recognition of volunteers; record in ODIS those activities performed by other representatives on their behalf; record all reportable ombudsman activity in ODIS.

Type *(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	18 in 2019
Number renewed annually	54

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

Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?

Decreases occurred as a result of funding reductions that eliminated full-time volunteer coordinator positions. The SFY20-21 budget provided funding increases to allow for hiring volunteer coordinators. The number of volunteers is beginning to increase again, though not at the rate anticipated due to COVID-19 interruption.

Education or training requirements

All candidates must complete a conflict of interest screen in which any affiliation, financial interest, or past employment with a long-term provider is identified. The conflict is waived or remedied by the SLTCO. Current employment can't be remedied.

A candidate for certification as an ombudsman specialist shall complete forty clock hours of professional development and pass an ombudsman deployment examination administered by the SLTCO before handling complaints without direct supervision by a certified ombudsman specialist or a certified ombudsman program director. After the initial forty clock hours of professional development, the candidate shall complete all the following:

- (a) Sixty additional clock hours of professional development within the first fifteen months of employment.
- (b) A twenty-clock-hour orientation within the first fifteen months of employment. This orientation shall be performed at a site approved by the SLTCO according to rule 173-14-08 of the Administrative Code.
- (c) Observation of a survey or inspection as defined in division (B)(4) of section 173.21 of the Revised Code within the first twenty-four months of employment.
- (d) Any other professional development considered appropriate by the SLTCO.

Candidates for ombudsman specialist certification shall be assigned a caseload of no fewer than five cases throughout their enrollment in professional development.

Curriculum provided by the Office of the State Long-Term Care Ombudsman is also for regional program use. The regional programs are responsible for training their associates.

If the regulation is a registration, certification, or license requirement, please complete the following:	
Experience requirements	At least eighteen years of age; has the ability to understand and empathize with the concerns of consumers of long-term care services; at least a registered nurse or has earned a bachelor of science degree in nursing, or a bachelor of arts or bachelor of science degree in social work, social services, a health-related field. Any paid representative who does not meet this requirement may substitute commensurate experience or education to meet the education qualification with the approval of the SLTCO.
Examination requirements (<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>Within sixty days after completing the required professional development, the candidate shall take the ombudsman specialist examination. All candidates who pass the examination shall be certified as ombudsman specialists.</p> <p>The state office shall proctor all examinations given to candidates for specialist, program director certification, and associates affiliated with the state office.</p> <p>The format of the certification exam is written or via computer.</p> <p>No fees are charged.</p>
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	Sixteen hours of continuing education are required annually, of which a minimum of eight clock hours shall be earned through attendance at state ombudsman-sponsored education. Continuing education units are approved based upon the presenter's expertise in the content area; the session transmits knowledge relevant to the duties of a long-term care ombudsman; the session has not been held for the purpose of individual or group supervision.
Initial fee	None.
Duration	Certification is managed annually through continuing education requirements.
Renewal fee (<i>If different from initial fee, please explain why.</i>)	None.

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

<p>Does the Board recognize uniform licensure requirements or allow for reciprocity?</p>	<p>If another State Ombudsman has trained and tested a representative and that representative joins the Office of the SLTCO in Ohio, the curriculum of the other state is reviewed and compared with Ohio-specific content and completion of that content is required.</p>
<p>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</p>	<p>We are unaware of similar certifications.</p>
<p>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?</p>	<p>No.</p>
<p>Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?</p>	<p>Anyone who is a representative of the Office of the State Long-Term Care Ombudsman must be certified.</p>
<p>Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)</p>	<p>N/A</p>

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

The State Ombudsman has the authority to decertify a representative for cause (OAC 173-14-27).

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?

Not applicable.

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

The Older Americans Act (42 U.S.C. 3058g(a)(5)(A) and 42 U.S.C. 3058g(a)(5)(C)) requires the Ombudsman to designate representatives and includes criteria for eligibility. 45 C.F.R. 1324.13 requires the Ombudsman to establish procedures for training, certification, and continuing education.

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

Certified Ombudsman specialists ensure that residents’ rights are not being violated and advocate for excellence in care. Ombudsmen are trained to investigate, educate, and mediate complaints made against long-term care providers. Certified specialists help to de-escalate and resolve complaints to the benefit of all interested parties, while escalating egregious complaints to regulatory authorities and, if need be, to law enforcement. Ombudsmen also help coordinate the transfer of residents from one facility to another, often under time sensitive conditions. Proper credentialing verifies that ombudsmen specialists effectively represent the interests of residents based on federal law, Ohio law, and agencies’ rules, particularly when multiple federal and state agencies regulate facilities and providers.

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

Yes, proper credentialing establishes an environment that supports residents' rights and excellent, dignified care. Lessening the current standard may jeopardize residents' health and quality of care.

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

The department does not have recommendations to provide at this time.

Comparison to other states *(How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)*

All State Ombudsmen are required to establish requirements for their representatives. Ohio's curriculum and number of hours are higher than most states. Ohio's Office extends beyond the basic authority provided in the Older Americans Act and representatives also advocated for consumers of home and community-based services and managed care.

Surrounding state comparison (LSC)

Long-term Care Ombudsman Specialist						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Certification required (<i>O.A.C. 173-14-04</i>)	Certification required – local ombudsman	Certification required – regional long-term care ombudsman	No, regional long-term care ombudsman hired by state long-term care ombudsman (<i>Mich. Comp. Laws 400.586g to 586i</i>)	No, hired by state long-term care ombudsman	Certification required – regional long-term care ombudsman supervisor (<i>W. Va. Code Ann. 16-5L-7, Leg. Rule 76-4-9 to 11</i>)
Education or training	Registered nurse, B.S. in nursing, bachelor’s degree in a social or health-related field, or commensurate substitute experience 40 hours of professional development After initial exam, 60 additional hours of professional development, a	Bachelor’s degree in a human services field or the experience requirement below In addition, must complete training and certification program (<i>455 Ind. Admin. Code 1-8-8</i>)	Bachelor’s degree in health or human services (<i>910 Ky. Admin. Regs. 1:210, Section 8</i>)	N/A	N/A	Bachelor’s degree in gerontology, social work, health or a related field 25 hours of training

Long-term Care Ombudsman Specialist						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	20-hour orientation, and observation of a survey or inspection (<i>O.A.C. 173-14-04</i>)					
Experience	Commensurate substitute experience, if the education requirements are not met (<i>O.A.C. 173-14-14</i>)	Four years work experience in the field of long-term care, or a bachelor's degree, as required above	One year experience in health or human services, or two semesters and 400 hours in a clinic, practicum, or volunteer capacity in the field of aging or disabilities	N/A	N/A	Experience in aging, health care, social service programs, community programs, or long-term care issues
Exam	Ombudsman deployment exam, and subsequent specialist exam (<i>O.A.C. 173-14-04</i>)	None	Yes, with a recertification exam every two years	N/A	N/A	None
Continuing education	16 annual hours, at least half earned through attendance at state	None	Four hours every two years	N/A	N/A	25 annual hours

Long-term Care Ombudsman Specialist						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	ombudsman-sponsored education (<i>O.A.C. 173-14-13</i>)					
Initial licensure fee	Background check fee may apply (<i>O.A.C. 173-14-14</i>)	None	None	N/A	N/A	None
License duration	N/A	Two years	Two years	N/A	N/A	One year
Renewal fee	N/A	None	None	N/A	N/A	None

Long-term care ombudsman program director
Survey responses (AGE)

Description
Perform the duties of an ombudsman specialist; assume responsibility for the overall administration and management of the program’s core and optional ombudsman services; assume responsibility for overall supervision of staff; participate in hiring staff; establish and review policies and procedures required in rule 173-14-22 of the Administrative Code; perform quality assurance of core and optional services; develop, obtain SLTCO approval of, and implement the ombudsman plan and program budget according to rule 173-14-24 of the Administrative Code; identify where additional resources are needed and develop strategies for raising funds to meet those needs; record all reportable ombudsman activity in ODIS.

Type (See R.C. 4798.01 for relevant definitions.)

Government certification

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

Number issued annually

0

Number renewed annually

21 (Regional Program and State Office)

Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?

No, there can only be one program director in each region (12 total). There has been very little turnover in these positions in the past six years. The remaining certified program directors are State Office staff and supervisory staff at the regional programs.

Education or training requirements

All candidates must complete a conflict of interest screen in which any affiliation or past employment with a long-term provider is identified. The conflict is waived or remedied by the SLTCO. Current employment can't be remedied.

The professional development requirements for an ombudsman program director candidate are the same as for an ombudsman specialist with the addition of six clock hours of education on program management and administration to be completed as soon as feasible. An ombudsman program director candidate shall work under the supervision of the SLTCO until the candidate has completed the initial forty clock hours of professional development and the six clock hours on program management and administration.

If the regulation is a registration, certification, or license requirement, please complete the following:	
	<p>Within sixty days after completing the required professional development, the candidate shall take the ombudsman program director examination. All candidates who pass the examination shall be certified as ombudsman program directors.</p> <p>Candidates for ombudsman program director certification shall be assigned a caseload of no fewer than five cases throughout their enrollment in professional development.</p>
Experience requirements	<p>At least eighteen years of age; and, has the ability to understand and empathize with the concerns of consumers of long-term care services.</p> <p>A regional program shall only hire a person to be the ombudsman program director if the person meets both of the following requirements:</p> <ol style="list-style-type: none"> 1) The person is at least a registered nurse or has earned a Bachelor of Science degree in nursing, or a Bachelor of Arts degree or a Bachelor of Science degree in social work, social services, a health-related field, or any other related field. Any paid representative who does not meet this requirement may substitute commensurate experience or education to meet the education qualification. 2) The person has one year's experience in supervision/management in the fields of aging, long-term care, health care, social services, advocacy, or investigation with the approval of the SLTCO.
Examination requirements <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>The state office shall proctor all examinations given to candidates for specialist, program director certification, and associates affiliated with the state office.</p> <p>The format of the certification exam is written or via computer.</p> <p>No fees are charged.</p>
Continuing education requirements <i>(Including a description of the curriculum and the process of setting it.)</i>	<p>Eighteen hours of continuing education are required annually, of which a minimum of nine clock hours shall be earned through attendance at state ombudsman-sponsored education. At least one session must include the training outlined in paragraph (C) of rule 173-14-07 of the Administrative Code. Topics of sessions may include, but are not limited to, supervision of staff,</p>

If the regulation is a registration, certification, or license requirement, please complete the following:	
	<p>quality assurance practices, strategic planning, and interviewing, hiring, and retention of potential staff.</p> <p>Continuing education units are approved based upon the presenter’s expertise in the content area; the session transmits knowledge relevant to the duties of a long-term care ombudsman; and, the session has not been held for the purpose of individual or group supervision.</p>
Initial fee	None.
Duration	Certification is managed year by year through continuing education requirements.
Renewal fee <i>(If different from initial fee, please explain why.)</i>	None.
Does the Board recognize uniform licensure requirements or allow for reciprocity?	If another State Ombudsman has trained and tested a representative and that representative joins the Office of the SLTCO in Ohio, the curriculum of the other state is reviewed and compared with Ohio-specific content and completion of that content is required.
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	We are unaware of similar certifications.
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	No.
Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?	Any and all who are representatives of the Office of the State Long-Term Care Ombudsman must be certified.

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

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

Click or tap here to enter text.

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

The State Ombudsman has the authority to decertify a representative for cause (OAC 173-14-27).

**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?**

Not applicable.

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

The Older Americans Act (42 U.S.C. 3058g(a)(5)(A) and 42 U.S.C. 3058g(a)(5)(C)) requires the Ombudsman to designate representatives and includes criteria for eligibility. 45 C.F.R. 1324.13 requires the Ombudsman to establish procedures for training, certification, and continuing education.

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

Certified Ombudsman program directors ensure that residents’ rights are not being violated and advocate for excellence in care. Ombudsmen are trained to investigate, educate, and mediate complaints made against long-term care providers. Certified program directors help to de-escalate and resolve complaints to the benefit of all interested parties, while escalating egregious complaints to regulatory authorities and, if need be, to law enforcement. Ombudsmen also help coordinate the transfer of residents from one facility to another, often under time sensitive conditions. Program directors oversee regional and statewide operations and coordinate the responsibilities of local Ombudsmen representatives. Proper credentialing verifies that ombudsmen program directors effectively represent the interests of residents based on federal law, Ohio law, and agencies’ rules, particularly when multiple federal and state agencies regulate facilities and providers.

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

Yes, proper credentialing ensures that the program upholds the rights of long-term care residents and advocates for excellent, dignified care. Lessening the current standard may jeopardize the integrity of the program and hinder program effectiveness across the state.

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

The department does not have recommendations to provide at this time.

Comparison to other states (How many other states regulate the occupation? How do Ohio’s regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)

All State Ombudsmen are required to establish requirements for their representatives. Ohio’s curriculum and number of hours are higher than most states, and therefore held to a higher standard to the benefit of the constituency. Ohio’s Office extends beyond the basic authority provided in the Older Americans Act and representatives also advocate for consumers of home and community-based services and managed care.

Surrounding state comparison (LSC)

Long-term Care Ombudsman Program Director						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Certification required (<i>O.A.C. 173-14</i>)	Certification required – state long-term care ombudsman	Certification required – long-term care ombudsman	No clear equivalent (<i>Mich. Comp. Laws 400.586g to 586j</i>)	No clear equivalent (<i>4 Pa. Code 6.753</i>)	Certification required – state long-term care ombudsman (<i>W. Va. Code Ann. 16-5L-5; W. Va. Code R. 76-4-5</i>)

Long-term Care Ombudsman Program Director						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Education or training	Registered nurse, B.S. in nursing, bachelor's degree in social work/services or a health-related field, or commensurate substitute experience 40 hours of professional development, plus six hours of education on program management and administration After initial exam, 60 additional hours, a 20-hour orientation, and an observation of a survey or inspection (O.A.C. 173-14-04)	Bachelor's degree (455 Ind. Admin. Code 1-8-3)	Bachelor's degree in health or human services Expertise in long-term services for older or disabled persons, consumer-oriented public policy advocacy, leadership and program management skills, and negotiation and problem solving skills 24 hours of training (910 Ky. Admin. Regs. 1:210, Section 8)	None	None	Master's degree in gerontology, social work, health or a related field, or a four-year degree in gerontology, social work, health or a related field 25 hours of initial training
Experience	If no bachelor's degree and not a	One year of experience in	One year of experience in	Experience in the field of aging,	Expertise in long-term services and	Experience in aging, health care,

Long-term Care Ombudsman Program Director						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<p>registered nurse, commensurate substitute experience</p> <p>One year of experience in supervision/management in the fields of aging, long-term care, health care, social services, advocacy, or investigation (O.A.C. 173-14-14)</p>	<p>gerontology and long-term care, knowledge of relevant law, and training in dispute resolution (<i>Ind. Code Ann. 12-10-13-10; 455 Ind. Admin. Code 1-8-3</i>)</p>	<p>health or human services or two semesters and 400 hours in a clinic, practicum, or volunteer capacity in the field of aging or disabilities</p>	<p>health care, community programs, and long-term care issues, both regulatory and policy</p>	<p>supports or similar services, consumer-oriented public policy advocacy, leadership and program management skills, and negotiation and problem resolution skills</p>	<p>long-term care issues, community programs, working with health care providers or volunteer programs, or administrative and managerial experience</p> <p>If applicant only has a four-year degree, five years of full-time equivalent experience in gerontology, social work, health or a related field</p>
Exam	Ombudsman deployment examination administered by the state long-term care ombudsman and subsequent	None	Yes, with a recertification exam taken every two years	None	None	None

Long-term Care Ombudsman Program Director						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	ombudsman program director exam (<i>O.A.C. 173-14-04</i>)					
Continuing education	18 hours, at least half earned through attendance at state ombudsman-sponsored education At least one session for management (<i>O.A.C. 173-14-13</i>)	None	Four hours every two years	None	None	25 hours per year
Initial licensure fee	Background check fee may apply (<i>O.A.C. 173-14-14</i>)	None	None	N/A	N/A	None
License duration	N/A	N/A	Two years	N/A	N/A	N/A
Renewal fee	N/A	N/A	None	N/A	N/A	N/A

Community-based long-term care services – agency provider

Survey responses (AGE)

Description	
<p>An agency provider means a legally-organized entity that employs staff to perform the services the agency is seeking to be certified. These agency providers may apply to become certified in any of the following services:</p> <p>Adult Day Services (enhanced or intensive); alternative meals; choices home care attendant service; home maintenance and chore (includes pest control); personal emergency response systems; home medical equipment and supplies; homemaker; home modification; nutritional consultations; personal care; social work counseling; non-emergency transportation; home-delivered meals; community integration; community transition; non-medical transportation; enhanced community living; waiver nursing; out-of-home respite; home care attendant service.</p>	
Type <i>(See R.C. 4798.01 for relevant definitions.)</i>	
Government certification	
If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	101 average
Number renewed annually	All agency providers who wish to remain an ODA provider, are reviewed annually, unless they are not required as described in OAC 173-39-04.

If the regulation is a registration, certification, or license requirement, please complete the following:	
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	Using a base line of 96 providers certified in 2014, we have seen that number remain stagnant or decrease slightly from 2014 through 2017. In 2018 there was a 37.5% increase; in 2019 the number fell 19%, but was still 10% more than the 2014-2017 period.
Education or training requirements	Education and training requirements vary, depending on the service for which a provider seeks certification to provide.
Experience requirements	An agency provider must demonstrate at least three months experience providing the specific service for which it seeks certification to at least two individuals in a HCBS setting.
Examination requirements (<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>)	No.
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	Continuing education related to the field the provider's staff are working, is required by ODA for agency staff providing: adult day service; enhanced community living; home delivered meals and kosher option for home delivered meals; personal care; choices home care attendant services; and home care attendant services.
Initial fee	No fee.
Duration	Not applicable.
Renewal fee (<i>If different from initial fee, please explain why.</i>)	No renewal fee.

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?	Yes, Rule 173-39-03.5 of the Administrative Code explains how ODA handles reciprocity for service members, veterans, and spouses of service members or veterans.
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	Section 173.391 of the Revised Code requires ODA to adopt rules to require providers to be certified. A means for qualifying for certification by ODA is to have a state license issued by another state agency (<i>e.g.</i> , licensed dietitians in Rule 173-39-02.10 of the Administrative Code).
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	Yes. Providers voluntarily apply to obtain certification from ODA if they want paid to provide services through an ODA-administered program that requires certification (<i>e.g.</i> , the PASSPORT Program). However, without certification, the provider could still be paid to provide services for payment by an ODA-administered program that does not require certification, a program that is not administered by ODA, or by private pay.
Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?	No. Section 173.391 of the Revised Code requires ODA to establish standards for certifying providers, which ensures that all applicants for certification are treated fairly. It does not permit arbitrary decision making.
Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)	Providers of professional services must hold the accompanying pre-requisite i.e. to provide waiver nursing, the provider must have an Ohio licensed nurse on staff or contracted, in order to provide the service.

Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.
R.C. 109.572, 173.38, and 173.391.

**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?**

\$0.00

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

42 CFR 441.301, 45 CFR 80.4.

In order for the Centers for Medicare and Medicaid Services (CMS) to approve Ohio's application for a Medicaid waiver authorizing the state to launch and maintain the PASSPORT Program or Assisted Living Program, 42 CFR 441.352 requires ODA to assure CMS in the waiver application that ODA established adequate requirements for providers (*i.e.*, adopted rules) and that ODA monitors the providers to assure they comply with those requirements (*i.e.*, comply with those rules).

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

The regulations seeks to prevent physical and emotional harm to individuals enrolled in the PASSPORT Program while ensuring health and safety; as well as, ensure there is no exploitation of any individuals by enrolling willing and qualified providers who remain compliant to OAC 173-39-02 and any services they are certified to provide in Chapter 173-39 of the Administrative Code.

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

The regulations are necessary to maintain the health and safety of the individuals receiving services. Lessening the current standards would increase risks for vulnerable individuals, particularly those with higher level of care needs.

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

Not at this time.

Comparison to other states *(How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)*

Each state with approved waiver(s) from CMS is regulated by the Code of Federal Regulations. We do not track other states' individual laws or rules which may more specifically govern the administration of their specific waiver programs.

Surrounding state comparison (LSC)

Community-based Long-term Care Services – Agency Provider						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Certification required (<i>O.A.C. 173-39-02</i>)	Certification required – home and community-based services provider (<i>455 Ind. Admin. Code 2-6-1 and 2-6-2</i>)	Certification from the Officer of Inspector General required – personal services agency (<i>Ky. Rev. Stat. Ann. 216.710 and 216.712; 906 Ky. Admin. Regs. 1:180</i>)	No	Yes – home and community-based services provider (<i>55 Pa. Code 52.1</i>)	No
Education or training	Varies depending on the services to which the certification applies	None	Training in reporting abuse, neglect, or exploitation of an adult or child; procedures for facilitating self-administration of medications if necessary; and effective communication techniques tailored to individual client needs	N/A	New provider training from the Department of Human Services Service coordinator: 40 hours of training in the first year, plus training for staff B.A., with at least 12 college-level credit hours in sociology, social welfare, psychology,	N/A

Community-based Long-term Care Services – Agency Provider

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
					gerontology or another behavioral science, or see experience below <i>(55 Pa. Code 52.14)</i>	
Experience	Three months of experience providing the service to at least two adults in a home and community-based service setting	Staff must be competent to provide services, have the ability to effectively communicate, with a driver's license if transporting people <i>(455 Ind. Admin. Code 2-6-3)</i>	Employees must be competent to perform a personal services task to which they are assigned	N/A	Service coordinator: experience and training which adds up to four years of experience, and education that includes at least 12 semester hours of college-level courses in sociology, social work, social welfare, psychology, gerontology or other social science	N/A
Continuing education	Possible free, mandatory	None	N/A	N/A	Service coordinator: 20	N/A

Community-based Long-term Care Services – Agency Provider

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	training sessions from the Ohio Department of Aging (ODA)				hours per year (55 Pa. Code 52.27)	
Initial licensure fee	N/A	N/A	\$500	N/A	Fee announced in <i>Pennsylvania Bulletin</i> (55 Pa. Code 52.45)	N/A
License duration	N/A	N/A	One year	N/A	One year	N/A
Renewal fee	N/A	N/A	\$350 annually; or for renewal pursuant to a greater-than-25% change in ownership interest	N/A	See initial fee	N/A

Community-based long-term care services – nonagency provider

Survey responses (AGE)

Description	
<p>This type of provider is a legally-organized entity which is owned and controlled by one person and does not employ staff. These non-agency providers may apply to become certified in any of the following services:</p> <p>Home maintenance and chore (includes pest control); home medical equipment and supplies; home modification; nutritional consultations; social work counseling; non-emergency transportation; alternative meals; community transition; non-medical transportation.</p> <p>Additionally, waiver nursing services are defined as services provided to PASSPORT consumers that require the skills of a registered nurse (RN) or license practical nurse (LPN) at the direction of an RN. All nurses providing waiver nursing services to a consumer on the PASSPORT Medicaid waiver program shall provide services within the nurse’s scope of practice and shall possess a current, valid and unrestricted license from the Ohio Board of Nursing..</p>	
Type (See R.C. 4798.01 for relevant definitions.)	
Government certification	
If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	An average of 16 annually
Number renewed annually	All non-agency providers who wish to remain an ODA provider, are reviewed annually, unless they are not required as described in Rule 173-39-04 of the Administrative Code.

If the regulation is a registration, certification, or license requirement, please complete the following:	
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	There has been a wide range certified from 2014 through 2019. ODA had 3 providers certified in 2014, which equated to a little more than 5% of the providers certified in 2015 and 50% of the providers certified in 2019. Between 2016 and 2018 the range was 11 to 16 each year.
Education or training requirements	Education and training requirements vary, depending on the service a provider applies for in Chapter 173-39-02.1 -173-39-02.24 of the Administrative Code (excludes Rules 173-39-02.16 and 173-39-02.1 of the Administrative Code).
Experience requirements	If licensing is necessary for the service the provider is applying, the provider must provide evidence at application.
Examination requirements (<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>)	No.
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	Not applicable.
Initial fee	No fee.
Duration	Not applicable.
Renewal fee (<i>If different from initial fee, please explain why.</i>)	No renewal fee.

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

<p>Does the Board recognize uniform licensure requirements or allow for reciprocity?</p>	<p>Yes, Rule 173-39-03.5 of the Administrative Code explains how ODA handles reciprocity for service members, veterans, and spouses of service members or veterans.</p>
<p>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</p>	<p>Section 173.391 of the Revised Code requires ODA to adopt rules to require providers to be certified. A means for qualifying for certification by ODA is to have a state license issued by another state agency (<i>e.g.</i>, licensed dietitians in Rule 173-39-02.10 of the Administrative Code).</p>
<p>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?</p>	<p>Yes. Providers voluntarily apply to obtain certification from ODA if they want paid to provide services through an ODA-administered program that requires certification (<i>e.g.</i>, the PASSPORT Program). However, without certification, the provider could still be paid to provide services for payment by an ODA-administered program that does not require certification, a program that is not administered by ODA, or by private pay.</p>
<p>Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?</p>	<p>No. Section 173.391 of the Revised Code requires ODA to establish standards for certifying providers, which ensures that all applicants for certification are treated fairly. It does not permit arbitrary decision making.</p>
<p>Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)</p>	<p>Providers of professional services must hold the accompanying pre-requisite i.e. to provide pest control within the home maintenance and chores rule, the provider must have the qualifications (licensure, training etc. if applicable). Nurses must have an active license.</p>

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

R.C. 109.572, 173.381, and 173.391.

**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?**

\$0.00

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

42 CFR 441.301, 45 CFR 80.4

In order for the Centers for Medicare and Medicaid Services (CMS) to approve Ohio's application for a Medicaid waiver authorizing the state to launch and maintain the PASSPORT Program or Assisted Living Program, 42 CFR 441.352 requires ODA to assure CMS in the waiver application that ODA established adequate requirements for providers (*i.e.*, adopted rules) and that ODA monitors the providers to assure they comply with those requirements (*i.e.*, comply with those rules).

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

The regulations seeks to prevent physical and emotional harm to individuals enrolled in the PASSPORT Program while ensuring health and safety; as well as, ensure there is no exploitation of any individuals by enrolling willing and qualified individuals who remain compliant to OAC 173-39-02 and any services they are certified listed in Chapter 173-39.

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

The regulations are necessary to maintain the health and safety of the individuals receiving services. Lessening the current standard would increase risks for vulnerable individuals, particularly those with higher level of care needs.

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

Not at this time.

Comparison to other states *(How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)*

Each state with approved waiver(s) from CMS is regulated by the Code of Federal Regulations. We do not track other states' individual laws or rules which may more specifically govern the administration of their specific waiver programs.

Surrounding state comparison (LSC)

Community-based Long-term Care Services – Nonagency Provider						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Certification required (<i>O.A.C. 173-39-02(C)(1)</i>)	Certification required (<i>455 Ind. Admin. Code 2-6-1 and 2-6-2</i>)	Certification required – personal care attendant (<i>910 Ky. Admin. Regs. 1:090</i>)	No	No clear equivalent	Registration required – in-home care worker (<i>W. Va. Code R. 76-2-3</i>)
Education or training	Varies depending on the services to which the certification applies	None	Program coordinator: within 30 days of hire, 16 hours of orientation and shadowing an experienced program coordinator for one to two days Within the first six months, 14 hours of initial program coordination training	N/A	N/A	Applicants must include their education and certifications on their application to be in the registry
Experience	N/A	Be competent to provide services and have the ability to	Program coordinator: B.A. with two years of experience working in the	N/A	N/A	18 years old, driver’s license, completed CPR and first aid

Community-based Long-term Care Services – Nonagency Provider

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
		effectively communicate	disability community or 54 semester hours of college with four years working in the disability community, or more than five years of experience, including administrative experience			certification (<i>W. Va. Code R. 76-2-4</i>)
Continuing education	Possible free, mandatory training sessions from ODA	None	Quarterly training	N/A	N/A	Annual OSHA training; HIPAA; Abuse, Neglect, and Exploitation; and dementia care training
Initial licensure fee	N/A	N/A	N/A	N/A	N/A	\$10 (<i>W. Va. Code R. 76-2-7</i>)
License duration	N/A	N/A	N/A	N/A	N/A	One year
Renewal fee	N/A	N/A	N/A	N/A	N/A	\$5

Community-based long-term care services – assisted living provider

Survey responses (AGE)

Description	
<p>Assisted living service is a service promoting aging in place by supporting a consumer’s independence, choice, and privacy through the provision of one or more components of the service which are a personal care service, a supportive service, an on-duty response service, meals, social and recreational programming, a non-medical transportation service, and a nursing service. An assisted living provider must also be a licensed residential care facility the Department of Health.</p>	
Type <i>(See R.C. 4798.01 for relevant definitions.)</i>	
<p>Government certification</p>	
If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	28
Number renewed annually	All assisted living providers who wish to remain an ODA provider are reviewed annually, as described in OAC 173-39-04.

If the regulation is a registration, certification, or license requirement, please complete the following:	
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	Using a base line of 29 providers certified in 2014, we have seen the number remain fairly consistent through 2016. In 2017 fewer providers applied and our numbers fell by 30%, but increased more than 50% the following year and then a 20% decrease in 2019.
Education or training requirements	ODA does not require specific training requirements of the provider; however, the provider must have accredited and/or licensed staff.
Experience requirements	Residential Care Facility (RCF) licensure.
Examination requirements (<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>)	Not applicable.
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	As the administrator of the certification, ODA does not require continuing education units.
Initial fee	No fee.
Duration	Not applicable.
Renewal fee (<i>If different from initial fee, please explain why.</i>)	No renewal fee.

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

<p>Does the Board recognize uniform licensure requirements or allow for reciprocity?</p>	<p>Yes, Rule 173-39-03.5 of the Administrative Code explains how ODA handles reciprocity for service members, veterans, and spouses of service members or veterans.</p>
<p>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</p>	<p>Not applicable.</p>
<p>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?</p>	<p>Yes. Providers voluntarily apply to obtain certification from ODA if they want paid to provide services through an ODA-administered program that requires certification (<i>e.g.</i>, the PASSPORT Program). However, without certification, the provider could still be paid to provide services for payment by an ODA-administered program that does not require certification, a program that is not administered by ODA, or by private pay.</p>
<p>Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?</p>	<p>Section 173.391 of the Revised Code requires ODA to establish standards for certifying providers, which ensures that all applicants for certification are treated fairly. It does not permit arbitrary decision making.</p>
<p>Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)</p>	<p>N/A</p>

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

R.C. 173.391.

**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?**

\$0.00

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

42 CFR 441.301, 45 CFR 80.4

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

The regulations seek to prevent physical and emotional harm to individuals enrolled in the Assisted Living Program while ensuring health and safety; as well as, ensure there is no exploitation of any individuals by enrolling willing and qualified providers who remain compliant to OAC 173-39-02 and any services they are certified to provide in Chapter 173-39.

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

The regulations are necessary to maintain the health and safety of the individuals receiving services. Lessening the current standard would increase risks for vulnerable individuals, particularly those with higher level of care needs.

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

Not at this time.

Comparison to other states *(How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)*

Each state with approved waiver(s) from CMS is regulated by the Code of Federal Regulations. We do not track other states' individual laws or rules which may more specifically govern the administration of their specific waiver programs.

Surrounding state comparison (LSC)

Community-based Long-term Care Services – Assisted Living Provider						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Certification required (<i>O.A.C. 173-39-02(C)(1)</i>)	Yes (<i>410 Ind. Admin. Code 16.2-5-1.1</i>)	Certification required – assisted living community (<i>910 Ky. Admin. Regs. 1:240</i>)	No, but licenses facilities – homes for the aged (<i>Michigan Department of Licensing and Regulatory Affairs, Adult Foster Care/Homes for the Aged</i>)	Yes (<i>55 Pa. Code 2800.2</i>)	Yes – assisted living residence (<i>W. Va. Code Ann. 16-5D-6</i>)
Education or training	Varies depending on the services to which the certification applies	Qualifications and training dependent on specific needs of residents Mandatory orientation on a variety of subjects, including six hours of dementia training the first six months (<i>410 Ind. Admin. Code 16.2-5-1.4</i>)	Orientation in certain aging-related topics for employees (<i>Ky. Rev. Stat. Ann. 194A.719</i>) Manager must have at least a high school diploma or equivalent (<i>Ky. Rev. Stat. Ann. 194A.717</i>)	Administrators must have training, education, or experience related to the population served (<i>Mich. Admin. Code R. 325.1921</i>)	See “Experience” below	Administrator: for large residences – an associate’s degree or its equivalent in a related field, for small residences – high school/GED Staff: ability to read and write (<i>W. Va. Code R. 64-14-5</i>)

Community-based Long-term Care Services – Assisted Living Provider

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Experience	Varies depending on the services to which the certification applies	<p>One person with CPR and first aid training on staff at all times and one nursing staff person for every 50 residents that need medicine</p> <p>Unlicensed employees providing more than limited aid need to be a registered nurse aide or home health aide (410 Ind. Admin. Code 16.2-5-1.4)</p>	<p>Manager must be at least 21 years of age, with demonstrated management or administrative ability to maintain daily operations (Ky. Rev. Stat. Ann. 194A.717)</p>	<p>Administrators must be at least 18 years of age, with training, education, or experience related to the population served</p> <p>Staff and administrator must be capable of implementing service plan (Mich. Admin. Code R. 325.1931 and 325.1921)</p>	<p>Administrator: 21 years of age and one of the following:</p> <ol style="list-style-type: none"> 1. Registered nurse with one year of relevant experience; 2. Associate’s degree in a related field (or 60 related credit hours) and one year of relevant experience; 3. Associate’s degree in an unrelated field and two years of relevant experience; 4. LPN license and one year of relevant experience; 	<p>Administrator: at least 21 years of age</p> <p>Staff: at least one staffer who is CPR-trained</p>

Community-based Long-term Care Services – Assisted Living Provider						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
					5. Nursing home administrator license and one year of relevant experience; or 6. Personal home care administrator license and two years of relevant experience Direct care staff: 18 years of age and one of the following: 1. High school diploma; 2. GED; or 3. Registered nurse aide <i>(55 Pa. Code 2800.53-54)</i>	

Community-based Long-term Care Services – Assisted Living Provider

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Continuing education	Mandatory training sessions from ODA	<p>Nursing staff: eight hours annually</p> <p>Nonnursing staff: four hours annually</p> <p>Other staff that have contact with residents: three hours annually (410 Ind. Admin. Code 16.2-5-1.4)</p>	Four hours annually in aging-related topics (<i>Ky. Rev. Stat. Ann. 194A.719</i>)	None	Eight hours annually in client needs, body transfer, abuse and reporting, and behavior management (<i>6 Pa. Code 11.33</i>)	<p>Administrator: eight hours annually</p> <p>Staff: annual training (unspecified number of hours)</p>
Initial licensure fee	N/A	\$200 for the first 50 beds, \$10 per bed thereafter (<i>Ind. Code Ann. 16-28-2-7</i>)	\$40 per unit or if 100 or more units, \$2,000; if 75-99 units, \$1,750; if 50-74 units, \$1,500; if 25-49 units, \$1,000; or if <25 units, \$500	None	\$300, plus \$75 per bed \$150 for application for special care designation (<i>55 Pa. Code 2800.11</i>)	\$65 (<i>W. Va. Code Ann. 16-5D-6</i>)
License duration	N/A	One year	One year	Up to three years (<i>Mich. Admin. Code R. 325.1912</i>)	One year	One year
Renewal fee	N/A	Same as initial	None	None	Same as initial	\$6 per bed

Community-based long-term care services – participant-directed individual provider

Survey responses (AGE)

Description	
<p>Choices Home Care Attendant Service is a service designed to provide supportive services specific to the needs of an individual consumer with impaired physical or cognitive functioning who wishes to self-direct their care.</p>	
Type <i>(See R.C. 4798.01 for relevant definitions.)</i>	
<p>Government certification</p>	
If the regulation is a registration, certification, or license requirement, please complete the _____ :	
<p>Number issued annually</p>	<p>198</p>
<p>Number renewed annually</p>	<p>All Choices home care attendant providers who wish to remain an ODA provider, are reviewed annually, as described in OAC 173-39-04.</p>

If the regulation is a registration, certification, or license requirement, please complete the _____ :	
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	In 2014 there were 81 providers certified. When the ODM Transitions Carve Out Waiver ended, we experienced a 350% increase in certifications of new and TCOW providers equating 375 providers. In 2016 ODA certified 205 provider and averaged certifying 177 providers a year from 2017 through 2019.
Education or training requirements	The provider has five (5) core requirements they must complete prior to applying: Maintaining a clean and safe environment, which include the following topics: Basic home safety; universal precautions for the prevention of disease transmission, including hand-washing and proper disposal of bodily waste and medical instruments that are sharp or may produce sharp pieces if broken; promoting the individual's development; assisting with activities of daily living; communicating the individual's information to authorized persons; and performing administrative tasks; to complete in order to apply, in addition the employer may have more training requirements for the provider to care for the employer safely.
Experience requirements	Not applicable.
Examination requirements (<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>)	Not applicable.
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	Each year, the provider shall successfully complete at least eight hours of continuing education before his or her anniversary date of enrollment as an ODA-certified participant-directed provider related to the daily tasks performed or will enhance their performance in their role. Additionally, person-centered training may be required by the participant or ODA's designee to meet the individual's needs.
Initial fee	Not applicable.

If the regulation is a registration, certification, or license requirement, please complete the _____ :	
Duration	Not applicable.
Renewal fee <i>(If different from initial fee, please explain why.)</i>	Not applicable.
Does the Board recognize uniform licensure requirements or allow for reciprocity?	Yes, Rule 173-39-03.5 of the Administrative Code explains how ODA handles reciprocity for service members, veterans, and spouses of service members or veterans.
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	Not applicable.
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	Yes. Providers voluntarily apply to obtain certification from ODA if they want paid to provide services through an ODA-administered program that requires certification (<i>e.g.</i> , the PASSPORT Program). However, without certification, the provider could be paid to provide services for payment by an ODA-administered program that does not require certification, a program that is not administered by ODA, or by private pay.
Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?	No.
Other information <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i>	Not applicable.

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

R.C. 109.572, 173.38, and 173.391.

**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?**

\$0.00

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

42 CFR 441.301, 45 CFR 80.4

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

The regulations seek to prevent physical and emotional harm to individuals enrolled in the PASSPORT program while ensuring health and safety; as well as, ensure there is no exploitation of any individuals by enrolling willing and qualified providers who remain compliant to OAC 173-39-02 and any services they are certified to provide in Chapter 173-39.

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

The regulations are necessary to maintain the health and safety of the individuals receiving services. Lessening the current standard would increase risks for vulnerable individuals, particularly those with higher level of care needs.

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

Not at this time.

Comparison to other states (*How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?*)

Each state with approved waiver(s) from CMS is regulated by the Code of Federal Regulations. We do not track other states' individual laws or rules which may more specifically govern the administration of their specific waiver programs.

Surrounding state comparison (LSC)

Community-based Long-term Care Services – Participant-directed Individual Provider						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Certification required (<i>O.A.C. 173-39-02(C)(1)</i>)	Certification required – attendant care services (<i>455 Ind. Admin. Code 1-9-3</i>)	No clear equivalent	No clear equivalent	No clear equivalent (<i>4 Pa. Code 7a.111</i>)	Registration required – in-home care worker (<i>W. Va. Code R. 76-2-3</i>)
Education or training	Varies depending on the services to which the certification applies	None, but a résumé, limited criminal history check, state nurse aide registry report, if applicable, and three letters of reference (<i>455</i>)	N/A	N/A	N/A	Applicants must include their education and certifications on their application to be in the registry

Community-based Long-term Care Services – Participant-directed Individual Provider

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
		<i>Ind. Admin. Code 1-9-4)</i>				
Experience	18 years of age and able to speak English	18 years of age	N/A	N/A	N/A	18 years of age, driver's license, completed CPR and first aid certification (<i>W. Va. Code R. 76-2-4</i>)
Continuing education	N/A	N/A	N/A	N/A	N/A	Annual OSHA training; HIPAA; Abuse, Neglect, and Exploitation; and dementia care training
Initial licensure fee	N/A	N/A	N/A	N/A	N/A	\$10 (<i>W. Va. Code R. 76-2-7</i>)
License duration	N/A	Two years	N/A	N/A	N/A	One year
Renewal fee	N/A	N/A	N/A	N/A	N/A	\$5 (<i>W. Va. Code R. 76-2-7</i>)

Community-based long-term care services – participant-directed personal care provider Survey responses (AGE)

Description	
The Participant-Directed Personal Care Service can be provided by individual providers who meet the requirements set forth in OAC 173-39-02 and OAC 173-39-02.11.	
Type <i>(See R.C. 4798.01 for relevant definitions.)</i>	
Government certification	
If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	21
Number renewed annually	All participant-directed personal care providers who wish to remain an ODA provider, are reviewed annually, as described in OAC 173-39-04.

If the regulation is a registration, certification, or license requirement, please complete the following:	
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	In 2014 there were 17 providers certified. When the ODM Transitions Carve Out Waiver ended, we experienced a 220% increase in certifications of new and TCOW providers equating 54 providers. In 2016 ODA certified 25 providers for this service and averaged certifying 10 providers a year from 2017 through 2019.
Education or training requirements	They must be an STNA and listed on the ODH STNA registry as “active” or “in good standing;” successfully complete an ODA-approved home health aide training and competency evaluation program; or successfully complete an apprenticeship program in home health, health, or a related subject approved by the United States Department of Labor.
Experience requirements	Not applicable.
Examination requirements (<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>)	Not applicable.
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	Each year, the provider shall successfully complete at least twelve hours of continuing education before his or her anniversary date of enrollment as an ODA-certified participant-directed provider related to the daily tasks performed or will enhance their performance in their role.
Initial fee	No fee.
Duration	Not applicable.
Renewal fee (<i>If different from initial fee, please explain why.</i>)	No renewal fee.

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

<p>Does the Board recognize uniform licensure requirements or allow for reciprocity?</p>	<p>Yes, Rule 173-39-03.5 of the Administrative Code explains how ODA handles reciprocity for service members, veterans, and spouses of service members or veterans.</p>
<p>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</p>	<p>Yes, Rule 173-39-02.11 of the Administrative Code states ODA can accept approved training by the United States Department of Labor training where the provider successfully completed an apprenticeship program in home health, health, or other approved related subject.</p>
<p>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?</p>	<p>Yes. Providers voluntarily apply to obtain certification from ODA if they want to be paid to provide services through an ODA-administered program that requires certification (<i>e.g.</i>, the PASSPORT Program). However, without certification, the provider could still be paid to provide services for payment by an ODA-administered program that does not require certification, a program that is not administered by ODA, or by private pay.</p>
<p>Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?</p>	<p>No.</p>
<p>Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)</p>	<p>Not applicable.</p>

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

R.C. 109.572, 173.38, and 173.391.

**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?**

\$0.00

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

42 CFR 441.301, 45 CFR 80.4

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

The regulations seek to prevent physical and emotional harm to individuals enrolled in the PASSPORT program while ensuring health and safety; as well as, ensure there is no exploitation of any individuals by enrolling willing and qualified individuals who remain compliant to OAC 173-39-02 and any services they are certified listed in Chapter 173-39.

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

The regulations are necessary to maintain the health and safety of the individuals receiving services. Lessening the current standard would increase risks for vulnerable individuals, particularly those with higher level of care needs.

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

Not at this time.

Comparison to other states *(How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)*

Each state with approved waiver(s) from CMS is regulated by the Code of Federal Regulations. We do not track other states' individual laws or rules which may more specifically govern the administration of their specific waiver programs.

Surrounding state comparison (LSC)

Community-based Long-term Care Services – Participant-directed Personal Care Provider						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Certification required (<i>O.A.C. 173-39-02(C)(1)</i>)	Certification required (<i>455 Ind. Admin. Code 1-9-3</i>)	No clear equivalent	No clear equivalent	No clear equivalent	Registration required – in-home care worker (<i>W. Va. Code R. 76-2-3</i>)
Education or training	Varies depending on the services to which the certification applies	None	N/A	N/A	N/A	Applicants must include their education and certifications on their application to be in the registry
Experience	Varies depending on the services to which the certification applies	A résumé, limited criminal history check, state nurse aide registry report, if applicable, and three letters of reference (<i>455 Ind. Admin. Code 1-9-4</i>)	N/A	N/A	N/A	18 years of age, driver’s license, completed CPR and first aid certification (<i>W. Va. Code R. 76-2-4</i>)
Continuing education	N/A	None	N/A	N/A	N/A	Annual OSHA training; HIPAA; Abuse, Neglect,

Community-based Long-term Care Services – Participant-directed Personal Care Provider						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
						and Exploitation; and dementia care training
Initial licensure fee	N/A	N/A	N/A	N/A	N/A	\$10 (<i>W. Va. Code R. 76-2-7</i>)
License duration	N/A	Two years	N/A	N/A	N/A	One year
Renewal fee	N/A	N/A	N/A	N/A	N/A	\$5 (<i>W. Va. Code R. 76-2-7</i>)

Long-term care consultation Survey responses (AGE)

Description
<p>The Department of Aging has developed a long-term care consultation program, in accordance with R.C. 173.42, which is administered in partnership with the 12 regional Area Agencies on Aging. Individuals or their representatives are provided long-term care consultations with professional consultants and receive information about options available to meet long-term care needs and information about factors to consider in making long-term care decisions.</p>

Type (See R.C. 4798.01 for relevant definitions.)

Government certification

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

Number issued annually

Data not available.

Number renewed annually

Annual Renewals are not required.

Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?

Data not available.

Education or training requirements

R.C. 173.42 requires ODA to adopt rules to establish certification requirements that must include the education, experience, or training required to qualify for certification. Accordingly, Rule 173-43-05 of the Administrative Code requires a person to meet at least one of the following qualifications to be a certified consultant for the Long-Term Care Consultation Program:

- (1) The person possesses a current, valid license to practice as a registered nurse under Chapter 4723 of the Revised Code or a current, valid license to practice as a licensed social worker under Chapter 4757 of the Revised Code.
- (2) The person possesses a current, valid license to practice as a licensed professional counselor under Chapter 4757 of the Revised Code or a current, valid license to practice in a related profession upon approval by ODA.

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

	<p>(3) The person possesses a B.A. or B.S. degree and at least one year of experience providing individuals with information about options available to meet long-term care needs or providing individuals with related information such as that which is provided through information and referral, information and assistance.</p> <p>(4) The person possesses a B.A. or B.S. degree and at least one year of managed care experience or other such healthcare experience related to individuals' long-term care needs.</p> <p>(5) The person possesses at least three years of experience providing individuals with information about options available to meet long-term care needs or providing individuals with related information such as that which is provided through information and referral, information and assistance;</p> <p>(6) The person possesses three years of managed care experience or other such healthcare experience related to individuals' long-term care needs.</p>
Experience requirements	Please see above.
Examination requirements (<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>)	There is no examination requirement.
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	No.
Initial fee	No Fee.

If the regulation is a registration, certification, or license requirement, please complete the following:	
Duration	Not applicable.
Renewal fee <i>(If different from initial fee, please explain why.)</i>	Not applicable.
Does the Board recognize uniform licensure requirements or allow for reciprocity?	Not applicable.
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	Not applicable.
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	Individuals who meet the minimum qualifications for this role may perform the duties of a long-term care consultant. Professional experience may be substituted for professional licensure.
Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?	Section 173.422 of the Revised Code requires ODA to establish standards for certifying consultants for the Long-Term Care Consultation Program, which ensures that all applicants for certification are treated fairly. It does not permit arbitrary decision making.
Other information <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i>	Not applicable.

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

Not applicable.

**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?**

Not applicable.

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

Not applicable.

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

Certification of Long-Term Care Consultants is intended to ensure a minimal level of professional experience and knowledge/skill set in the long-term services and supports area is present prior to an individual acting in a consultative role in the Long-Term Care Consultation Program.

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

Intent of the certification is to ensure subject matter experts are performing in the role of consultant in the Long-Term Care Consultation Program.

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

Not at this time.

Comparison to other states (How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)

Certification is a minimum standard for this role which does not require professional licensure, therefore allowing professionals with a specified level of experience to perform in this role.

Surrounding state comparison (LSC)

Long-term Care Consultation						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Certification required (<i>O.A.C. 173-43-05</i>)	Approval required – case managers (<i>455 Ind. Admin. Code 2-17-2</i>)	Approval required – case managers (<i>910 Ky. Admin. Regs. 1:180</i>)	No, but there is a similar entity called a single point of entry agency for long-term care (<i>Mich. Comp. Laws 400.109j</i>)	No clear equivalent	No clear equivalent
Education or training	Training and orientation	None	See “Experience” below	N/A	N/A	N/A
Experience	One of the following: 1. Registered nurse;	None	One of the following: 1. Bachelor’s degree in	N/A	N/A	N/A

Long-term Care Consultation

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<ul style="list-style-type: none"> 2. Licensed social worker; 3. Licensed professional counselor or related profession; 4. Bachelor’s degree and one year of experience providing information about long-term care or managed care; or 5. Three years of experience providing information about long-term care or managed care 		<ul style="list-style-type: none"> health or human services and one year of experience; 2. Equivalent experience in the field of aging or physical disabilities; 3. RN license with two years of experience in field of aging; 4. LPN license with three years of experience in field of aging; or 5. Master’s degree equal to the experience 			

Long-term Care Consultation						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Continuing education	15 hours of professional development every two years	N/A	N/A	N/A	N/A	N/A

Nursing home administrator – regular license

Survey responses (AGE)

Description
<p>The Board of Executives of Long-Term Services and Supports is responsible for adopting regulations and prescribing standards for examination and licensure of nursing home administrators. The Board also investigates and takes appropriate action on complaints of alleged noncompliance with applicable standards. The regular license is a license that allows an individual to practice nursing home administration in the State of Ohio for a period of one year before being subject to renewal requirements.</p>
Type <i>(See R.C. 4798.01 for relevant definitions.)</i>
<p>Specialty occupational license for medical reimbursement.</p>

If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	105
Number renewed annually	1865
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	No.
Education or training requirements	Long-Term Care Administrators in Ohio are highly skilled professionals who possess a bachelor's degree at a minimum and complete between 500-1,500 hours of clinical training under the supervision of another qualified licensed nursing home administrator. Applicants can become licensed by completing a 3-9-month internship (described above) as determined by the Board's Education Committee, based on the applicant's education and experience, attending the 100-hour CORE of Knowledge Course, and passing the State and Federal examinations, or by earning a degree from a National Association of Long-Term Care Administrator Boards (also known as NAB)-accredited degree program in Long-Term Care Administration and passing the examinations, including a state-specific examination.
Experience requirements	None required other than the internship as described above.
Examination requirements (<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>A National Exam, created by the National Association of Long-Term Care Administrator Boards (NAB) and administered by PSI, as well as a State exam for Ohio, also administered by PSI. The National exam is randomly generated each time from a databank of 3-4,000 questions. The state exam does not have a databank of extra questions and is the same exam each time.</p> <p>The Board does not receive any of the fees charged for the examinations. The National exams are \$425, while the state exam is \$190.</p>

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

<p>Continuing education requirements <i>(Including a description of the curriculum and the process of setting it.)</i></p>	<p>20 NAB or BELTSS approved CEs are required per renewal period. CEs must be related to the practice of nursing home administration and be approved to qualify for credit. College coursework that applies to the practice of nursing home administration and serving as a preceptor for an AIT internship also qualify for CE credit towards a renewal. The Board's CE Committee reviews and approves or denies all CEs in which BELTSS approval for the program is requested. NAB has a standardized process involving CE reviewers from among its membership to review CE program submissions and ensure they are based on the nursing home domains of practice.</p>
<p>Initial fee</p>	<p>\$250.</p>
<p>Duration</p>	<p>1 year.</p>
<p>Renewal fee <i>(If different from initial fee, please explain why.)</i></p>	<p>\$300, as it takes a great deal of time to process renewal applications.</p>
<p>Does the Board recognize uniform licensure requirements or allow for reciprocity?</p>	<p>Yes.</p>
<p>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</p>	<p>Each state has its own criteria for licensure, and the Department of Health and Human Services established regulations that require states to license nursing home administrators in order to permit nursing homes to participate in the Title XIX Medicaid Program. Each state was required to license nursing home administrators by July 1, 1970. There is no national nursing home administrator license.</p>
<p>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?</p>	<p>No, Chapter 4751.10 of the Ohio Revised Code prohibits practice of nursing home administration or using any sign, card, device, words, letters tending to imply that an individual is a licensed nursing home administrator unless s/he actually is one.</p>

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?

Yes.

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

To maintain licensure, Administrators must complete a minimum of 20 hours of approved continuing education each year. Maintenance of professional competency is crucial. The administration of a long-term care facility is very complex. Facilities are governed and measured by a very strict set of state and federal regulations. The nursing home administrator is the primary person responsible for the health, safety, and welfare of the employees, residents, and residents’ families in a nursing home facility. It is imperative for the nursing home administrator to be well-versed in those regulations.

Ohio does not have inordinate rules that would prevent applicants from becoming licensed here, and our state is fortunate to have a dedicated and effective licensure board. Adopting a policy of “least restrictive regulation” guidelines for licensure could serve to reduce the knowledge and experience necessary resulting in substandard licensed nursing home administrators to preserve the health, safety, and welfare of some of Ohio’s most vulnerable citizens.

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

Per Sections 4751.10, 4751.24, 4751.32, 4751-1-05, 4751-1-09, 4751-1-10, 4751-1-12 of the Revised and Administrative Codes, the Board has the authority to deny/revoke/suspend a license/temporary license, place a limitation on the individual’s license, place the individual on probation, and impose a civil penalty, fine, or other sanction specified in rules adopted under Section 4751.04 of the Revised 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?

All revenue received by the Board is used to fund the daily operations of the Board and the Board office, as no GRF funds are received. The total amount of revenue received in SFY 2020 was \$650,752.

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

BELTSS is one of 51 state/district boards that license nursing home administrators, as mandated by 42 Code of Federal Regulations (or CFR) Subpart N, which states “A State plan must provide that the State has a program for licensing administrators of nursing homes that meets the requirements of 431.703 through 431.713 of this subpart.”

Licensure is mandated by the Department of Health and Human Services which requires states to license nursing home administrators in order to permit nursing homes to participate in the Title XIX Medicaid Program.

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

Licensing boards were established to protect the health, safety, and welfare of the public by setting a baseline of tested knowledge and experience that an applicant must meet or exceed to be deemed competent. Licensure is designed to help protect consumers and their families from harm by:

- Ensuring that only those with the appropriate qualifications and training can practice Administration in Long-Term Care facilities;
- Deterring hiring or substitution of others who do not meet the identified criteria for professional practice;
- Deterring unethical/illegal behavior from professionals and employers as a result of the Board’s laws and rules;
- Providing the necessary authority to intervene in cases of provider misconduct; and
- Providing a venue for consumers and professionals to seek redress, including reprimand of individuals who have engaged in unethical/illegal behavior.

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

Licensure helps ensure the quality provision of Long-Term Care Administration. State licensure provides consumer protection and recourse against providers acting illegally/unethically so they may be disciplined and/or removed from practice. The long-term care population is a vulnerable group of individuals that include those in post-acute care, the elderly, the developmentally disabled, and those with chronic illness. The nursing home administrator is the gatekeeper to quality care. Nursing home administrators must abide by the rules and laws governing the practice of nursing home administration in Ohio. It is essential to the well-being of each resident for this Board to monitor the integrity and competence of nursing home administrators.

Long-Term Care Administrators must be skilled and knowledgeable in the following areas: resident care management, personnel management, financial management, environmental management, regulatory management, and organizational management. Much of a facility’s revenue comes from Medicaid, of which the Federal government pays a large part. For a facility to be federally certified to receive Medicare or Medicaid reimbursement, the facility nursing home administrator **must** be licensed by the state. Without compliance by the State to these requirements, the federal government would not reimburse facilities for the care of the Medicare/Medicaid-qualified residents.

Nursing home administrator licensure is designed to help protect consumers and their families from harm and help ensure the quality provision of Long-Term Care Administration. State licensure provides consumer protection and recourse against providers acting illegally/unethically so they may be disciplined and/or removed from practice. The long-term care population is a vulnerable group of individuals that include those in post-acute care, the elderly, the developmentally disabled, and those with chronic illness. Licensure is also mandated by the Department of Health and Human Services which requires states to license nursing home administrators in order to permit nursing homes to participate in the Title XIX Medicaid Program.

The Board is 100% fee supported and plays an important role in consumer protection by ensuring that Licensed Nursing Home Administrators meet at least minimum qualifications and training for licensure in Ohio and ongoing annual continuing education to stay current in their knowledge in the field. Ohio does not have inordinate rules that would prevent applicants from becoming licensed here, and our state is fortunate to have a dedicated and effective licensure board. Adopting a policy of “least restrictive regulation” guidelines for licensure could serve to reduce the knowledge and experience necessary to operate a long-term care facility, resulting in substandard licensed nursing home administrators responsible for preserving the health, safety, and well-being of some of Ohio’s most vulnerable citizens.

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 allowing the Board to take disciplinary action when necessary. Disciplinary action is used as a last resort based on a preponderance of the evidence and the advice of the Board's legal counsel, the AAG.

Regulation of the profession provides inherent fairness through a regulatory process for the benefit of consumers, applicants for licensure, licensees, and complainants by promulgation of and adherence to administrative procedures and due process principles. Regulation of the profession provides a mechanism for protection of the public, a benefit not realized by a "buyer beware" approach to customer protection. Deregulation of the profession eliminates the abilities of government to act on behalf of the public and does not deter future misconduct on the part of the licensee. It also places the burden of enforcement and protection on the consumers, and disadvantages consumers otherwise unable to protect themselves from unqualified practitioners based upon economic factors and lack of knowledge regarding the profession.

Regulatory oversight legislated through licensure is the accepted practice for consumer protection. Regulatory boards in all 50 states and the District of Columbia consist of practitioners from the professions being licensed and consumers/consumer advocates of the services being provided by the regulated profession. The practitioners ensure that board decisions are soundly based on the technical and scientific knowledge required to practice, as applied to individual situations. The public can rely on the expertise and wisdom of practicing professionals to ensure that those in practice are held to the high standards of the profession.

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

The Board recently implemented regulatory changes to allow for the HSE (Health Services Executive) license in Ohio, increasing license portability. In addition to the Health Services Executive, the Board recommended changes in its disciplinary statute to create confidentiality of investigations, and recommended statutory changes allowing the Board to conduct criminal background checks on applicants for licensure, thereby increasing public protection. Other statutory changes suggested for the benefit of the public include the Board being able to act if the licensee substantially deviates from the Board's code of ethics, if the licensee has had a license denied, limited, revoked, or suspended by another state, or if the licensee has failed to comply with an investigation by the Board. Penalties the Board may take (currently "shall suspend" or "revoke") have been suggested to include "may" (instead of "shall") suspend, revoke, deny a license, place a limitation on a license to practice, reprimand, fine, or place the licensee on probation, giving the Board more flexibility in dealing with disciplinary infractions.

These changes (including the Health Services Executive license) were recently passed in the Budget Bill and were effective October 17, 2019.

The Board is planning to seek its first fee increase in 10 years this budget cycle.

Comparison to other states (How many other states regulate the occupation? How do Ohio’s regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)

Each state is slightly different in its regulation of nursing home administration. Ohio is somewhere in the middle. It is challenging to obtain a license in Ohio, but Ohio licenses are generally accepted by other states because our process is rigorous. Ohio’s nursing home administrators are among the most qualified in the country due to BELTSS’ high standards for licensure.

Surrounding state comparison (LSC)

Nursing Home Administrator -- Regular License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (R.C. 4751.24; O.A.C. 4751-1 to 15)	Yes (Ind. Code Ann. 25-19-1-3.5; 840 Ind. Admin. Code 1-1-18)	Yes – long-term care administrator (201-Ky. Admin. Regs. 6020 to 6090)	Yes (Mich. Comp. Laws 333.17301 to 333.17319; Mich. Admin. Code R. 339.14001 to 339.14032)	Yes (63 Pa. Cons. Stat. 1106; 49 PA Code 39)	Yes (W. Va. Code Ann. 30-25-1 to 30-25-18; W. Va. Code R. 21-1-1 to 21-1-9)
Education or training	Bachelor’s or master’s degree in nursing home administration (NHA), or other bachelor’s degree and 100 hours of study in NHA	Board’s course of instruction 1,040 training hours and One of the following:	Bachelor’s or master’s degree in long-term care administration or a related field awarded within two years of the date of application and an	Minimum of nine semester credits or 144 clock hours of instruction in nursing home administration or the experience	One of the following, plus corresponding experience requirement (below): 1. 120 hours of approved	One of the following: 1. Bachelor’s degree plus completion of the 1,000-hour AIT program;

Nursing Home Administrator -- Regular License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
		<ol style="list-style-type: none"> 1. Bachelor's degree; 2. Completion of student internship; 3. Associate's degree in health care plus a specialized course of study; or 4. Equivalent experience 	internship of at least 1,000 hours	requirement below	<ol style="list-style-type: none"> 1. study and two years of college; 2. 120 hours of approved study; 3. Bachelor's degree with 120 hours of approved study; 4. Master's degree in NHA or related field; 5. 120 hours of approved study 	<ol style="list-style-type: none"> 2. Bachelor's degree including 12 credit hours of relevant material plus 1,000 hours of health management experience; 3. Three years of experience as assistant manager; or 4. Bachelor's degree accredited by the NAB that includes an internship component
Experience	For bachelor's or master's graduates in NHA, no further experience needed	As a substitute for required education, two years of work experience as a licensed HFA in another state	Six months of management experience in a long-term care facility (1,000 hours within two years if part-time) completed up to	For at least five of the last seven years, was chief executive or administrative officer at a state-licensed hospital	1. Assistant administrator in the last 18 months, or supervisor in three of the last five years;	See "Education and Training" above

Nursing Home Administrator -- Regular License

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<p>For other bachelor's graduates, nine months of approved internship</p> <p>For other master's or higher graduates, six months approved internship</p>	<p>The training requirements may be replaced by one year of work experience as a licensed HFA in another state (six months if master's degree) or CEO or COO of a hospital</p>	<p>two years before or one year after application</p> <p>Experience in personnel, budget and fiscal, public relations, and regulatory compliance</p> <p>Anyone with HSE from NAB automatically qualifies</p>		<ol style="list-style-type: none"> 2. Registered nurse, and six months as a director of nursing and 12 months as assistant administrator, or director of nursing in two of the last five years; 3. Nine months as assistant administrator, or 18 months as a supervisor, or two years as an AIT; 4. Six months of supervisory experience or 800 hours as an AIT; 5. Two years of satisfactory experience, three years of 	

Nursing Home Administrator -- Regular License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
					supervisory experience, and 18 months of assistant administrator experience	
Exam	Yes	Yes	Yes	Yes	Yes	Yes
Continuing education	20 hours per year	40 hours per biennium (<i>840 Ind. Admin. Code 1-2-1</i>)	30 hours per biennium	36 hours per biennium	48 hours per biennium	20 hours per year
Initial licensure fee	\$50 training application fee, \$150 for endorsement of out-of-state license, \$250 for initial license	\$100 plus exam fee (<i>840 Ind. Admin. Code 1-3-2</i>)	\$100 application fee, plus \$150 initial licensure fee – \$300 if by endorsement	\$75.75 plus exam fee	\$40	\$600 AIT fee plus private examination fee
License duration	One year	Two years	Two years	Two years	Two years	One year
Renewal fee	\$300, annually	\$100, biennially	\$125, biennially (\$200 if late) (\$75 if inactive)	\$121.21, biennially	\$297, biennially	\$300, annually

Nursing home administrator – temporary license

Survey responses (AGE)

Description	
<p>This license allows an individual to practice nursing home administration in Ohio for a period not to exceed 180 days provided they meet Ohio’s criteria, submit an application, and pass a background check. They must also pass the State examination in order to become permanently licensed. This license is generally used for emergencies or urgent situations where facility coverage by an LNHA is needed.</p>	
Type <i>(See R.C. 4798.01 for relevant definitions.)</i>	
<p>Specialty occupational license for medical reimbursement.</p>	
If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	10
Number renewed annually	Not applicable.

If the regulation is a registration, certification, or license requirement, please complete the following:	
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	No.
Education or training requirements	A minimum of a BS degree and at least 9 month's experience either through an AIT internship or practice as a licensed nursing home administrator.
Experience requirements	As above.
Examination requirements (<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>A National Exam, created by the National Association of Long-Term Care Administrator Boards (NAB) and administered by PSI, as well as a State exam for Ohio, also administered by PSI. Candidates for temporary licenses have already passed the National exams and only need to take the State of Ohio examination.</p> <p>The National exam is randomly generated each time from a databank of 3-4,000 questions. The state exam does not have a databank of extra questions and is the same exam each time.</p> <p>The Board does not receive any of the fees charged for the examinations. The National exams are \$425, while the state exam is \$190.</p>
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	Not applicable until given a permanent license.
Initial fee	\$100.
Duration	No more than 180 days.
Renewal fee (<i>If different from initial fee, please explain why.</i>)	Not applicable.

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?	Yes.
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	Each state has its own criteria for licensure, and the Department of Health and Human Services established regulations that require states to license nursing home administrators in order to permit nursing homes to participate in the Title XIX Medicaid Program. Each state was required to license nursing home administrators by July 1, 1970. There is no national nursing home administrator license.
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	No, Section 4751.01 of the Revised Code prohibits practice of nursing home administration or using any sign, card, device, words, letters tending to imply that an individual is a licensed nursing home administrator unless s/he actually is one.
Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?	Yes.
Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)	<p>Long-Term Care Administrators in Ohio are highly skilled professionals who possess a bachelor's degree at a minimum and complete between 500-1,500 hours of clinical training under the supervision of another qualified licensed nursing home administrator.</p> <p>Ohio does not have inordinate rules that would prevent applicants from becoming licensed here, and our state is fortunate to have a dedicated and effective licensure board. Adopting a policy of "least restrictive regulation" guidelines for licensure could serve to reduce the knowledge and experience necessary resulting in substandard licensed nursing home administrators to preserve the health, safety, and welfare of some of Ohio's most vulnerable citizens.</p>

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

Per Sections 4751.10, 4751.24, 4751.32, 4751-1-05, 4751-1-09, 4751-1-10, and 4751-1-12 of the Revised and Administrative Codes, the Board has the authority to deny/revoke/suspend a license/temporary license, place a limitation on the individual's license, place the individual on probation, and impose a civil penalty, fine, or other sanction specified in rules adopted under Section 4751.04 of the Revised 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?

All of the revenue received by BELTSS is used to fund the daily operations of the Board and the Board office, as no GRF is received. The total amount received in SFY is \$650,752.

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

BELTSS is one of 51 state/district boards that license nursing home administrators, as mandated by 42 Code of Federal Regulations (or CFR) Subpart N, which states "A State plan must provide that the State has a program for licensing administrators of nursing homes that meets the requirements of 431.703 through 431.713 of this subpart."

Licensure is mandated by the Department of Health and Human Services which requires states to license nursing home administrators in order to permit nursing homes to participate in the Title XIX Medicaid Program.

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

Licensing boards were established to protect the health, safety, and welfare of the public by setting a baseline of tested knowledge and experience that an applicant must meet or exceed to be deemed competent. Licensure is designed to help protect consumers and their families from harm by:

- Ensuring that only those with the appropriate qualifications and training can practice Administration in Long-Term Care facilities;
- Deterring hiring or substitution of others who do not meet the identified criteria for professional practice;
- Deterring unethical/illegal behavior from professionals and employers as a result of the Board’s laws and rules;
- Providing the necessary authority to intervene in cases of provider misconduct; and
- Providing a venue for consumers and professionals to seek redress, including reprimand of individuals who have engaged in unethical/illegal behavior.

Licensure helps ensure the quality provision of Long-Term Care Administration. State licensure provides consumer protection and recourse against providers acting illegally/unethically so they may be disciplined and/or removed from practice. The long-term care population is a vulnerable group of individuals that include those in post-acute care, the elderly, the developmentally disabled, and those with chronic illness. The nursing home administrator is the gatekeeper to quality care. Nursing home administrators must abide by the rules and laws governing the practice of nursing home administration in Ohio. It is essential to the well-being of each resident for this Board to monitor the integrity and competence of nursing home administrators.

Long-Term Care Administrators must be skilled and knowledgeable in the following areas: resident care management, personnel management, financial management, environmental management, regulatory management, and organizational management. Much of a facility’s revenue comes from Medicaid, of which the Federal government pays a large part. For a facility to be federally certified to receive Medicare or Medicaid reimbursement, the facility nursing home administrator **must** be licensed by the state. Without compliance by the State to these requirements, the federal government would not reimburse facilities for the care of the Medicare/Medicaid-qualified residents.

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

knowledge in the field. Ohio does not have inordinate rules that would prevent applicants from becoming licensed here, and our state is fortunate to have a dedicated and effective licensure board. Adopting a policy of “least restrictive regulation” guidelines for licensure could serve to reduce the knowledge and experience necessary to operate a long-term care facility, resulting in substandard licensed nursing home administrators responsible for preserving the health, safety, and well-being of some of Ohio’s most vulnerable citizens.

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

Regulation of the profession provides inherent fairness through a regulatory process for the benefit of consumers, applicants for licensure, licensees, and complainants by promulgation of and adherence to administrative procedures and due process principles. Regulation of the profession provides a mechanism for protection of the public, a benefit not realized by a “buyer beware” approach to customer protection. Deregulation of the profession eliminates the abilities of government to act on behalf of the public and does not deter future misconduct on the part of the licensee. It also places the burden of enforcement and protection on the consumers, and disadvantages consumers otherwise unable to protect themselves from unqualified practitioners based upon economic factors and lack of knowledge regarding the profession.

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

The Board recently implemented regulatory changes to allow for the HSE (Health Services Executive) license in Ohio. In addition to the Health Services Executive, the Board recommended changes in its disciplinary statute to create confidentiality of investigations, and recommended statutory changes allowing the Board to conduct criminal background checks on applicants for licensure, thereby increasing public protection. Other statutory changes suggested for the benefit of the public include the Board being able to act if the licensee substantially deviates from the Board’s code of ethics, if the licensee has had a license denied, limited, revoked, or suspended by another state, or if the licensee has failed to comply with an investigation by the Board. Penalties the Board may take (currently “shall suspend” or “revoke”) have been suggested

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

to include “may” (instead of “shall”) suspend, revoke, deny a license, place a limitation on a license to practice, reprimand, fine, or place the licensee on probation, giving the Board more flexibility in dealing with disciplinary infractions.

These changes (including the Health Services Executive license) were recently passed in the Budget Bill and were effective October 17, 2019.

Comparison to other states (How many other states regulate the occupation? How do Ohio’s regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)

Each state is slightly different in its regulation of nursing home administration. Ohio is somewhere in the middle. It is challenging to obtain a license in Ohio, but Ohio licenses are generally accepted by other states because our process is rigorous. Ohio’s nursing home administrators are among the most qualified in the country due to BELTSS’ high standards for licensure.

Surrounding state comparison (LSC)

Nursing Home Administrator – Temporary License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License available?	Yes, individual or individual’s spouse must be on active military duty in Ohio (R.C. 4751.202; O.A.C. 4751-1-11)	Yes, must have applied to Board for a license to practice as a HFA or RCA (Ind. Code Ann. 25-19-1-3.5;	Yes, for emergency vacancies and military spouses (201 Ky. Admin. Regs. 6:030)	Yes, for military spouses (Mich. Comp. Laws 333.16181; Michigan Department of Licensing and	Yes, for emergencies (63 Pa. Cons. Stat. 1114)	Yes, for emergency or newly employed out-of-state administrator pending Board approval (W. Va.

Nursing Home Administrator – Temporary License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
		<i>840 Ind. Admin. Code 1-1-18)</i>		<i>Regulatory Affairs, Bureau of Professional Licensing, Military Spouse Temporary License Application)</i>		<i>Code Ann. 30-25-10)</i>
Education or training	N/A	Met the educational requirements of the Board and completed training program, or equivalent	Same requirements as regular license except no exam and, for military spouses, no management experience is required	N/A	Nominated by a nursing home (63 Pa. Cons. Stat. 1114)	For out-of-state administrators, substantially similar education Board may issue emergency permit to owner, governing body, or other appropriate person in charge of nursing home if appointment will not endanger the safety of nursing home occupants (W. Va. Code Ann. 30-25-10)
Experience	Valid NHA license in other state or	Has a current license as a HFA or RCA in another	Valid license issued by another state	Valid license or registration in good standing in	None, must be nominated by the nursing home (63	For out-of-state administrators, substantially

Nursing Home Administrator – Temporary License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	jurisdiction, in good standing	state; experience in another state may substitute for training and exam requirements		another state or territory	<i>Pa. Cons. Stat. 1114)</i>	similar experience requirement (<i>W. Va. Code Ann. 30-25-10)</i>
Exam	N/A	Has successfully completed the national examination with a score equivalent to the score required by Indiana	N/A	N/A	Must not have previously failed the exam (<i>49 Pa. Code 39.4)</i>	Substantially similar examination requirement for out-of-state administrators (<i>W. Va. Code Ann. 30-25-10)</i>
Continuing education	N/A	N/A	N/A	N/A	N/A	N/A
Initial licensure fee	None (<i>R.C. 4743.041)</i>	\$100 application fee and \$50 temporary permit fee	\$75	None	\$145, plus costs of a public notice (<i>49 Pa. Code 39.72)</i>	\$300 (<i>W. Va. Code R. 21-1-5)</i>
License duration	Six months	90 days, by which time applicant must take exam	Six months	Six months, renewable for another six months	No longer than one year (<i>63 Pa. Cons. Stat. 1114)</i>	Temporary: 90 days Emergency: six months (<i>W. Va. Code R. 21-1-5)</i>

Nursing Home Administrator – Temporary License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Renewal fee	N/A	N/A	Nonrenewable	None	Nonrenewable <i>(63 Pa. Cons. Stat. 1114)</i>	Nonrenewable <i>(W. Va. Code R. 21-1-5)</i>

DEPARTMENT OF DEVELOPMENTAL DISABILITIES (DDD)

General information (DDD)

Duties

Offering support across the lifespan of people with developmental disabilities, the Ohio Department of Developmental Disabilities (DODD) oversees a statewide system of supportive services that focus on ensuring health and safety, supporting access to community participation, and increasing opportunities for meaningful employment.

Membership *(Current members, chairperson and other officers, and selection process.)*

DODD is a cabinet level agency. The Director is appointed by the Governor and confirmed by the Ohio Senate.

Budget *(Current budget, description of budgeting process, sources of funding, and expected increases or decreases in budget or funding in future years.)*

DODD's FY20-21 budget can be found in HB 166 of the 133rd GA. Budget recommendations for FY 22-23 will be included in Governor Mike DeWine's budget proposal.

Workload *(Assess current, past, and anticipated workload. Has the workload increased or decreased significantly in the preceding six years?)*

DODD's workload has not significantly increased or decreased in recent years.

Staffing *(How many staff are currently employed by the board? What are their roles? Are staffing levels proportionate to the board's current and anticipated workload?)*

DODD employs approximately 2340 people. The table of organization for DODD can be found at <https://dodd.ohio.gov/wps/portal/gov/dodd/about-us/resources/to>

Administrative hearings and public complaints *(Describe the Board's processes for administering discipline and addressing complaints. Assess the efficiency of the processes.)*

The Department utilizes R.C. 119 to conduct administrative adjudications. The Department is represented by the Ohio Attorney General's office in all R.C. 119 adjudications.

Supported living certificate

Survey responses (DDD)

Description

To provide home and community based Medicaid funded services to individuals with developmental disabilities, the provider must hold a supported living certificate. DODD issues supported living certifications to individual providers (“independent providers”) and to agency providers, who employ staff to serve individuals with developmental disabilities.

Type *(See R.C. 4798.01 for relevant definitions.)*

License

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

Number issued annually

2019 new certifications:
Independent Provider: 1,306
Agency : 126

Number renewed annually

2019 renewed certifications
Independent Provider = 1,827
Agency = 590

If the regulation is a registration, certification, or license requirement, please complete the following:	
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	The number has slightly or moderately increased each year over the past six years.
Education or training requirements	<p>Independent Provider: Must hold High School Diploma or GED</p> <p>Agency CEO: Must have a Bachelor’s degree or has at least four years of full-time (or equivalent part-time) paid work experience as a supervisor of programs or services for individuals with developmental disabilities.</p>
Experience requirements	<p>Independent Provider: Prior to application for initial independent provider certification, an applicant shall have successfully completed:</p> <ul style="list-style-type: none"> (a) Department-provided web-based orientation for independent providers. (b) Eight hours of training in accordance with standards established by the department that addresses the following topics, except for providers of services exempted in accordance with paragraph (E)(1) of this rule: <ul style="list-style-type: none"> (i) Overview of serving individuals with developmental disabilities including implementation of individual service plans; (ii) An independent provider’s role and responsibilities with regard to services including person-centered planning, community integration, self-determination, and self-advocacy; (iii) Universal precautions for infection control including hand washing and the disposal of bodily waste; (iv) The rights of individuals set forth in sections <u>5123.62</u> to <u>5123.64</u> of the Revised Code; and (v) The requirements of rule <u>5123:2-17-02</u> of the Administrative Code including a review of health and welfare alerts issued by the department. <p>Agency CEO: Has at least one year of full-time (or equivalent part-time) paid work experience in the provision of services for individuals with developmental disabilities which included responsibility for:</p>

If the regulation is a registration, certification, or license requirement, please complete the following:	
	<ul style="list-style-type: none"> (i) Personnel matters; (ii) Supervision of employees; (iii) Program services; and (iv) Financial management.
<p>Examination requirements (<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>No examination.</p>
<p>Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)</p>	<p>Independent Provider: Within sixty days of first providing services, an independent provider shall successfully complete training in accordance with standards established by the department in:</p> <ul style="list-style-type: none"> (a) Service documentation; and (b) Billing for services. <p>(4) Commencing in the second year of certification, an independent provider shall successfully complete annual training in accordance with standards established by the department in:</p> <ul style="list-style-type: none"> (a) An independent provider’s role and responsibilities with regard to services including person-centered planning, community integration, self-determination, and self-advocacy; (b) The rights of individuals set forth in sections 5123.62 to 5123.64 of the Revised Code; and (c) The requirements of rule 5123:2-17-02 of the Administrative Code including a review of health and welfare alerts issued by the department since the previous year’s training. <p>Agency CEO: Must successfully complete, commencing in the second year of certification or employment as the chief executive officer, annual training in accordance with standards established by the department in:</p>

If the regulation is a registration, certification, or license requirement, please complete the following:	
	<p>(i) An agency provider's role and responsibilities with regard to services including person-centered planning, community integration, self-determination, and self-advocacy;</p> <p>(ii) The rights of individuals set forth in sections <u>5123.62</u> to <u>5123.64</u> of the Revised Code; and</p> <p>(iii) The requirements of rule <u>5123:2-17-02</u> of the Administrative Code including a review of health and welfare alerts issued by the department since the previous year's training.</p>
Initial fee	<p>Independent Provider: \$125</p> <p>Small Agency (serving 50 or fewer individuals): \$800</p> <p>Large Agency (serving 50 or more individuals): \$1600</p>
Duration	3 years
Renewal fee <i>(If different from initial fee, please explain why.)</i>	Same as initial for independent provider, small agency and large agency (see above)
Does the Board recognize uniform licensure requirements or allow for reciprocity?	No
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	No
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	Not as a paid provider paid by Medicaid.

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

<p>Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?</p>	<p>Upon written request by the applicant, the Department does have the authority to waive certain requirements in the provider certification rule, Ohio Administrative Code 5123:2-2-01.</p>
<p>Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)</p>	<p>N/A</p>

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

Denial, suspension, or revocation of certification

(1) The department may deny an application for certification based on the applicant’s failure to comply with the requirements of this rule or other standards and assurances established under Chapter 5123. of the Revised Code and Chapter 5123:2-9 of the Administrative Code for the specific home and community-based services the applicant is seeking to deliver.

(2) Certified providers shall comply with the continuing certification standards set forth in this rule. Certified providers shall be subject to monitoring and compliance reviews as set forth in rules promulgated by the department. Failure to comply with the requirements set forth in this rule or other standards and assurances established under Chapter 5123. of the Revised Code and Chapter 5123:2-9 of the Administrative Code for the specific home and community-based services provided may result in corrective action by the department, up to and including suspension, denial of renewal, or revocation of certification.

(3) The department may deny, suspend, or revoke a provider’s certification for good cause, including the following:

- (a) Misfeasance;
- (b) Malfeasance;
- (c) Nonfeasance;
- (d) Substantiated abuse or neglect;
- (e) Financial irresponsibility;
- (f) Failure to meet the requirements of this rule;
- (g) Other conduct the department determines is injurious to individuals being served;

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

(h) Failure to comply with other applicable rules;

(i) Failure to submit claims for reimbursement for twelve consecutive months; or

(j) The conviction or guilty plea of the independent provider or the chief executive officer or other person responsible for administration of the agency provider to any of the offenses listed or described in divisions (A)(3)(a) to (A)(3)(e) of section 109.572 of the Revised Code.

(4) When denying, suspending, or revoking certification under this rule, the department shall comply with the notice and hearing requirements of Chapter 119. of the Revised Code and section 5123.166 of the Revised Code.

(5) When the department denies a renewal of certification, the provider shall comply with the department's adjudication order within thirty days of the date of the mailing of the order.

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?

In 2019, DODD collected \$1,367,150 in fees for initial and renewal applications for independent providers and agency providers. These funds are deposited into fund 5EVO which is appropriation line item 653627 for Medicaid Program Support.

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

Yes, 42 CFR 441.730 requires the state to establish standards for provider qualifications and training and to regulate and enforce those standards.

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

The Department serves a very vulnerable population. It is important that the Department ensures that staff (independent providers and agency providers) who serve these individuals do not have disqualifying criminal convictions for theft, abuse, etc. The Department must also ensure that they have the proper training (CPR, first aid) and training specific to the individuals they serve.

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

Yes. No less restrictive options.

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

The Department is in the process of amending the current provider certification rule, O.A.C. 5123:2-2-01 to establish two separate rules. One rule will contain the requirements for independent providers and the other rule will contain the requirements for the agency provider.

Comparison to other states (How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)

DODD has not completed a comparison with other states.

Surrounding state comparison (LSC)

Supported Living Certificate ³						
	Ohio	Indiana	Kentucky	Michigan ⁴	Pennsylvania	West Virginia
License required?	Yes (<i>R.C. 5123.161</i>)	Yes, supported living providers must be approved by the Bureau of Developmental Disabilities Services and the Community Residential Facilities Council (<i>460 Ind. Admin.</i>)	No (<i>Ky. Rev. Stat. Ann. 210.770 et seq.; Kentucky Department for Behavioral Health, Developmental and Intellectual Disabilities, Division of Developmental and Intellectual Disabilities</i>)	No, supported living personnel requirements are established at the local level (<i>Mich. Admin. Code R. 330.2806</i>)	No (<i>55 Pa. Code 51.12, 51.23, and 6350.5 et seq.</i>)	No, but providers offering certain supported living services must be licensed; for example, providers offering behavioral health services and supports to assist individuals with developmental

³ This table does not include the supported living provider requirements under the state's Medicaid home and community-based waiver programs.

⁴ In Michigan, services for people with severe mental illness, developmental disabilities, and substance abuse disorders are coordinated through local community health services programs, Michigan Alliance for Families, [Adult Services Agencies](#).

Supported Living Certificate ³						
	Ohio	Indiana	Kentucky	Michigan ⁴	Pennsylvania	West Virginia
		<i>Code 12-6-2 and 12-6-4)</i>				disabilities live in the community, staff must meet any license requirements for the applicable profession (<i>W. Va. Code R. 64-11-1 et seq.; W. Va. Code Ann. 27-1A-7 and see W. Va. Code Ann. 27-2A-1</i>) ⁵
Education or training	Independent providers: High school diploma or GED American Red Cross or equivalent CPR and first aid certification Department-provided web-based orientation, eight hours of training	Requirements vary depending on the type of service provided; generally, the provider must hold a state license in the relevant profession (<i>460 Ind. Admin. Code 12-5-2</i>)	N/A	N/A	N/A	N/A

⁵ There are licensure requirements for residential care communities, but those appear to be assisted living. *W. Va. Code R. 64-75-1 et seq.*

Supported Living Certificate ³						
	Ohio	Indiana	Kentucky	Michigan ⁴	Pennsylvania	West Virginia
	<p>addressing specified topics and additional training within 60 days of first providing services</p> <p>Direct services employee with an agency provider:</p> <p>High school diploma or GED, bachelor's degree</p> <p>American Red Cross or equivalent CPR and first aid certification</p> <p>Eight hours of training addressing specified topics and additional training if supervising direct services staff</p> <p><i>(O.A.C. 5123:2-2-01(C) and (D))</i></p>					

Supported Living Certificate ³						
	Ohio	Indiana	Kentucky	Michigan ⁴	Pennsylvania	West Virginia
Experience	No (<i>O.A.C. 5123:2-2-01(C) and (D)</i>)	Requirements vary depending on the type of supported living service provided (<i>460 Ind. Admin. Code 12-5-2</i>)	N/A	N/A	N/A	N/A
Exam	No	No	N/A	N/A	N/A	N/A
Continuing education	Yes, number of hours not specified (<i>O.A.C. 5123:2-2-01(C) and (D)</i>)	No	N/A	N/A	N/A	N/A
Initial licensure fee	Independent provider: \$125 (<i>O.A.C. 5123:2-2-01(L)(2)(a)</i>)	No	N/A	N/A	N/A	N/A
License duration	Three years (<i>O.A.C. 5123:2-2-01(K)</i>)	Three years (<i>460 Ind. Admin. Code 12-6-3</i>)	N/A	N/A	N/A	N/A
Renewal fee	\$125 (<i>O.A.C. 5123:2-2-01(L)(2)(a)</i>)	No	N/A	N/A	N/A	N/A

Personnel certificate to administer prescribed medications and perform health-related activities

Survey responses (DDD)

Description

Developmental disabilities personnel who are not specifically authorized by other provisions of the Revised Code to perform health-related activities or administer prescribed medication may do so pursuant to section 5123.42 of the Revised Code and rules adopted by the department under this chapter if they complete the training required by the Department and apply for certification. (This type of certification is known as a Medication Administration Category 1 certification).

Type *(See R.C. 4798.01 for relevant definitions.)*

Government certification

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

Number issued annually	13,682
Number renewed annually	27,663

If the regulation is a registration, certification, or license requirement, please complete the following:	
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	They have remained consistent over the past six years.
Education or training requirements	High School diploma or GED.
Experience requirements	A health-related activities and prescribed medication administration training program provided pursuant to this rule, to prepare developmental disabilities personnel to perform health-related activities, administer oral prescribed medication, administer topical prescribed medication, administer topical over-the-counter musculoskeletal medication, and administer oxygen and metered dose inhaled medication, shall be at a minimum a fourteen-hour course; one hour equals sixty minutes of classroom instruction..
Examination requirements (<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>)	Written examination created and administered by a DODD certified Nurse Trainer. A passing score of 80% is required to successfully complete the examination. If an applicant does not receive the required score, the applicant must retake the entire training before sitting for the examination again.
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	At least two hours of continuing education that relates to the information taught in the health-related activities and prescribed medication administration training program (as determined by the registered nurse trainer) and perform a successful return demonstration of skills.
Initial fee	None
Duration	One year

If the regulation is a registration, certification, or license requirement, please complete the following:	
Renewal fee <i>(If different from initial fee, please explain why.)</i>	None
Does the Board recognize uniform licensure requirements or allow for reciprocity?	No
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	No
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	No
Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?	Yes. For adequate reasons and when requested in writing, the director may waive a condition or specific requirement of this rule. Approval to waive a condition or specific requirement shall not be contrary to the rights, health, or safety of individuals served. The decision to grant or deny a rule waiver is final and may not be appealed.
Other information <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i>	This certification is available only to independent providers certified by DODD or individuals employed by agencies certified by DODD.

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

Denial, suspension, or revocation of certification issued under this chapter

(1) The department may deny, suspend, or revoke a certificate holder's certification issued under this chapter for good cause including:

- (a) Misfeasance;
- (b) Malfeasance;
- (c) Nonfeasance;
- (d) Substantiated abuse or neglect;
- (e) A violation of sections 5123.41 to 5123.45 of the Revised Code or rules adopted under this chapter;
- (f) The conviction or plea of guilty to a disqualifying offense as set forth in paragraph (E) of rule 5123:2-2-02 of the Administrative Code and the corresponding exclusionary period has not elapsed;
- (g) Other conduct the department determines to be injurious to individuals being served; or
- (h) The board of nursing has taken disciplinary action against a certificate holder under Chapter 4723. of the Revised Code.

(2) When denying, suspending, or revoking certification under this rule, the department shall comply with the notice and hearing requirements of Chapter 119. of the Revised Code and section 5123.452 of the Revised 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?**

No revenue.

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

No, it is required by state law and not federal law.

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

Regulation is aimed at protecting the health and safety of the individuals served.

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 and there are no less restrictive ways to prevent the harm.

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

The Department is in the process of amending the rule to allow for the training to be administered virtually.

Comparison to other states *(How many other states regulate the occupation? How do Ohio’s regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)*

Unknown. The Department has not done a comparison with other states’ regulations.

Surrounding state comparison (LSC)

Personnel Certificate to Administer Prescribed Medications and Perform Health-related Activities						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes, developmental disabilities (DD) personnel who are not otherwise authorized to administer	No, qualified medication aides can administer medications and perform related health maintenance	No, a registered nurse (RN) or licensed practical nurse (LPN) can delegate to an unlicensed person certain nursing	No, administering medications is within the scope of practice of physicians and nursing licensees <i>(Peter Pratt and</i>	No, in certain circumstances, after taking a Department of Human Services-approved training course,	No, approved medication assistive personnel may engage in limited medication administration

Personnel Certificate to Administer Prescribed Medications and Perform Health-related Activities

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	prescribed medications and perform health-related activities must obtain this specialty certification to do so (R.C. 5123.42)	tasks in certain licensed health care facilities (Ind. Code Ann. 16-28-1-11 and 16-28-1-11.5)	tasks (201 Ky. Admin. Regs. 20:400) Under the Medicaid home and community-based waiver, nonlicensed personnel can administer medications in certain facilities after taking an approved training course with classroom instruction, practical demonstrations, and an exam (907 Ky. Admin. Regs. 12:010, Section 3(3)(bb))	<i>Lisa Katz, Scope of Practice of Health Professionals in the State of Michigan</i>)	unlicensed staff in certain residential settings can administer medications to program residents (55 Pa. Code 2600.182 and 2600.190; Pennsylvania Department of Human Services, Office of Developmental Programs, Medication Administration Program)	and perform health maintenance tasks in certain specified facilities if approved and supervised by a physician or other authorized health care professional (W. Va. Code Ann. 16-50-4 and 16-50-6; W. Va. Code R. 64-60-1 et seq.)
Education or training	High school diploma or GED Completion of a DD-approved training program	Completion of a training course approved by the Department of Health that includes 60 hours	N/A	N/A	Completion of a Department of Human Services-approved training course, including a competency	High school diploma or GED Completion of a medication or health maintenance

Personnel Certificate to Administer Prescribed Medications and Perform Health-related Activities

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<i>(O.A.C. 5123:2-6-06)</i>	of classroom instruction and 40 hours of supervised practice (<i>Ind. Code Ann. 16-28-1-11; Indiana Department of Health, Long Term Care/Nursing Homes, Qualified Medication Aide (QMA) Registration, Certification and Recertification</i>)			exam, within the past two years Completion of Department-approved diabetes patient education program within the past 12 months <i>(55 Pa. Code 2600.190)</i>	tasks training program approved by the Department of Health and Human Services' Office of Health Facility Licensure and Certification <i>(W. Va. Code Ann. 16-50-5; W. Va. Code R. 64-60-6)</i>
Experience	No	No (<i>Ind. Code Ann. 16-28-1-11</i>)	N/A	N/A	No	No
Exam	Yes (<i>O.A.C. 5123:2-6-06(D)</i>)	Yes (<i>Ind. Code Ann. 16-28-1-11; 410 Ind. Admin. Code 16.2-1.1-54</i>)	N/A	N/A	Yes (<i>55 Pa. Code 2600.190</i>)	Successful competency evaluation at the end of the training program <i>(W. Va. Code Ann. 16-50-5; W. Va. Code R. 64-60-2 and 64-60-5)</i>

Personnel Certificate to Administer Prescribed Medications and Perform Health-related Activities

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Continuing education	One hour annually and demonstration of skills (O.A.C. 5123:2-6-06(E)(1)(b))	No (<i>Ind. Code Ann. 16-28-1-11</i>)	N/A	N/A	No	Completes the applicable training program every two years (<i>W. Va. Code Ann. 16-50-5; W. Va. Code R. 64-60-4</i>)
Initial licensure fee	No	Not specified (<i>Ind. Code Ann. 16-28-1-11; Indiana Department of Health, Long Term Care/Nursing Homes, Qualified Medication Aide (QMA) Registration, Certification and Recertification</i>)	N/A	N/A	No	No
License duration	One year (<i>R.C. 5123.45</i>)	One year (<i>Ind. Code Ann. 16-28-1-11</i>)	N/A	N/A	Two years (<i>55 Pa. Code 2600.190(a)</i>)	Two years (<i>W. Va. Code Ann. 16-50-8; W. Va. Code R. 64-60-4 and 64-60-8</i>)
Renewal fee	No	Amount not specified (<i>Ind.</i>	N/A	N/A	No	No

Personnel Certificate to Administer Prescribed Medications and Perform Health-related Activities						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
		<i>Code Ann. 16-28-1-11)</i>				

Personnel certificate to perform tube feedings

Survey responses (DDD)

Description
Developmental disabilities personnel who are not specifically authorized by other provisions of the Revised Code to perform health-related activities or administer prescribed medication may do so pursuant to section 5123.42 of the Revised Code and rules adopted by the department under this chapter if they complete the training required by the Department and apply for certification. (This type of certification is known as a Medication Administration Category 2 certification).
Type <i>(See R.C. 4798.01 for relevant definitions.)</i>
Specialty occupational license for medical reimbursement

If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	4,131
Number renewed annually	4,691
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	Increased each year between 2013 and 2019.
Education or training requirements	High School Diploma or GED.
Experience requirements	<p>In order to be certified, an individual must hold a current, valid Category 1 Medication Administration Certification.</p> <p>A prescribed medication through feeding tube by nursing delegation training program provided pursuant to this rule to prepare developmental disabilities personnel to administer prescribed medication through stable labeled gastrostomy and jejunostomy tubes shall be at a minimum a four-hour course and shall be in addition to the health-related activities and prescribed medication administration training program; one hour equals sixty minutes of classroom instruction. Relevant agency-specific and/or facility-specific material may be added to the department-approved curriculum with additional corresponding classroom instruction time beyond the four-hour course. Developmental disabilities personnel shall successfully complete the health-related activities and prescribed medication administration training program prior to participating in the prescribed medication through feeding tube by nursing delegation training program.</p>

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

<p>Examination requirements (<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>Written examination created and administered by a DODD certified Nurse Trainer. A passing score of 80% is required to successfully complete the examination. If an applicant does not receive the required score, the applicant must retake the entire training before sitting for the examination again.</p>
<p>Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)</p>	<p>To maintain certification in prescribed medication through feeding tube by nursing delegation, developmental disabilities personnel shall annually complete at least one hour of continuing education that relates to the information taught in the prescribed medication through feeding tube by nursing delegation training program (as determined by the registered nurse trainer) and perform a successful return demonstration of skills. The continuing education required is in addition to the two hours of continuing education required for health-related activities and prescribed medication administration certification and, if applicable, the one hour of continuing education required for subcutaneous injection by nursing delegation certification.</p>
<p>Initial fee</p>	<p>None.</p>
<p>Duration</p>	<p>One year</p>
<p>Renewal fee (<i>If different from initial fee, please explain why.</i>)</p>	<p>None.</p>
<p>Does the Board recognize uniform licensure requirements or allow for reciprocity?</p>	<p>No</p>

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

<p>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</p>	<p>No</p>
<p>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?</p>	<p>No</p>
<p>Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?</p>	<p>Yes. For adequate reasons and when requested in writing, the director may waive a condition or specific requirement of this rule. Approval to waive a condition or specific requirement shall not be contrary to the rights, health, or safety of individuals served. The decision to grant or deny a rule waiver is final and may not be appealed.</p>
<p>Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)</p>	<p>This certification is only available to independent providers certified by DODD or individuals employed by agencies certified by DODD.</p>

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

Denial, suspension, or revocation of certification issued under this chapter

- (1) The department may deny, suspend, or revoke a certificate holder’s certification issued under this chapter for good cause including:
- (a) Misfeasance;
 - (b) Malfeasance;
 - (c) Nonfeasance;
 - (d) Substantiated abuse or neglect;
 - (e) A violation of sections 5123.41 to 5123.45 of the Revised Code or rules adopted under this chapter;

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

(f) The conviction or plea of guilty to a disqualifying offense as set forth in paragraph (E) of rule 5123:2-2-02 of the Administrative Code and the corresponding exclusionary period has not elapsed;

(g) Other conduct the department determines to be injurious to individuals being served; or

(h) The board of nursing has taken disciplinary action against a certificate holder under Chapter 4723. of the Revised Code.

(2) When denying, suspending, or revoking certification under this rule, the department shall comply with the notice and hearing requirements of Chapter 119. of the Revised Code and section 5123.452 of the Revised 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?**

No revenue.

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

No, it is required by state law and not federal law.

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

Regulation is aimed at protecting the health and safety of the individuals served.

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

Yes, it is effective and there are no less restrictive ways.

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

Not at this time.

Comparison to other states (How many other states regulate the occupation? How do Ohio’s regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)

Unknown. The Department has not done a comparison with other states’ regulations.

Surrounding state comparison (LSC)

Personnel Certificate to Perform Tube Feedings						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes, DD personnel who are not otherwise authorized to perform this activity can obtain this specialty certification (<i>R.C. 5123.42</i>)	No, tube feedings are within scope of practice of RNs, with LPNs and unlicensed personnel authorized to perform under the supervision of an RN (<i>Indiana Department of Education, Delegation Guidelines for Indiana School Nurses</i>)	No, tube feedings are within scope of practice of RNs; LPNs authorized to perform under the supervision of an RN, advanced practice registered nurse (APRN), or physician (<i>Kentucky Board of Nursing, Advisory Opinion Statement:</i>	No, tube feedings are within scope of practice of LPNs under the supervision of an RN (<i>Michigan Civil Service Commission, Job Specification, Practical Nurse Licensed</i>)	No, tube feedings are within scope of practice of certain nursing licenses (<i>Pennsylvania Department of State, Board Laws & Regulations, see “RN law”</i>)	No, approved medication assistive personnel (described above) may administer tube feedings in certain specified facilities if approved and supervised by a physician or other authorized health care personnel (<i>W. Va. Code Ann. 16-50-4 and 16-</i>

Personnel Certificate to Perform Tube Feedings

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
			<i>Gastric Intubation)</i>			<i>50-6; W. Va. Code R. 64-60-1 et seq.)</i>
Education or training	High school diploma or GED Department-approved training program <i>(O.A.C. 5123:2-6-06(A), (D), and (E)(3))</i>	N/A	N/A	N/A	N/A	High school diploma or GED Completion of a medication or health maintenance tasks training program approved by the Department of Health and Human Services' Office of Health Facility Licensure and Certification <i>(W. Va. Code Ann. 16-50-5; W. Va. Code R. 64-60-6)</i>
Experience	No	N/A	N/A	N/A	N/A	No
Exam	Yes <i>(O.A.C. 5123:2-6-06(D))</i>	N/A	N/A	N/A	N/A	Successful competency evaluation at the end of the training program <i>(W. Va. Code Ann.</i>

Personnel Certificate to Perform Tube Feedings

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
						<i>16-50-5; W. Va. Code R. 64-60-2 and 64-60-5)</i>
Continuing education	One hour annually and demonstration of skills (<i>O.A.C. 5123:2-6-06(E)(1)(b)</i>)	N/A	N/A	N/A	N/A	Completes the applicable training program every two years (<i>W. Va. Code Ann. 16-50-5; W. Va. Code R. 64-60-4)</i>)
Initial licensure fee	No	N/A	N/A	N/A	N/A	No
License duration	One year (<i>R.C. 5123.45</i>)	N/A	N/A	N/A	N/A	Two years (<i>W. Va. Code Ann. 16-50-8; W. Va. Code R. 64-60-4 and 64-60-8</i>)
Renewal fee	No	N/A	N/A	N/A	N/A	No

Personnel certificate to administer subcutaneous insulin injection

Survey responses (DDD)

Description	
Developmental disabilities personnel who are not specifically authorized by other provisions of the Revised Code to perform health-related activities or administer prescribed medication may do so pursuant to section 5123.42 of the Revised Code and rules adopted by the department under this chapter if they complete the training required by the Department and apply for certification. (This type of certification is known as a Medication Administration Category 3 certification).	
Type <i>(See R.C. 4798.01 for relevant definitions.)</i>	
Government certification	
If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	2,818
Number renewed annually	3,181

If the regulation is a registration, certification, or license requirement, please complete the following:	
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	Increased each year between 2013 and 2019.
Education or training requirements	High School Diploma or GED.
Experience requirements	Must hold current certification to administer prescribed medication and perform health related activities (category 1)
Examination requirements (<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>)	Written examination created and administered by a DODD certified Nurse Trainer. A passing score of 80% is required to successfully complete the examination. If an applicant does not receive the required score, the applicant must retake the entire training before sitting for the examination again.
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	At least one hour of continuing education (in addition to the continuing education required for category 1 and category 2 continuing education)
Initial fee	None.
Duration	One year
Renewal fee (<i>If different from initial fee, please explain why.</i>)	None.

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

<p>Does the Board recognize uniform licensure requirements or allow for reciprocity?</p>	<p>No.</p>
<p>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</p>	<p>No.</p>
<p>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?</p>	<p>No.</p>
<p>Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?</p>	<p>Yes. For adequate reasons and when requested in writing, the director may waive a condition or specific requirement of this rule. Approval to waive a condition or specific requirement shall not be contrary to the rights, health, or safety of individuals served. The decision to grant or deny a rule waiver is final and may not be appealed.</p>
<p>Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)</p>	<p>This certification is only available to independent providers certified by DODD or individuals employed by agencies certified by DODD.</p>

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

Denial, suspension, or revocation of certification issued under this chapter

(1) The department may deny, suspend, or revoke a certificate holder's certification issued under this chapter for good cause including:

- (a) Misfeasance;
- (b) Malfeasance;

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

- (c) Nonfeasance;
 - (d) Substantiated abuse or neglect;
 - (e) A violation of sections 5123.41 to 5123.45 of the Revised Code or rules adopted under this chapter;
 - (f) The conviction or plea of guilty to a disqualifying offense as set forth in paragraph (E) of rule 5123:2-2-02 of the Administrative Code and the corresponding exclusionary period has not elapsed;
 - (g) Other conduct the department determines to be injurious to individuals being served; or
 - (h) The board of nursing has taken disciplinary action against a certificate holder under Chapter 4723. of the Revised Code.
- (2) When denying, suspending, or revoking certification under this rule, the department shall comply with the notice and hearing requirements of Chapter 119. of the Revised Code and section 5123.452 of the Revised 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?**

No revenue.

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

No, it is required by state law and not federal law.

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

Regulation is aimed at protecting the health and safety of the individuals served.

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 and there are no less restrictive ways to prevent the harm.

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

No.

Comparison to other states (How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)

Unknown. The Department has not done a comparison with other states' regulations.

Surrounding state comparison (LSC)

Personnel Certificate to Administer Subcutaneous Insulin Injection						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes, DD personnel who are not otherwise authorized to perform activities can obtain this specialty certification (<i>R.C. 5123.42</i>)	No, qualified medication aides may administer subcutaneous insulin injections in certain licensed health care facilities if an RN supervises the aide or delegates responsibility for the injection in certain circumstances (<i>Ind. Code Ann. 16-28-1-11.5</i>)	No, under the Medicaid home and community-based services waiver, nonlicensed personnel can administer medications in certain facilities under certain circumstances (<i>907 Ky. Admin. Regs. 12:010, Section 3(3)(bb)</i>)	No	No, in certain circumstances, unlicensed staff in certain residential settings can administer medications to program residents (<i>55 Pa. Code 2600.182 and 2600.190; Pennsylvania Department of Human Services, Office of Developmental Programs,</i>	No, approved medication assistive personnel may engage in limited medication administration and performance of health maintenance tasks in certain specified facilities if approved and supervised by a physician or other authorized health care personnel

Personnel Certificate to Administer Subcutaneous Insulin Injection

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
					<i>Medication Administration Program</i>	<i>(W. Va. Code Ann. 16-50-4 and 16-50-6; W. Va. Code R. 64-60-1 et seq)</i>
Education or training	High school diploma or GED DD-approved training program <i>(O.A.C. 5123:2-6-06(A), (C), (D), and (E)(3))</i>	Completes the Department-approved training program in administering insulin, including four to eight hours of classroom training and two to four hours of practical training <i>(Ind. Code Ann. 16-28-1-11)</i>	Complete an approved training course <i>(907 Ky. Admin. Regs. 12:010, Section 3(3)(bb))</i>	N/A	Completion of a Department-approved training course within the past two years and a diabetes patient education program within the past 12 months <i>(55 Pa. Code 2600.190)</i>	High school diploma or GED Completion of a medication or health maintenance tasks training program approved by the Department of Health and Human Services' Office of Health Facility Licensure and Certification <i>(W. Va. Code Ann. 16-50-5; W. Va. Code R. 64-60-6)</i>
Experience	No	No	No	N/A	No	No
Exam	Yes <i>(O.A.C. 5123:2-6-06(D))</i>	Yes <i>(Ind. Code Ann. 16-28-1-11 and 16-28-1-11.5)</i>	Yes <i>(907 Ky. Admin. Regs. 12:010, Section 3(3)(bb))</i>	N/A	Yes <i>(55 Pa. Code 2600.190)</i>	Successful competency evaluation at the end of the

Personnel Certificate to Administer Subcutaneous Insulin Injection

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
						training program <i>(W. Va. Code Ann. 16-50-5; W. Va. Code R. 64-60-2 and 64-60-5)</i>
Continuing education	One hour annually and demonstration of skills <i>(O.A.C. 5123:2-6-06(E)(1)(b))</i>	No	No	N/A	No	Must complete the applicable training program every two years <i>(W. Va. Code Ann. 16-50-5; W. Va. Code R. 64-60-4)</i>
Initial licensure fee	No	Not specified <i>(Ind. Code Ann. 16-28-1-11)</i>	N/A	N/A	No	No
License duration	One year <i>(R.C. 5123.45)</i>	One year <i>(Ind. Code Ann. 16-28-1-11)</i>	N/A	N/A	Must have completed training course and exam within past two years <i>(55 Pa. Code 2600.190)</i>	Not specified <i>(W. Va. Code Ann. 16-50-8; W. Va. Code R. 64-60-4 and 64-60-8)</i>
Renewal fee	No	Not specified <i>(Ind. Code Ann. 16-28-1-11)</i>	N/A	N/A	No	No

Registered nurse instructor certificate

Survey responses (DDD)

Description

Only a registered nurse certified by the department as a registered nurse instructor may plan, develop, coordinate, and deliver the registered nurse train-the-trainer program that prepares registered nurses to train developmental disabilities personnel to:

- (a) Perform health-related activities;
- (b) Administer oral prescribed medication;
- (c) Administer topical prescribed medication;
- (d) Administer topical over-the-counter musculoskeletal medication;
- (e) Administer oxygen and metered dose inhaled medication;
- (f) Administer prescribed medication through stable labeled gastrostomy and jejunostomy tubes;
- (g) Administer prescribed insulin through subcutaneous injection, inhalation, and insulin pump; and
- (h) Administer prescribed medication for the treatment of metabolic glycemic disorders through subcutaneous injection.

Type *(See R.C. 4798.01 for relevant definitions.)*

Government certification

If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	1
Number renewed annually	10
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	The numbers have remained consistent between 2014 and 2019.
Education or training requirements	<p>(a) Current valid licensure in good standing with the Ohio board of nursing to practice as a registered nurse.</p> <p>(b) A minimum of sixty months full-time (or equivalent part-time) experience in the practice of nursing as a registered nurse, of which at least twenty-four months have been in the field of developmental disabilities.</p> <p>(c) Knowledge of the current laws and rules which regulate the practice of nursing, sections <u>5123.41</u> to <u>5123.47</u> of the Revised Code, and this chapter.</p> <p>(d) Knowledge of and experience with the principles of adult education.</p> <p>(e) Current certification as a registered nurse trainer in accordance with this rule.</p> <p>(f) Successful completion of the department-provided registered nurse instructor orientation program and maintenance of registered nurse instructor certification pursuant to this rule.</p>
Experience requirements	<p>(a) Current valid licensure in good standing with the Ohio board of nursing to practice as a registered nurse.</p> <p>(b) A minimum of sixty months full-time (or equivalent part-time) experience in the practice of nursing as a registered nurse, of which at least twenty-four months have been in the field of developmental disabilities.</p>

If the regulation is a registration, certification, or license requirement, please complete the following:	
	<p>(c) Knowledge of the current laws and rules which regulate the practice of nursing, sections <u>5123.41</u> to <u>5123.47</u> of the Revised Code, and this chapter.</p> <p>(d) Knowledge of and experience with the principles of adult education.</p> <p>(e) Current certification as a registered nurse trainer in accordance with this rule.</p> <p>(f) Successful completion of the department-provided registered nurse instructor orientation program and maintenance of registered nurse instructor certification pursuant to this rule.</p>
Examination requirements (<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>)	Must be a RN licensed and in good standing in the state of Ohio.
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	Must complete the four hours required to maintain Nurse Trainer Certification.
Initial fee	None.
Duration	2 years
Renewal fee (<i>If different from initial fee, please explain why.</i>)	None.
Does the Board recognize uniform licensure requirements or allow for reciprocity?	No

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

<p>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</p>	<p>No</p>
<p>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?</p>	<p>No</p>
<p>Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?</p>	<p>No</p>
<p>Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)</p>	<p>N/A</p>

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

Denial, suspension, or revocation of certification issued under this chapter

- (1) The department may deny, suspend, or revoke a certificate holder's certification issued under this chapter for good cause including:
- (a) Misfeasance;
 - (b) Malfeasance;
 - (c) Nonfeasance;
 - (d) Substantiated abuse or neglect;
 - (e) A violation of sections [5123.41](#) to [5123.45](#) of the Revised Code or rules adopted under this chapter;

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

(f) The conviction or plea of guilty to a disqualifying offense as set forth in paragraph (E) of rule 5123:2-2-02 of the Administrative Code and the corresponding exclusionary period has not elapsed;

(g) Other conduct the department determines to be injurious to individuals being served; or

(h) The board of nursing has taken disciplinary action against a certificate holder under Chapter 4723. of the Revised Code.

(2) When denying, suspending, or revoking certification under this rule, the department shall comply with the notice and hearing requirements of Chapter 119. of the Revised Code and section 5123.452 of the Revised 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?**

No revenue.

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

No, it is required by state law and not federal law.

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

Regulation is aimed at protecting the health and safety of the individuals served.

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 and there are no less restrictive ways to prevent the harm.

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

Not at this time.

Comparison to other states (How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)

Unknown. The Department has not done a comparison with other states' regulations.

Surrounding state comparison (LSC)

Registered Nurse Instructor Certificate						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (license authorizes licensee to train RNs to train Department of Developmental Disabilities personnel in above three licenses) (O.A.C. 5123:2-6-04(A)(1))	No	No	No	No	No, but instructors must meet certain requirements described below (W. Va. Code Ann. 16-50-5; W. Va. Code R. 64-60-5)
Education or training	Hold a license to practice as an RN	N/A	N/A	N/A	N/A	Hold a current license to practice as an RN

Registered Nurse Instructor Certificate

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	Hold certification as an RN trainer Knowledge of laws governing practice of nursing and principles of adult education Completion of a Department-provided orientation program <i>(O.A.C. 5123:2-6-04(A))</i>					Completion and passage of the trainer/instructor course developed by the authorizing agency (<i>W. Va. Code Ann. 16-50-5; W. Va. Code R. 64-60-5</i>)
Experience	60 months of practice as an RN <i>(O.A.C. 5123:2-6-04(A))</i>	N/A	N/A	N/A	N/A	Have practiced as an RN in a position requiring knowledge of medications for the previous two years Have competencies for health maintenance tasks reassessed and documented

Registered Nurse Instructor Certificate

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
						annually by employer (<i>W. Va. Code Ann. 16-50-5; W. Va. Code R. 64-60-5.4</i>)
Exam	No	N/A	N/A	N/A	N/A	Yes (<i>W. Va. Code Ann. 16-50-5</i>)
Continuing education	No	N/A	N/A	N/A	N/A	N/A
Initial licensure fee	No	N/A	N/A	N/A	N/A	N/A
License duration	Two years (<i>R.C. 5123.45; O.A.C. 5123:2-6-04(A)(3)</i>)	N/A	N/A	N/A	N/A	N/A
Renewal fee	No	N/A	N/A	N/A	N/A	N/A

Registered nurse trainer certificate

Survey responses (DDD)

Description

Only a registered nurse certified by the department as a registered nurse trainer may plan, develop, coordinate, and train developmental disabilities personnel to:

- (a) Perform health-related activities;
- (b) Administer oral prescribed medication;
- (c) Administer topical prescribed medication;
- (d) Administer topical over-the-counter musculoskeletal medication;
- (e) Administer oxygen and metered dose inhaled medication;
- (f) Administer prescribed medication through stable labeled gastrostomy and jejunostomy tubes;
- (g) Administer prescribed insulin through subcutaneous injection, inhalation, and insulin pump; and
- (h) Administer prescribed medication for the treatment of metabolic glycemic disorders through subcutaneous injection.

Type *(See R.C. 4798.01 for relevant definitions.)*

Government certification

If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	102
Number renewed annually	522
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	No
Education or training requirements	<p>(a) Current valid licensure in good standing with the Ohio board of nursing to practice as a registered nurse.</p> <p>(b) A minimum of eighteen months full-time (or equivalent part-time) experience in the practice of nursing as a registered nurse.</p> <p>(c) Previous experience caring for an individual with developmental disabilities.</p> <p>(d) Computer and internet access and computer literacy sufficient for entering data in the medication administration information system database described in rule <u>5123:2-6-07</u> of the Administrative Code; receiving and sending electronic mail; and creating, saving, and sending electronic file attachments.</p> <p>(e) Successful completion of a registered nurse train-the-trainer program that has been authorized by an Ohio board of nursing continuing education approver unit.</p>
Experience requirements	<p>(a) Current valid licensure in good standing with the Ohio board of nursing to practice as a registered nurse.</p> <p>(b) A minimum of eighteen months full-time (or equivalent part-time) experience in the practice of nursing as a registered nurse.</p> <p>(c) Previous experience caring for an individual with developmental disabilities.</p>

If the regulation is a registration, certification, or license requirement, please complete the following:	
	<p>(d) Computer and internet access and computer literacy sufficient for entering data in the medication administration information system database described in rule <u>5123:2-6-07</u> of the Administrative Code; receiving and sending electronic mail; and creating, saving, and sending electronic file attachments.</p> <p>(e) Successful completion of a registered nurse train-the-trainer program that has been authorized by an Ohio board of nursing continuing education approver unit.</p>
Examination requirements (<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>)	Successful completion of post-program requirements to demonstrate core knowledge and preparedness for teaching.
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	To maintain certification as a registered nurse trainer, the registered nurse shall, during the effective period of the certification complete, at a minimum, four contact hours of continuing education related to information addressed in the registered nurse train-the-trainer program or that will enhance the role of the registered nurse trainer. Training in cardiopulmonary resuscitation, first aid, or universal precautions for infection control shall not count toward the four contact hours. The four contact hours may be part of the continuing education required by the Ohio board of nursing to maintain licensure as a registered nurse.
Initial fee	None.
Duration	2 years
Renewal fee (<i>If different from initial fee, please explain why.</i>)	None.

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?	No
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	No
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	No
Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?	No
Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)	N/A

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

Denial, suspension, or revocation of certification issued under this chapter

(1) The department may deny, suspend, or revoke a certificate holder’s certification issued under this chapter for good cause including:

- (a) Misfeasance;
- (b) Malfeasance;
- (c) Nonfeasance;

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

- (d) Substantiated abuse or neglect;
 - (e) A violation of sections 5123.41 to 5123.45 of the Revised Code or rules adopted under this chapter;
 - (f) The conviction or plea of guilty to a disqualifying offense as set forth in paragraph (E) of rule 5123:2-2-02 of the Administrative Code and the corresponding exclusionary period has not elapsed;
 - (g) Other conduct the department determines to be injurious to individuals being served; or
 - (h) The board of nursing has taken disciplinary action against a certificate holder under Chapter 4723. of the Revised Code.
- (2) When denying, suspending, or revoking certification under this rule, the department shall comply with the notice and hearing requirements of Chapter 119. of the Revised Code and section 5123.452 of the Revised 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?

No revenue.

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

No, it is required by state law and not federal law.

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

Regulation is aimed at protecting the health and safety of the individuals served.

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 and there are no less restrictive ways to prevent the harm.

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

Not at this time.

Comparison to other states (How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)

Unknown. The Department has not done a comparison with other states' regulations.

Surrounding state comparison (LSC)

Registered Nurse Trainer Certificate						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (O.A.C. 5123:2-6-04(B)(1))	No	No	No	No	No
Education or training	Hold a license to practice as an RN Knowledge of laws governing practice of nursing and principles of adult education Completion of a Department of Developmental Disabilities- provided	N/A	N/A	N/A	N/A	N/A

Registered Nurse Trainer Certificate						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	orientation program (O.A.C. 5123:2-6-04(B))					
Experience	18 months of practice as an RN Previous experience caring for an individual with a developmental disability Completion of a Board of Nursing-approved RN train-the-trainer program (O.A.C. 5123:2-6-04(B))	N/A	N/A	N/A	N/A	N/A
Exam	Yes (O.A.C. 5123:2-6-04(B))	N/A	N/A	N/A	N/A	N/A

Registered Nurse Trainer Certificate						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Continuing education	Four hours every two-year certificate period (O.A.C. 5123:2-6-04(B)(4))	N/A	N/A	N/A	N/A	N/A
Initial licensure fee	No	N/A	N/A	N/A	N/A	N/A
License duration	Two years (R.C. 5123.45; O.A.C. 5123:2-6-04(B)(3))	N/A	N/A	N/A	N/A	N/A
Renewal fee	No	N/A	N/A	N/A	N/A	N/A

Adult services worker certificate

Survey responses (DDD)

Description
<p>People who directly provide or supervise the provision of adult services and who are employed by county boards of developmental disabilities are required to hold adult services worker certifications. Staff of entities under contract with county boards of developmental disabilities to provide or supervise the provision of adult services are not required to hold adult services certification.</p>

Type (See R.C. 4798.01 for relevant definitions.)

Government certification

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

Number issued annually

We do not have this information as these are all issued by the county boards of developmental disabilities.

Number renewed annually

We do not have this information as these are all issued by the county boards of developmental disabilities.

Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?

Yes, significant decrease because most county boards are no longer delivering adult services therefore they no longer need to issue these certifications.

Education or training requirements

High school diploma or GED

Experience requirements

None

Examination requirements (*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?*)

No

If the regulation is a registration, certification, or license requirement, please complete the following:	
Continuing education requirements <i>(Including a description of the curriculum and the process of setting it.)</i>	An 8 hour orientation program must be completed within 90 days of the issuance of the certification. A second 8 hour training must be completed in the first year which is specific to the provision of adult services.
Initial fee	\$30
Duration	5 years
Renewal fee <i>(If different from initial fee, please explain why.)</i>	Same
Does the Board recognize uniform licensure requirements or allow for reciprocity?	No
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	No
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	No
Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?	No

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

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

N/A

Oversight and disciplinary authority of the Board 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 Board to individuals engaged in the occupation (such as license and renewal fees)?
How is that revenue used?**

Unknown

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).)

To protect the safety and welfare of individuals served by the County Board.

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

Yes

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

These certifications will no longer be issued after 2024 pursuant to the Transition Plan filed with CMS by the State of Ohio. After 2024, county boards of developmental disabilities will no longer be providing direct services to individuals served.

Comparison to other states *(How many other states regulate the occupation? How do Ohio’s regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)*

Unknown. We have not done a comparison with other states.

Surrounding state comparison (LSC)

Adult Services Worker Certificate						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes <i>(O.A.C. 5123:2-5-01(C)(1))</i>	No <i>(Ind. Admin. Code Title 460)</i>	Yes –community support associates (they are not county developmental disabilities board employees) <i>(908)</i>	No <i>(Mich. Admin. Code R. 330.2806)</i>	No, county facilities and agencies that are subject to licensure must comply with regulations in	No

Adult Services Worker Certificate						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
			<i>Ky. Admin. Regs. 2:250)</i>		order to receive state funding (55 Pa. Code 51.12, 51.23, 51.30, and 4300.12)	
Education or training	<p>High school diploma or GED</p> <p>Within 90 days of hire, must complete an eight-hour orientation program</p> <p>If applicant has less than one year of experience providing adult services, must be assigned a mentor for the first year of hire and complete eight hours of adult services training within that year</p> <p><i>(O.A.C. 5123:2-5-01(C)(1))</i></p>	N/A	<p>High school diploma</p> <p>Completion of ten hours of posthire Department for Behavioral Health, Developmental, and Intellectual Disabilities-led or approved training program</p> <p><i>(908 Ky. Admin. Regs. 2:250)</i></p>	N/A	N/A	N/A

Adult Services Worker Certificate						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Experience	No	N/A	One-year full-time experience working with individuals who receive services to treat a mental health disorder or co-occurring mental health and intellectual, physical, or substance use disorder (908 Ky. Admin. Regs. 2:250)	N/A	N/A	N/A
Exam	No	N/A	No (908 Ky. Admin. Regs. 2:250)	N/A	N/A	N/A
Continuing education	40 hours every five years (O.A.C. 5123:2-5-01(C)(1)(g)(iii))	N/A	Six hours of training or education in specified topics each year of employment (908 Ky. Admin. Regs. 2:250)	N/A	N/A	N/A

Adult Services Worker Certificate						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Initial licensure fee	Not specified (O.A.C. 5123:2-5-01)	N/A	No (908 Ky. Admin. Regs. 2:250)	N/A	N/A	N/A
License duration	Five years (O.A.C. 5123:2-5-01(C)(1))	N/A	Contingent on satisfaction of requirements (908 Ky. Admin. Regs. 2:250)	N/A	N/A	N/A
Renewal fee	Not specified (O.A.C. 5123:2-5-01)	N/A	No (908 Ky. Admin. Regs. 2:250)	N/A	N/A	N/A

Adult services supervisor certificate

Survey responses (DDD)

Description
<p>People who directly provide or supervise the provision of adult services and who are employed by county boards of developmental disabilities are required to hold adult services worker certifications. Staff of entities under contract with county boards of developmental disabilities to provide or supervise the provision of adult services are not required to hold adult services certification.</p>

Type (See R.C. 4798.01 for relevant definitions.)

Government certification

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

Number issued annually

We do not have this information as these are all issued by the county boards of developmental disabilities.

Number renewed annually

We do not have this information as these are all issued by the county boards of developmental disabilities.

Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?

Decrease

Education or training requirements

High school diploma and either a bachelor's degree or graduate-level degree from an accredited college or university; or at least four years of full-time (or equivalent part-time), supervised, paid work experience in programs or services for individuals with developmental disabilities.

Experience requirements

Four years paid full time work experience in supervising programs for individuals with developmental disabilities (if no Bachelor's Degree).

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

<p>Examination requirements (<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>None</p>
<p>Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)</p>	<p>An 8 hour orientation program must be completed within 30 days of the issuance of the certification. A second 8 hour training must be completed in the first year which is specific to the provision of adult services. Beginning in the second year of certification, the employee must complete 15 hours in continuing education each year.</p>
<p>Initial fee</p>	<p>\$75</p>
<p>Duration</p>	<p>5 years</p>
<p>Renewal fee (<i>If different from initial fee, please explain why.</i>)</p>	<p>Same</p>
<p>Does the Board recognize uniform licensure requirements or allow for reciprocity?</p>	<p>Reciprocity is recognized from other county boards in Ohio</p>
<p>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</p>	<p>No</p>

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

Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	No
Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?	No
Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)	N/A

Oversight and disciplinary authority of the Board 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 Board to individuals engaged in the occupation (such as license and renewal fees)?
How is that revenue used?**

Unknown. These fees are collected and maintained by the county boards.

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).)

To protect the safety and welfare of individuals served by the County Board.

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

Yes.

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

These certifications will no longer be issued after 2024 pursuant to the Transition Plan filed with CMS by the State of Ohio. After 2024, county boards of developmental disabilities will no longer be providing direct services to individuals served.

Comparison to other states *(How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)*

Unknown. We have not done a comparison with other states.

Surrounding state comparison (LSC)

Adult Services Supervisor Certificate						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (<i>O.A.C. 5123:2-5-01(C)(2)</i>)	No (<i>Ind. Admin. Code Title 460</i>)	No, community support associates must work under the supervision of a licensed health care professional (<i>908 Ky. Admin. Regs. 2:250</i>)	No (<i>Mich. Admin. Code R. 330.2806</i>)	No, but county facilities and agencies that are subject to licensure must comply with staffing regulations in order to receive state funding (<i>55 Pa. Code 51.12, 51.23, 51.30, and 4300.12</i>)	No
Education or training	High school diploma or GED Bachelor's degree or graduate degree from an accredited institution Within 90-days of hire, must complete an eight-hour orientation program	N/A	N/A	N/A	N/A	N/A

Adult Services Supervisor Certificate

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<i>(O.A.C. 5123:2-5-01(C)(2)(a))</i>					
Experience	Four years' experience in programs or services for individuals with DD <i>(O.A.C. 5123:01-05-01(C)(2)(b))</i>	N/A	N/A	N/A	N/A	N/A
Exam	No	N/A	N/A	N/A	N/A	N/A
Continuing education	75 hours every five years <i>(O.A.C. 5123:2-5-01(C)(2)(e)(iii))</i>	N/A	N/A	N/A	N/A	N/A
Initial licensure fee	Not specified <i>(O.A.C. 5123:2-5-01)</i>	N/A	N/A	N/A	N/A	N/A
License duration	Five years <i>(O.A.C. 5123:2-5-01(C)(2))</i>	N/A	N/A	N/A	N/A	N/A
Renewal fee	Not specified <i>(O.A.C. 5123:2-5-01)</i>	N/A	N/A	N/A	N/A	N/A

Service and support administrator certificate

Survey responses (DDD)

Description
<p>Service and Support Administrators serve as the main point of contact and coordination for services for individuals with developmental disabilities.</p> <p>Service and Support Administrators (SSAs) work with individuals to develop an Individual Service Plan (ISP) that allows them to live according to their needs and wishes, and serve as the main point of contact between the individual receiving services and those providing for their services and supports. SSAs also advocate for individuals with developmental disabilities.</p> <p>Service and Support Administration includes:</p> <ul style="list-style-type: none">Assessments to determine specific service needsIndividual Service Planning (ISP)Eligibility evaluation<ul style="list-style-type: none">Assisting individuals in securing funds and services needed for health and welfareInformation and referral assistanceService coordination and monitoringResidential developmentCrisis and emergency assistanceCommunity case managementService and Support Administrators must be certified by the County Board of Developmental Disabilities.

Type (See R.C. 4798.01 for relevant definitions.)

Government certification

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

Number issued annually

These certifications are issued by the county boards of developmental disabilities. DODD does not keep or maintain this information.

Number renewed annually

These certifications are issued by the county boards of developmental disabilities. DODD does not keep or maintain this information.

Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?

These certifications are issued by the county boards of developmental disabilities. DODD does not keep or maintain this information.

Education or training requirements

A superintendent may issue service and support administrator certification for an initial period of five years to an applicant who holds an associate's degree, bachelor's degree, or graduate-level degree from an accredited college or university. Pursuant to sections [5126.15](#) and [5126.201](#) of the Revised Code, a person holding an associate's degree shall be a conditional status service and support administrator and shall perform the duties of service and support administration only under the supervision of a management employee who is a service and support administration supervisor.

Experience requirements

No experience required prior to certification.

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

<p>Examination requirements (<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>No</p>
<p>Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)</p>	<p>An 8 hour training must be completed within 90 days of hire and most cover the topics listed in O.A.C. 5123:2-5-02(C)(1)(b).</p> <p>Within the first year of hire/certification, an SSA must complete training covering the topics listed in O.A.C. 5123:2-5-02(C)(1)(c) and (C)(1)(d).</p> <p>Over the course of the 5 year certification, an SSA must complete 60 hours of continuing education.</p>
<p>Initial fee</p>	<p>\$50</p>
<p>Duration</p>	<p>5 years</p>
<p>Renewal fee (<i>If different from initial fee, please explain why.</i>)</p>	<p>Same as initial</p>
<p>Does the Board recognize uniform licensure requirements or allow for reciprocity?</p>	<p>Yes, reciprocity between county boards.</p>
<p>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</p>	<p>No</p>

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

<p>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?</p>	<p>No</p>
<p>Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?</p>	<p>No</p>
<p>Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)</p>	<p>N/A</p>

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

Denial, suspension, or revocation:

Service and support administration certification is subject to denial, suspension, or revocation in accordance with rule 5123-5-04 of the 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?

Unknown as the revenue is collected by the county board and not submitted to the Department.

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).)

Service and Support administrators (SSAs) are the main point of contact for individuals with developmental disabilities and their families. SSAs are responsible for overseeing budgets, billing Medicaid, identifying appropriate Medicaid services for individuals. To do these tasks, they must have proper education, training and experience.

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

Yes, no less restrictive ways have been identified.

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

No.

Comparison to other states *(How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)*

We have not done a comparison to other states' regulations.

Surrounding state comparison (LSC)

Service and Support Administrator Certificate						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (<i>R.C. 5126.15, 5126.201, and 5126.25; O.A.C. 5123:2-5-02(C)(1)</i>)	No (<i>Ind. Admin. Code Title 460</i>)	No, no state-level licensure requirements for employees of regional behavioral health, developmental, and intellectual disabilities boards (<i>Ky. Rev. Stat. Ann. Chapter 210 and 210.770 et seq.; 908 Ky. Admin. Regs. 2:020</i>)	No (<i>Mich. Admin. Code R. 330.2806</i>)	No, county facilities and agencies that are subject to licensure must comply with regulations in order to receive state funding (55 Pa. Code 4300.12)	No
Education or training	Associate's, bachelor's, or graduate-level degree from an accredited institution (associate's degree holders must perform duties under the supervision of a service and	N/A	N/A	N/A	N/A	N/A

Service and Support Administrator Certificate

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	support administration supervisor After hire, completion of Department-approved training If less than one year of experience providing service and support administration, completion of a service and support administration training program <i>(O.A.C. 5123:2-5-02(C)(1))</i>					
Experience	No	N/A	N/A	N/A	N/A	N/A
Exam	No	N/A	N/A	N/A	N/A	N/A
Continuing education	60 hours every five years <i>(O.A.C. 5123:2-5-02(C)(1))</i>	N/A	N/A	N/A	N/A	N/A

Service and Support Administrator Certificate						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Initial licensure fee	\$50 (O.A.C. 5123:2-5-02(E)(1))	N/A	N/A	N/A	N/A	N/A
License duration	Five years (O.A.C. 5123:2-5-02(C)(1))	N/A	N/A	N/A	N/A	N/A
Renewal fee	\$50 (O.A.C. 5123:2-5-02(E)(1))	N/A	N/A	N/A	N/A	N/A

Service and support administration supervisor certificate

Survey responses (DDD)

Description
A Service and Support Administrator Supervisor provides supervision and evaluation of Service Support Administrators. The SSA Supervisors ensure compliance with state and federal regulations with regard to service planning and oversees training of SSAs.

Type (See R.C. 4798.01 for relevant definitions.)

Government certification

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

Number issued annually	These certifications are issued by the county boards of developmental disabilities. DODD does not keep or maintain this information.
Number renewed annually	These certifications are issued by the county boards of developmental disabilities. DODD does not keep or maintain this information.
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	These certifications are issued by the county boards of developmental disabilities. DODD does not keep or maintain this information.
Education or training requirements	Bachelor's degree or graduate-level degree from an accredited college or university and at least four years of full-time (or equivalent part-time), supervised, paid work experience in programs or services for individuals with developmental disabilities.
Experience requirements	At least four years of full-time (or equivalent part-time), supervised, paid work experience in programs or services for individuals with developmental disabilities.

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

<p>Examination requirements (<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>None.</p>
<p>Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)</p>	<p>An 8 hour training must be completed within 90 days of hire and most cover the topics listed in 5123:2-5-02(C)(1)(b).</p> <p>Within the first year of hire/certification, an SSA Supervisor must complete training covering the topics listed in 5123:2-5-02(C)(1)(c) and (C)(1)(d).</p> <p>Over the course of the 5 year certification, an SSA Supervisor must complete 75 hours of continuing education.</p>
<p>Initial fee</p>	<p>\$75</p>
<p>Duration</p>	<p>5 years</p>
<p>Renewal fee (<i>If different from initial fee, please explain why.</i>)</p>	<p>\$75</p>
<p>Does the Board recognize uniform licensure requirements or allow for reciprocity?</p>	<p>Yes, reciprocity between county boards</p>
<p>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</p>	<p>No</p>

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

<p>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?</p>	<p>No</p>
<p>Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?</p>	<p>No</p>
<p>Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)</p>	<p>N/A</p>

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

Denial, suspension, or revocation
 Service and support administration certification is subject to denial, suspension, or revocation in accordance with rule 5123-5-04 of the 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?

Unknown as these fees are collected and maintained by the county boards.

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).)

Service and Support administrators (SSAs) are the main point of contact for individuals with developmental disabilities and their families. SSAs are responsible for overseeing budgets, billing Medicaid, identifying appropriate Medicaid services for individuals. To do these tasks, they must have proper education, training and experience.

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

Yes it is effective, no less restrictive ways.

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

No

Comparison to other states *(How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)*

We have not done a comparison with other states' regulations.

Surrounding state comparison (LSC)

Service and Support Administration Supervisor Certificate						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (<i>R.C. 5126.15, 5126.201, and 5126.25; O.A.C. 5123:2-5-02(C)(2)</i>)	No (<i>Ind. Admin. Code Title 460</i>)	No, no state-level licensure requirements for employees of regional behavioral health, developmental, and intellectual disabilities boards (<i>Ky. Rev. Stat. Ann. Chapter 210 and 210.770 et seq.; 908 Ky. Admin. Regs. 2:020</i>)	No (<i>Mich. Admin. Code R. 330.2806</i>)	No, county facilities and agencies that are subject to licensure must comply with staffing regulations in order to receive state funding (<i>55 Pa. Code 4300.12</i>)	No
Education or training	Bachelor's or graduate-level degree from an accredited institution Completion of postemployment orientation program and Department-provided web-	N/A	N/A	N/A	N/A	N/A

Service and Support Administration Supervisor Certificate

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	based training program If less than one year of experience as a service and support administration supervisor, training must be specific to service and support administration <i>(R.C. 5126.201; O.A.C. 5123:2-5-02(C)(2))</i>					
Experience	Four years supervised, paid work experience in programs or services for individuals with developmental disabilities <i>(O.A.C. 5123:2-5-02(C)(2))</i>	N/A	N/A	N/A	N/A	N/A
Exam	No	N/A	N/A	N/A	N/A	N/A

Service and Support Administration Supervisor Certificate						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Continuing education	75 hours every five years (<i>O.A.C. 5123:2-5-02(C)(2)</i>)	N/A	N/A	N/A	N/A	N/A
Initial licensure fee	\$75 (<i>O.A.C. 5123:2-5-02(E)(2)</i>)	N/A	N/A	N/A	N/A	N/A
License duration	Five years (<i>O.A.C. 5123:2-5-02(C)(2)</i>)	N/A	N/A	N/A	N/A	N/A
Renewal fee	\$75 (<i>O.A.C. 5123:2-5-02(E)(2)</i>)	N/A	N/A	N/A	N/A	N/A

Superintendent of county DD board certificate
Survey responses (DDD)

Description
<p>Each county board of developmental disabilities shall either employ a superintendent or obtain the services of the superintendent of another county board of developmental disabilities. The board shall provide for a superintendent who is qualified, as specified in rules adopted by the department of developmental disabilities in accordance with Chapter 119. of the Revised Code. The superintendent shall have no voting privileges on the board.</p> <p>The superintendent must be certified by the Ohio Department of Developmental Disabilities and the powers of the superintendent are established in Ohio Revised Code 5126.0220.</p>

Type (See R.C. 4798.01 for relevant definitions.)

Government certification

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

Number issued annually

13

Number renewed annually

22

Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?

No; All 88 counties are required to have a superintendent. Therefore, the number remains constant throughout the five year renewal cycle.

Education or training requirements

Master's Degree, Doctorate or Juris Doctorate

Experience requirements

There are two pathways to meet the requirements to be issued:

Pathway 1:

The department may issue initial superintendent certification for a term of three years to an applicant who:

(a) Has an offer of employment in the position of superintendent, as evidenced by a resolution adopted by the employing county board;

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

	<p>(b) Holds a master’s degree, a doctorate degree, or a juris doctorate degree from an accredited college or university;</p> <p>(c) Has successfully completed five years of full-time (or equivalent part-time), supervised, paid work experience in administration, supervision, instruction, or habilitation of individuals with developmental disabilities, including three years in a management or supervisory capacity; and</p> <p>(d) Has submitted to the department in the format prescribed by the department, an application and supporting documentation sufficient to establish that he or she meets the requirements set forth in this rule.</p> <p>Pathway 2:</p> <p>The department may issue initial superintendent certification for a term of five years to an applicant who:</p> <p>(a) Holds a master’s degree, a doctorate degree, or a juris doctorate degree from an accredited college or university;</p> <p>(b) Has successfully completed five years of full-time (or equivalent part-time), supervised, paid work experience in administration, supervision, instruction, or habilitation of individuals with developmental disabilities, including three years in a management or supervisory capacity;</p> <p>(c) Has successfully completed an advanced curriculum for administrators in Ohio’s developmental disabilities service delivery system; and</p> <p>(d) Has submitted to the department in the format prescribed by the department, an application and supporting documentation sufficient to establish that he or she meets the requirements set forth in this rule.</p>
<p>Examination requirements (<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>No</p>

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

<p>Continuing education requirements <i>(Including a description of the curriculum and the process of setting it.)</i></p>	<p>Each superintendent of a county board shall have a professional development plan which sets forth time lines for completing an advanced curriculum for administrators in Ohio's developmental disabilities service delivery system and/or continuing professional education, as applicable. The professional development plan shall require that continuing professional education be completed across the span of the superintendent's certification. The employing county board shall approve the superintendent's initial professional development plan within ninety calendar days of the superintendent's hire. Thereafter, the employing county board shall review, update, and approve the superintendent's professional development plan at least once per year.</p>
<p>Initial fee</p>	<p>None</p>
<p>Duration</p>	<p>3 or 5 years</p>
<p>Renewal fee <i>(If different from initial fee, please explain why.)</i></p>	<p>None</p>
<p>Does the Board recognize uniform licensure requirements or allow for reciprocity?</p>	<p>No</p>
<p>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</p>	<p>No</p>
<p>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?</p>	<p>No</p>

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?	No
Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)	Click or tap here to enter text.

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

Denial, suspension, or revocation

(1) The director shall deny, suspend, or revoke superintendent certification if he or she finds, pursuant to an adjudication conducted in accordance with Chapter 119. of the Revised Code, that the applicant for or holder of superintendent certification has engaged in an immoral act, incompetence, negligence, or conduct that is unbecoming to the applicant's or holder's position.

(2) Except as provided in paragraph (H)(3) of this rule, the director shall deny or revoke superintendent certification if he or she finds, pursuant to an adjudication conducted in accordance with Chapter 119. of the Revised Code, that the applicant for or holder of superintendent certification:

(a) Has been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for any of the disqualifying offenses listed or described in paragraph (E)(1)(a) of rule 5123-2-02 of the Administrative Code;

(b) Has been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for any of the disqualifying offenses listed or described in paragraph (E)(1)(b) of rule 5123-2-02 of the Administrative Code if a period of ten years has not elapsed from the date the applicant was fully discharged from imprisonment, probation, and parole;

(c) Has been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for any of the disqualifying offenses listed or described in paragraph (E)(1)(c) of rule 5123-2-02 of the Administrative Code if a period of seven years has not elapsed from the date the applicant was fully discharged from imprisonment, probation, and parole;

(d) Has been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for any of the disqualifying offenses listed or described in paragraph (E)(1)(d) of rule 5123-2-02 of the Administrative Code if a period of five years has not elapsed from the date the applicant was fully discharged from imprisonment, probation, and parole;

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

(e) Has been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for multiple disqualifying offenses if the applicable period of time in accordance with paragraph (E)(2) of rule 5123-2-02 of the Administrative Code has not elapsed from the date the applicant was fully discharged from imprisonment, probation, and parole; or

(f) Has been included in one or more of the databases described in paragraphs (C)(2)(a) to (C)(2)(f) of rule 5123-2-02 of the Administrative Code.

(3) A conviction of or plea of guilty to a disqualifying offense listed or described in paragraphs (E)(1)(a) to (E)(1)(d) of rule 5123-2-02 of the Administrative Code shall not constitute grounds for the denial or revocation of superintendent certification if the requirements contained in paragraph (F) of rule 5123-2-02 of the Administrative Code are met.

(4) An applicant for or holder of superintendent certification shall disclose a conviction that has been sealed.

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?

No fees are required for these certifications, therefore no revenue is generated.

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 seeks to ensure that the county boards of developmental disabilities are run by superintendents who have the proper education and training. Superintendents are responsible for oversight over all county board staff and county board finances.

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

No

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

No

Comparison to other states (How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)

Unknown. We have not done a comparison with other states.

Surrounding state comparison (LSC)

Superintendent of County Department of Disabilities Board Certificate						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (<i>R.C. 5126.25; O.A.C. 5123-5-03</i>)	No (<i>Ind. Admin. Code Title 460</i>)	No, services are provided by regional behavioral health, developmental, and intellectual disabilities boards comprised of a board of directors, no superintendent position or license required (<i>908 Ky. Admin. Regs. 2:030</i>)	No, but administrative regulations specify the education and experience required for county community mental health directors (<i>Mich. Admin. Code R. 330.2081</i>)	No, the county board administrator is an appointed position and regulations specify the position's education and experience requirements (<i>55 Pa. Code 4200.31 and 4200.33</i>)	No

Superintendent of County Department of Disabilities Board Certificate

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Education or training	Master’s, doctorate, or juris doctorate degree from an accredited institution For an initial certification, must have completed an advanced curriculum for administrators in Ohio’s DD service delivery system <i>(O.A.C. 5123-5-03)</i>	N/A	N/A	N/A	N/A	N/A
Experience	Must have five years of supervised, paid work experience in administration, supervision, instruction, or habilitation of individuals with developmental disabilities, including three years in a	N/A	N/A	N/A	N/A	N/A

Superintendent of County Department of Disabilities Board Certificate

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	management or supervisory capacity (<i>O.A.C. 5123-5-03</i>)					
Exam	No	N/A	N/A	N/A	N/A	N/A
Continuing education	120 hours every five years (<i>O.A.C. 5123-5-03</i>)	N/A	N/A	N/A	N/A	N/A
Initial licensure fee	Not specified (<i>O.A.C. 5123-5-03</i>)	N/A	N/A	N/A	N/A	N/A
License duration	Five years (<i>O.A.C. 5123-5-03</i>)	N/A	N/A	N/A	N/A	N/A
Renewal fee	Not specified (<i>O.A.C. 5123-5-03</i>)	N/A	N/A	N/A	N/A	N/A

Developmental specialist certificate

Survey responses (DDD)

Description

Establishes minimum qualifications through certification standards for persons employed as developmental specialists who are trained to develop and implement evidence based strategies and intervention as part of an individualized family service plan (IFSP) team, which in includes but is not limited to, special instruction as described in appendix A of rule 5123-10-02 of the Administrative Code.

Type *(See R.C. 4798.01 for relevant definitions.)*

Government certification

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

Number issued annually

Year	DS 1-year Initial	DS 5-year Initial
2019	59	51

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

<p>Number renewed annually</p>	<table border="1"> <thead> <tr> <th data-bbox="737 329 999 399">Year</th> <th data-bbox="999 329 1247 399">DS 1-year Renewal</th> <th data-bbox="1247 329 1906 399">DS 5-year Renewal</th> </tr> </thead> <tbody> <tr> <td data-bbox="737 399 999 469">2019</td> <td data-bbox="999 399 1247 469">86</td> <td data-bbox="1247 399 1906 469">36</td> </tr> </tbody> </table>	Year	DS 1-year Renewal	DS 5-year Renewal	2019	86	36
Year	DS 1-year Renewal	DS 5-year Renewal					
2019	86	36					
<p>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</p>	<p>No</p>						
<p>Education or training requirements</p>	<p>Three pathways:</p> <ol style="list-style-type: none"> 1. Bachelor’s degree or higher in education, health, social or behavioral science, social services, human services or related field from an accredited college or university. 2. Bachelor’s degree or higher in an unrelated field from an accredited college or university and has at least two years of full-time paid experience working with children birth through age five with disabilities, developmental delays, or diagnosed physical and mental conditions that have a high probability of resulting in a developmental delay, 3. Holds a valid license in counseling, early childhood education for ages three through eight, grades K through third, or special education, hearing impairment intervention, medicine, nursing, occupational therapy, physical therapy, psychology, psychiatry, social work, speech-language pathology or visual impairment intervention. <p>Two levels of certification, the one year certification and the 5 year certification.</p> <p>If a DS with a one-year certification is missing college course or seminar in evaluation and assessment and infant/toddler growth and development then the DS must take these courses/seminars during the one-year certification.</p>						

If the regulation is a registration, certification, or license requirement, please complete the following:	
	<p>5 year developmental specialist must have completed one college course or seminar in the following areas:</p> <p>Evaluation and assessment, infant/toddler development, disabilities and risk factors, family-centered services and supports, team collaboration and individual family service plan development, intervention planning and service delivery.</p> <p>Training: Persons employed by or under contract with a county board as a developmental specialist shall complete annual training in: provisions governing the rights of individuals set forth in sections 5123.62 to 5123.64 of the Revised Code. Meet requirements of rule 5123; 2-17-02 of the Administrative Code including review of health and welfare alerts issued by the department since the previous year training.</p>
Experience requirements	<p>Pathway 1-no experience requirements</p> <p>Pathway 2- has at least two years of full-time paid experience working with children birth through age five with disabilities, developmental delays, or diagnosed physical and mental conditions that have a high probability of resulting in a developmental delay,</p> <p>Pathway 3-no experience requirements</p>
Examination requirements <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
Continuing education requirements <i>(Including a description of the curriculum and the process of setting it.)</i>	<p>Yes.</p> <p>1-year DS may renew the 1-year certification if they have successfully completed at least one college course of seminar in the following areas: Evaluation and assessment, infant/toddler development, disabilities and risk factors, family-centered services and supports, team collaboration and individual family service plan development, intervention planning and service delivery.</p>

If the regulation is a registration, certification, or license requirement, please complete the following:	
	<p>5 year DS certification may be renewed a when the DS has successfully completed fifty hours of professional development and worked at least 4000 hours directly providing early intervention services through individual family service plans, developing early intervention service policy and/or instructional materials during the period preceding developmental specialist certification.</p> <p>Successfully completed 80 hours of professional development during the period of the preceding developmental specialist certification.</p>
Initial fee	None
Duration	1 and 5 year certifications are issued
Renewal fee <i>(If different from initial fee, please explain why.)</i>	None
Does the Board recognize uniform licensure requirements or allow for reciprocity?	Yes, through other county boards. A superintendent of one county board may accept a certification issued by another county board.
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	No
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	No

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

<p>Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?</p>	<p>Yes. The rule currently allows DODD to waive educational requirements when the applicant or superintendent provides rationale for waiving a college course/seminar.</p>
<p>Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)</p>	<p>N/A</p>

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

An applicant for developmental specialist certification or early intervention supervisor certification whose application is disapproved based upon the applicant’s failure to meet the requirements of this rule, may request in writing, within thirty days of the rejection, an administrative review by the director. The director’s 5123:2-5-05 8 decision is final and may not be appealed. The director shall deny, suspend, or revoke early intervention services registration or certification if he or she finds, pursuant to an adjudication conducted in accordance with Chapter 119. of the Revised Code, that the applicant for or holder of early intervention services registration or certification has engaged in an immoral act, incompetence, negligence, or conduct that is unbecoming to the applicant’s or holder’s position. (2) Except as provided in paragraph (J)(3) of this rule, the director shall deny or revoke early intervention services registration or certification if he or she finds, pursuant to an adjudication conducted in accordance with Chapter 119. of the Revised Code, that the applicant for or holder of early intervention services registration or certification: (a) Has been convicted of or pleaded guilty to any of the disqualifying offenses listed or described in paragraph (E)(1)(a) of rule 5123:2-2-02 of the Administrative Code; (b) Has been convicted of or pleaded guilty to any of the disqualifying offenses listed or described in paragraph (E)(1)(b) of rule 5123:2-2-02 of the Administrative Code if a period of ten years has not elapsed from the date the applicant was fully discharged from imprisonment, probation, and parole; (c) Has been convicted of or pleaded guilty to any of the disqualifying offenses listed or described in paragraph (E)(1)(c) of rule 5123:2-2-02 of the Administrative Code if a period of seven years has not elapsed from the date the applicant was fully discharged from imprisonment, probation, and parole; (d) Has been convicted of or pleaded guilty to any of the disqualifying offenses listed or described in paragraph (E)(1)(d) of rule 5123:2-2-02 of the Administrative Code if a period of five years has not elapsed from the date the applicant was fully discharged from imprisonment, probation, and parole; (e) Has been convicted of or pleaded guilty to multiple disqualifying offenses if the applicable period of time in accordance with paragraph (E)(2) of rule 5123:2-2-02 of the Administrative Code has not elapsed from the date the applicant was fully discharged from imprisonment, probation, and parole; or (f) Has been included in one or more of the databases listed in paragraphs (C)(2)(a) to (C)(2)(e) of rule 5123:2-2-02 of the Administrative Code. (3) A conviction of or a plea of guilty to a disqualifying offense listed or described in paragraphs (E)(1)(a) to (E)(1)(d) of rule 5123:2-2-02 of the Administrative Code shall not constitute grounds for the denial or revocation of early intervention services registration or certification if the requirements in paragraph (F) of rule 5123:2-2-02 of the Administrative Code are met. (4) Applicants for or holders of

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

early intervention services registration or certification shall disclose a conviction for a disqualifying offense listed or described in paragraphs (E)(1)(a) to (E)(1)(d) of rule 5123:2-2-02 of the Administrative Code, including a conviction that has been sealed.

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?

None.

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

34 CFR 303.118 requires that the lead agency for Part C include a comprehensive system of personnel development, including attracting, training and retaining highly qualified early intervention personnel promoting the preparation of early intervention service providers to provide appropriate services under IDEA Part C.

34 CFR 303.119 states that each early intervention system must address the establishment and maintenance of qualification standards to ensure personnel necessary to carry out the purposes of IDEA-C. This includes developing personnel standards including state recognized certification, licensing, and registration to ensure personnel are providing early intervention services that align with early learning personnel development standards.

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

Ensures that eligible Ohio families have access to qualified personnel who are trained to implement innovative strategies and to support families in participating fully in the development and implementation of their individualized family service plan.

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

Yes, it is effective.

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

This certification is no longer being issued. Instead, the department will issue early intervention service coordinator or early intervention supervisor certificate. See section below.

Comparison to other states (How many other states regulate the occupation? How do Ohio’s regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)

We have not done a comparison with other states’ regulations.

Surrounding state comparison (LSC)

Early Intervention Services – Developmental Specialist Certificate						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (<i>R.C. 5126.25; O.A.C. 5123:2-5-05(C)(1)</i>)	No, providers participating in the First Steps Program must hold any necessary license in the respective field (<i>Ind. Code Ann. 12-12.7-2-23 et seq.; 470 Ind. Admin. Code 3.1-5-1, 3.1-10-1, 3.1-10-3, and 3.1-12-3</i>)	No, providers must become participating providers in the First Steps Program and hold any necessary state license in the respective field (<i>902 Ky. Admin. Regs. 30:150</i>)	No, appears to be established and regulated pursuant to the state plan approved under Part C of the federal “Individuals with Disabilities Education Act,” 20 United States Code (U.S.C) 1431 et seq. (<i>Michigan Department of Education, State Board of</i>	No, but position qualification requirements specified (<i>55 Pa. Code 4226.29, 4226.30, 4226.53, and 4226.55</i>)	No, providers must hold any state license required for the profession or be otherwise qualified and must complete training (<i>W. Va. Code Ann. 16-5K-2</i>)

Early Intervention Services – Developmental Specialist Certificate

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
				<i>Education, Early on Michigan State Plan)</i>		
Education or training	<p>One of the following:</p> <ol style="list-style-type: none"> 1. Bachelor’s or graduate-degree in a related field from an accredited institution; 2. Degree in an unrelated field plus work experience; or 3. Hold a license in a related field <p>Completion of college courses in certain specified topics <i>(O.A.C. 5123:2-5-05(C)(1))</i></p>	N/A	N/A	N/A	<p>One of the following:</p> <ol style="list-style-type: none"> 1. Bachelor’s degree in early intervention, early childhood special education, early childhood education, child development, special education, or family studies from an accredited institution; or 2. Bachelor’s degree that includes 15 credit hours in the above 	<p>Unspecified, but the training is described in the state’s early intervention services plan <i>(West Virginia Department of Health and Human Resources, WV Birth to Three Early Intervention System State Plan)</i></p>

Early Intervention Services – Developmental Specialist Certificate

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
					subjects from an accredited institution plus the experience described below Preservice training in specified areas Postemployment emergency training within 120 days of hire in fire safety, emergency evacuation, first aid, and CPR <i>(55 Pa. Code 4226.29 and 4226.55)</i>	
Experience	Must be an employee of a county developmental disabilities board If degree is in an unrelated field,	N/A	N/A	N/A	If bachelor's degree is not in a field described above, one year of full-time experience working directly	N/A

Early Intervention Services – Developmental Specialist Certificate

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	two years supervised, paid work experience working with children from birth through age five with disabilities or holds a license in a related field <i>(O.A.C. 5123:2-5-05(C)(1))</i>				with preschool children with disabilities and their families or an institution of higher education-supervised student practicum or teaching experience with preschool children with disabilities and their families <i>(55 Pa. Code 4226.55)</i>	
Exam	No	N/A	N/A	N/A	No	N/A
Continuing education	Every five years: 1. 50 hours of professional development plus at least 4,000 hours work experience providing direct early intervention services	N/A	N/A	N/A	Annual renewal of preservice training described above If working with at-risk children and infants and toddlers with disabilities, 24 hours of training annually, including cultural	N/A

Early Intervention Services – Developmental Specialist Certificate

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	through individual family service plans or developing early intervention services policy or instructional materials during the preceding five years; or 2. 80 hours <i>(O.A.C. 5123:2-5-05(C)(1))</i>				competence, mediation, procedural safeguards, and universal health procedures <i>(55 Pa. Code 4226.30)</i>	
Initial licensure fee	Not specified <i>(O.A.C. 5123:2-5-05)</i>	N/A	N/A	N/A	N/A	N/A
License duration	Five years (one year for individuals who have not taken college-level courses in the specified topics)	N/A	N/A	N/A	N/A	N/A

Early Intervention Services – Developmental Specialist Certificate						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<i>(O.A.C. 5123:2-5-05(C)(1))</i>					
Renewal fee	Not specified <i>(O.A.C. 5123:2-5-05)</i>	N/A	N/A	N/A	N/A	N/A

Early intervention service coordinator and early intervention supervisor certificate
Survey responses (DDD)

Description
<p>Ohio credentials early intervention service coordinators assist and enable infants/toddler with a developmental delay or disability and their family to receive the services and rights, including procedural safeguards, required under IDEA, Part C. Credentialing standards for early intervention service coordinators and early intervention service coordinator supervisors is described in 5123-10-04. All persons working in the early intervention program as early intervention service coordinators or early intervention service coordinator supervisors shall hold the appropriate credential in accordance with the rule.</p> <p>This credential is administered by Ohio Professional Network (OCCRRA) on behalf of DODD.</p>
Type <i>(See R.C. 4798.01 for relevant definitions.)</i>
Government certification

If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	FY19 - 560
Number renewed annually	FY19 –283
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	No
Education or training requirements	<p>There are five pathways to credentialing early intervention service coordinators:</p> <p>Pathway 1: one-year service coordinator credential</p> <p>Pathway 2: one-year service coordinator supervisor credential</p> <p>Pathway 3: five-year early intervention service coordinator credential</p> <p>Pathway 4: five-year early intervention service coordinator supervisor credential</p> <p>Pathway one: The one-year early intervention service coordinator:</p> <p>Be employed or under contract with an early intervention service coordination agency.</p> <p>Education:</p> <p>hold an associate’s degree or higher from an accredited college or university in audiology, child and family studies, counseling, education, hearing and speech sciences, human development, human ecology, human social services, medicine, nursing, nutrition science, occupational therapy, ophthalmology, optometry, physician assistant, physical therapy, psychology, rehabilitation, social work, or speech/language pathology.</p> <p>OR</p> <p>Holds a bachelor’s degree or higher from an accredited college or university in any field and has at least two years of verified full-time (or equivalent part-time) supervised, paid experience in case management and/or working with children birth to age five with disabilities, developmental</p>

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

delays, or diagnosed physical or mental conditions that have a high probability of resulting in a developmental delay.

Training:

Successfully complete the following trainings:

Introduction to early intervention services, mission and key principles in early intervention, family-centered early intervention practices, individualized family service plan overview, mandated reporting of suspected child abuse and neglect, service coordination duties and processes, parents rights and procedural safeguards in early intervention and infant and toddler development.

Pathway2-one year early intervention service coordinator supervisor credential

Be employed or under contract with an early intervention service coordination agency.

Education:

Hold an bachelor's degree or higher from an accredited college or university in audiology, child and family studies, counseling, education, hearing and speech sciences, human development, human ecology, human social services, medicine, nursing, nutrition science, occupational therapy, ophthalmology, optometry, physician assistant, physical therapy, psychology, rehabilitation, social work, or speech/language pathology.

OR

Hold an bachelor's degree or higher from an accredited college or university in any field and has at least three years of verified full-time (or equivalent part-time) supervised, paid experience in case management and/or working with children birth to age five with disabilities, developmental delays, or diagnosed physical or mental conditions that have a high probability of resulting in a developmental delay.

Training:

Successfully completes the following trainings:

Introduction to early intervention services, mission and key principles in early intervention, family-centered early intervention practices, individualized family service plan overview,

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

mandated reporting of suspected child abuse and neglect, service coordination duties and processes, parents rights and procedural safeguards in early intervention and infant and toddler development.

Pathway 3: five-year early intervention service coordinator credential

Education:

Pathway 1: hold an associate's degree or higher from an accredited college or university in audiology, child and family studies, counseling, education, hearing and speech sciences, human development, human ecology, human social services, medicine, nursing, nutrition science, occupational therapy, ophthalmology, optometry, physician assistant, physical therapy, psychology, rehabilitation, social work, or speech/language pathology.

OR

Holds an associate degree or higher from an accredited college or university in any field and has at least two years of verified full-time (or equivalent part-time) supervised, paid experience in case management and/or working with children birth to age five with disabilities, developmental delays, or diagnosed physical or mental conditions that have a high probability of resulting in a developmental delay.

Training:

Successfully completes the following trainings:

Introduction to early intervention services, mission and key principles in early intervention, family-centered early intervention practices, individualized family service plan overview, mandated reporting of suspected child abuse and neglect, service coordination duties and processes, parents rights and procedural safeguards in early intervention and infant and toddler development.

Completed all components of principles of service coordination, and has documentation demonstrating successful completion of early intervention service coordination skills and competencies checklist.

Pathway 4: five-year early intervention service coordinator supervisor credential

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

	<p>Education:</p> <p>Holds an bachelor’s degree or higher from an accredited college or university in audiology, child and family studies, counseling, education, hearing and speech sciences, human development, human ecology, human social services, medicine, nursing, nutrition science, occupational therapy, ophthalmology, optometry, physician assistant, physical therapy, psychology, rehabilitation, social work, or speech/language pathology.</p> <p>OR</p> <p>Holds an associate degree or higher from an accredited college or university in any field and has at least three years of verified full-tine (or equivalent part-time) supervised, paid experience in case management and/or working with children birth to age fie with disabilities, developmental delays, or diagnosed physical or mental conditions that have a high probability of resulting in a developmental delay.</p> <p>Training:</p> <p>Successfully completes the following trainings:</p> <p>Introduction to early intervention services, mission and key principles in early intervention, family-centered early intervention practices, individualized family service plan overview, mandated reporting of suspected child abuse and neglect, service coordination duties and processes, parents rights and procedural safeguards in early intervention and infant and toddler development.</p> <p>Complete all components of principles of service coordination, and has documentation demonstrating successful completion of professional development in reflective supervision techniques.</p>
<p>Experience requirements</p>	<p>Pathway 1 and 3 (1-year credentials)</p> <p>Holds an associate degree or higher from an accredited college or university in any field and has at least two years for pathway one and three years for pathway three of verified full-tine (or equivalent part-time) supervised, paid experience in case management and/or working with</p>

If the regulation is a registration, certification, or license requirement, please complete the following:	
	children birth to age five with disabilities, developmental delays, or diagnosed physical or mental conditions that have a high probability of resulting in a developmental delay
Examination requirements (<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>)	Successful completion of principles of service coordination requires passing a competency assessment and passing cut off is 80%. DODD administers. No fees charged.
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	1-year credentials may be renewed one time for a subsequent period of one year for an applicant who needs additional time to meet the requirements for the 5-year credential and who is employed or under contract with an early intervention service coordination agency. 5-year early intervention service coordinator credential may be renewed for subsequent periods of five years for applicants who have worked for 4000 hours during the most recent five-year period as an early intervention service coordinator and/or directly providing early intervention services through the individualized family service plans and completed 50 hours of professional development 5-year early intervention service coordinator supervisor credential may be renewed for subsequent periods of five years for applicants who have successfully completed 50 hours of professional development.
Initial fee	None
Duration	1 or 5 years
Renewal fee (<i>If different from initial fee, please explain why.</i>)	None

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?	No
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	No
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	No
Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?	No
Other information <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i>	N/A

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

Appeal and administrative review

(1) An applicant for the early intervention service coordinator credential or the early intervention service coordination supervisor credential whose application is denied may appeal to the entity under contract with the department for the purpose of hearing such appeals. The applicant may submit additional education, training, credentials, or other documentation to support his or her appeal. The entity under contract with the department for the purpose of hearing such appeals shall evaluate the appeal and respond to the applicant within fourteen calendar days. If after completing the process set forth in this paragraph, the applicant still believes that his or her application should not have been denied, the applicant may request an administrative review by the director in accordance with paragraph (H)(2) of this rule.

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

(2) An applicant for the early intervention service coordinator credential or the early intervention service coordination supervisor credential whose appeal submitted in accordance with paragraph (H)(1) of this rule is denied, may request in writing, within thirty calendar days of the denial, an administrative review by the director. The applicant may submit additional education, training, credentials, or other documentation to support his or her request. The director shall evaluate the request and respond to the applicant within thirty calendar days. The director's decision is final and may not be appealed.

(I) Denial, suspension, or revocation

(1) The director shall deny, suspend, or revoke an early intervention service coordinator credential or an early intervention service coordination supervisor credential if he or she finds, pursuant to an adjudication conducted in accordance with Chapter 119. of the Revised Code, that the applicant or holder has engaged in an immoral act, incompetence, negligence, or conduct that is unbecoming to the applicant's or holder's position.

(2) The director shall deny or revoke an early intervention service coordinator credential or an early intervention service coordination supervisor credential if he or she finds, pursuant to an adjudication conducted in accordance with Chapter 119. of the Revised Code, that the applicant or holder:

(a) Has been convicted of or pleaded guilty to any of the disqualifying offenses listed or described in paragraph (E)(1)(a) of rule 5123:2-2-02 of the Administrative Code;

(b) Has been convicted of or pleaded guilty to any of the disqualifying offenses listed or described in paragraph (E)(1)(b) of rule 5123:2-2-02 of the Administrative Code if a period of ten years has not elapsed from the date the applicant was fully discharged from imprisonment, probation, and parole;

(c) Has been convicted of or pleaded guilty to any of the disqualifying offenses listed or described in paragraph (E)(1)(c) of rule 5123:2-2-02 of the Administrative Code if a period of seven years has not elapsed from the date the applicant was fully discharged from imprisonment, probation, and parole;

(d) Has been convicted of or pleaded guilty to any of the disqualifying offenses listed or described in paragraph (E)(1)(d) of rule 5123:2-2-02 of the Administrative Code if a period of five years has not elapsed from the date the applicant was fully discharged from imprisonment, probation, and parole;

(e) Has been convicted of or pleaded guilty to multiple disqualifying offenses if the applicable period of time in accordance with paragraph (E)(2) of rule 5123:2-2-02 of the Administrative Code has not elapsed from the date the applicant was fully discharged from imprisonment, probation, and parole; or

(f) Has been included in one or more of the databases listed in paragraph (C)(2) of rule 5123:2-2-02 of the Administrative Code.

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

(3) A conviction of or a plea of guilty to a disqualifying offense listed or described in paragraphs (E)(1)(a) to (E)(1)(d) of rule 5123:2-2-02 of the Administrative Code shall not constitute grounds for the denial or revocation of an early intervention service coordinator credential or an early intervention service coordination supervisor credential if the requirements in paragraph (F) of rule 5123:2-2-02 of the Administrative Code are met.

(4) Applicants for or holders of an early intervention service coordinator credential or an early intervention service coordination supervisor credential shall disclose a conviction for a disqualifying offense listed or described in paragraphs (E) (1)(a) to (E)(1)(d) of rule 5123:2-2-02 of the Administrative Code, including a conviction that has been sealed.

**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?**

No revenue is generated.

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

34 CFR 303.118 requires that the lead agency for Part C include a comprehensive system of personnel development, including attracting, training and retaining highly qualified early intervention personnel promoting the preparation of early intervention service providers to provide appropriate services under IDEA Part C.

34 CFR 303.119 states that each early intervention system must address the establishment and maintenance of qualification standards to ensure personnel necessary to carry out the purposes of IDEA-C. This includes developing personnel standards including state recognized certification, licensing, and registration to ensure personnel are providing early intervention services that align with early learning personnel development standards.

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

Ensures that eligible Ohio families have access to qualified personnel who are trained to implement innovative strategies in all five developmental domains and to support families in participating fully in the development and implementation of their individualized family service plan.

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

The current system is effective.

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

Not at this time.

Comparison to other states (How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)

We have not done a comparison with other states' regulations.

Surrounding state comparison (LSC)

Early Intervention Supervisor Certificate						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (<i>R.C. 5126.25; O.A.C. 5123:2-5-05(C)(2)</i>)	No, providers must hold any necessary license in the respective field (<i>Ind. Code Ann. 12-12.7-2-23 et seq.; 470 Ind. Admin. Code 3.1-5-1, 3.1-10-1, 3.1-10-3, and 3.1-12-3</i>)	No, providers must become participating providers in the First Steps Program and hold any necessary state license in the respective field (<i>902 Ky. Admin. Regs. 30:150</i>)	No, not codified, appears to be established and regulated pursuant to the state plan approved under Part C of the federal "Individuals with Disabilities Education Act," 20 U.S.C. 1431 <i>et seq.</i> (<i>Michigan Department of Education, State Board of</i>	No (<i>55 Pa. Code 4226.29, 4226.30, 4226.53, and 4226.55</i>)	No, personnel must hold any state license required for the profession or be otherwise qualified and must complete training (<i>W. Va. Code Ann. 16-5K-2</i>)

Early Intervention Supervisor Certificate						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
				<i>Education, Early on Michigan State Plan)</i>		
Education or training	<p>One of the following:</p> <ol style="list-style-type: none"> 1. Bachelor's or graduate-degree in a related field from an accredited institution; 2. Degree in an unrelated field plus work experience; or 3. Hold a license in a related field <p>Completion of college courses in certain specified topics (O.A.C. 5123:2-5-05(C)(2))</p>	N/A	N/A	N/A	N/A	<p>Unspecified, but the training is described in the state's early intervention services plan (<i>West Virginia Department of Health and Human Resources, WV Birth to Three Early Intervention System State Plan</i>)</p>

Early Intervention Supervisor Certificate

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Experience	Four years of supervised, paid experience working with children from birth to age five with disabilities or two years of experience with children with disabilities plus two years supervised, paid experience in supervisory role (O.A.C. 5123:2-5-05(C)(2))	N/A	N/A	N/A	N/A	N/A
Exam	No	N/A	N/A	N/A	N/A	N/A
Continuing education	120 hours or 75 hours plus 4,000 work hours supervising early intervention service providers (O.A.C. 5123:2-5-05(C)(2))	N/A	N/A	N/A	N/A	N/A

Early Intervention Supervisor Certificate						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Initial licensure fee	Not specified (O.A.C. 5123:2-5-05)	N/A	N/A	N/A	N/A	N/A
License duration	Five years (O.A.C. 5123:2-5-05(C)(2))	N/A	N/A	N/A	N/A	N/A
Renewal fee	Not specified (O.A.C. 5123:2-5-05)	N/A	N/A	N/A	N/A	N/A

Level one investigative agent certificate

Survey responses (DDD)

Description
A certificate issued to applicants for a five-year period when the applicant meets requirements outlined in OAC 5123-5-07 (L)(a) (iii). This certificate allows applicant to conduct administrative investigation for individuals with developmental disabilities on behalf of a county board or council of government.

Type (See R.C. 4798.01 for relevant definitions.)

Government certification

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

Number issued annually

9

Number renewed annually

13

Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?

There have been a significant decline in number of people applying for Level One certification and renewal from 2016-2020.

Education or training requirements

A bachelor's degree or graduate-level degree from an accredited college or university; or (b) Hold an associate's degree from an accredited college or university or have achieved at least junior year standing at an accredited college or university and have successfully completed two years full-time (or part-time equivalent), supervised, paid work experience in conducting administrative, civil, and/or criminal investigations; or old an associate's degree from an accredited college or university or have achieved at least junior year standing at an accredited college or university and have successfully completed two years full-time (or part-time equivalent), supervised, paid work experience in administration, supervision, instruction, or habilitation of individuals with developmental disabilities; or (d) Have successfully completed Ohio peace officer basic training or a comparable program and have successfully completed

If the regulation is a registration, certification, or license requirement, please complete the following:	
	5123-5-07 3 two years full-time (or part-time equivalent), supervised, paid work experience in conducting administrative, civil, and/or criminal investigations;
Experience requirements	If educational requirements are not met, the applicant must have successfully completed four years full-time (or part-time equivalent), supervised, paid work experience in conducting administrative, civil, and/or criminal investigations.
Examination requirements (<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
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	The level one investigative agent shall successfully complete department approved training in civil and criminal investigatory practices within the first year of his or her employment as an investigative agent. Over the course of the five year certification, a level one investigative agent shall successfully completed fifty hours of continuing professional education subsequent to the effective date of the preceding level one investigative agent certification, of which at least ten hours shall be related to: (a) Conducting investigations; and/or (b) Trauma informed care as the basis for interacting with individuals with developmental disabilities, families, guardians, direct support professionals, and others during the course of an investigation
Initial fee	None
Duration	5 years
Renewal fee (<i>If different from initial fee, please explain why.</i>)	None

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?	No
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	No
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	Yes
Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?	No
Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)	N/A

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

The director shall deny, suspend, or revoke investigative agent certification if he or she finds, pursuant to an adjudication conducted in accordance with Chapter 119. of the Revised Code, that the applicant for or holder of investigative agent certification has engaged in an immoral act, incompetence, negligence, or conduct that is unbecoming to the applicant's or holder's position. (2) Except as provided in paragraph (H)(3) of this rule, the director shall deny or revoke investigative agent certification if he or she finds, pursuant to an adjudication conducted in accordance with Chapter 119. of the Revised Code, that the applicant for or holder of investigative agent certification: 5123-5-07 7 (a) Has been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for any of the disqualifying offenses listed or described in paragraph (E)(1)(a) of rule 5123-2-02 of the Administrative Code; (b) Has been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for any of the disqualifying offenses listed or described in paragraph (E)(1)(b) of rule 5123-

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

2-02 of the Administrative Code if a period of ten years has not elapsed from the date the applicant was fully discharged from imprisonment, probation, and parole; (c) Has been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for any of the disqualifying offenses listed or described in paragraph (E)(1)(c) of rule 5123-2-02 of the Administrative Code if a period of seven years has not elapsed from the date the applicant was fully discharged from imprisonment, probation, and parole; (d) Has been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for any of the disqualifying offenses listed or described in paragraph (E)(1)(d) of rule 5123-2-02 of the Administrative Code if a period of five years has not elapsed from the date the applicant was fully discharged from imprisonment, probation, and parole; (e) Has been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for multiple disqualifying offenses if the applicable period of time in accordance with paragraph (E)(2) of rule 5123-2-02 of the Administrative Code has not elapsed from the date the applicant was fully discharged from imprisonment, probation, and parole; or (f) Has been included in one or more of the databases described in paragraphs (C)(2)(a) to (C)(2)(f) of rule 5123-2-02 of the Administrative Code. (3) A conviction of or plea of guilty to a disqualifying offense listed or described in paragraphs (E)(1)(a) to (E)(1)(d) of rule 5123-2-02 of the Administrative Code shall not constitute grounds for the denial or revocation of investigative agent certification if the requirements contained in paragraph (F) of rule 5123-2-02 of the Administrative Code are met.

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?

None

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 seeks to ensure that investigative agents have the proper training and experience to conduct administrative investigations of direct care staff suspected of engaging in prohibited behavior (abuse, neglect, misappropriation, etc) of individuals with developmental disabilities.

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

Yes.

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

No

Comparison to other states *(How many other states regulate the occupation? How do Ohio’s regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)*

We have not done a comparison with other states’ regulations.

Surrounding state comparison (LSC)

Level One Investigative Agent Certificate						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes <i>(R.C. 5126.221; O.A.C. 5123-5-07(C)(1))</i>	No <i>(Ind. Admin. Code Title 460)</i>	No, no state-level licensure requirements for employees of regional behavioral health, developmental,	No <i>(Mich. Admin. Code R. 330.2806)</i>	Yes – certified investigator <i>(55 Pa. Code 51.19)</i>	No

Level One Investigative Agent Certificate

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
			and intellectual disabilities boards <i>(Ky. Rev. Stat. Ann. Chapter 210 and 210.770 et seq.; 908 Ky. Admin. Regs. 2:020)</i>			
Education or training	High school diploma or GED Bachelor's or graduate-level degree from an accredited institution or an associate's degree plus experience listed below Must complete Department-approved postemployment training <i>(O.A.C. 5123-5-07(C)(1))</i>	N/A	N/A	N/A	High school diploma or GED Complete Department of Human Services certification training (must complete the web-based portion of the training within three months of enrolling in the training course) <i>(55 Pa. Code 51.19)</i>	N/A
Experience	If holder of an associate's	N/A	N/A	N/A	No <i>(55 Pa. Code 51.19)</i>	N/A

Level One Investigative Agent Certificate

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	degree, two years of supervised, paid work experience or completion of the Ohio peace officer basic training or a comparable program plus two years supervised, paid work experience conducting administrative, civil, or criminal investigations, or four years' experience conducting administrative, civil, or criminal investigations <i>(O.A.C. 5123-5-07(C)(1))</i>					
Exam	No	N/A	N/A	N/A	Yes (55 Pa. Code 51.19)	N/A

Level One Investigative Agent Certificate

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Continuing education	50 hours every five years <i>(O.A.C. 5123-5-07(C)(1))</i>	N/A	N/A	N/A	Attend a one-day certification class every three years If conducted less than three investigations during a certification period, investigator must actively participate in a quarterly or semiannual review of the quality of investigations by serving as a member of a peer review or risk management committee <i>(55 Pa. Code 51.19)</i>	N/A
Initial licensure fee	Not specified <i>(O.A.C. 5123:5-07)</i>	N/A	N/A	N/A	Not specified <i>(55 Pa. Code 51.19)</i>	N/A

Level One Investigative Agent Certificate						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License duration	Five years (<i>O.A.C. 5123-5-07(C)(1)</i>)	N/A	N/A	N/A	Three years (<i>55 Pa. Code 51.19</i>)	N/A
Renewal fee	Not specified (<i>O.A.C. 5123:5-07</i>)	N/A	N/A	N/A	Not specified (<i>55 Pa. Code 51.19</i>)	N/A

Level two investigative agent certificate

Survey responses (DDD)

Description
A certificate issued to applicants for a two-year period when the applicant meets requirements outlined in OAC 5123-5-07 (2)(a)(iii). This certificate allows applicant to conduct administrative investigation for individuals with developmental disabilities on behalf of a county board or council of government.
Type (See R.C. 4798.01 for relevant definitions.)
Government certification

If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	3
Number renewed annually	3
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	No
Education or training requirements	An associate degree from an accredited college or university or have achieved at least junior year standing at an accredited college or university; or (b) Have successfully completed Ohio peace officer basic training or a comparable program; or
Experience requirements	Successfully completed two years full-time (or part-time equivalent), supervised, paid work experience in conducting administrative, civil, and/or criminal investigation and be employed by or under contract with a county board or a regional council of governments formed pursuant to section 5126.13 of the Revised Code by two or more county boards to conduct investigations pursuant to section 5126.313 of the Revised Code.
Examination requirements (<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
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	The level two investigative agent shall successfully complete department approved training in civil and criminal investigatory practices within the first year of his or her employment as an investigative agent.

If the regulation is a registration, certification, or license requirement, please complete the following:	
	Over the course of the 2 year certification period, the level two investigative agent complete twenty hours of continuing professional education subsequent to the effective date of the preceding level two investigative agent certification, of which at least four hours shall be related to (a) Conducting investigations; and/or (b) Trauma informed care as the basis for interacting with individuals with developmental disabilities, families, guardians, direct support professionals, and others during the course of an investigation.
Initial fee	None
Duration	2 years
Renewal fee <i>(If different from initial fee, please explain why.)</i>	None
Does the Board recognize uniform licensure requirements or allow for reciprocity?	No
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	No
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	No
Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?	No

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

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

N/A

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

The director shall deny, suspend, or revoke investigative agent certification if he or she finds, pursuant to an adjudication conducted in accordance with Chapter 119. of the Revised Code, that the applicant for or holder of investigative agent certification has engaged in an immoral act, incompetence, negligence, or conduct that is unbecoming to the applicant's or holder's position. (2) Except as provided in paragraph (H)(3) of this rule, the director shall deny or revoke investigative agent certification if he or she finds, pursuant to an adjudication conducted in accordance with Chapter 119. of the Revised Code, that the applicant for or holder of investigative agent certification: 5123-5-07 7 (a) Has been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for any of the disqualifying offenses listed or described in paragraph (E)(1)(a) of rule 5123-2-02 of the Administrative Code; (b) Has been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for any of the disqualifying offenses listed or described in paragraph (E)(1)(b) of rule 5123-2-02 of the Administrative Code if a period of ten years has not elapsed from the date the applicant was fully discharged from imprisonment, probation, and parole; (c) Has been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for any of the disqualifying offenses listed or described in paragraph (E)(1)(c) of rule 5123-2-02 of the Administrative Code if a period of seven years has not elapsed from the date the applicant was fully discharged from imprisonment, probation, and parole; (d) Has been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for any of the disqualifying offenses listed or described in paragraph (E)(1)(d) of rule 5123-2-02 of the Administrative Code if a period of five years has not elapsed from the date the applicant was fully discharged from imprisonment, probation, and parole; (e) Has been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for multiple disqualifying offenses if the applicable period of time in accordance with paragraph (E)(2) of rule 5123-2-02 of the Administrative Code has not elapsed from the date the applicant was fully discharged from imprisonment, probation, and parole; or (f) Has been included in one or more of the databases described in paragraphs (C)(2)(a) to (C)(2)(f) of rule 5123-2-02 of the Administrative Code. (3) A conviction of or plea of guilty to a disqualifying offense listed or described in paragraphs (E)(1)(a) to (E)(1)(d) of rule 5123-2-02 of the Administrative Code shall not constitute grounds for the denial or revocation of investigative agent certification if the requirements contained in paragraph (F) of rule 5123-2-02 of the Administrative Code are met.

**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?**

None

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

None

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

The regulation seeks to ensure that investigative agents have the proper training and experience to conduct administrative investigations of direct care staff suspected of engaging in prohibited behavior (abuse, neglect, misappropriation, etc.) of individuals with developmental disabilities.

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

Yes.

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

No

Comparison to other states *(How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)*

We have not done a comparison with other states' regulations.

Surrounding state comparison (LSC)

Level Two Investigative Agent Certificate						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (<i>R.C. 5126.221; O.A.C. 5123-5-07(C)(2)</i>)	No (<i>Ind. Admin. Code Title 460</i>)	No, no state-level licensure requirements for employees of regional behavioral health, developmental, and intellectual disabilities boards (<i>Ky. Rev. Stat. Ann. Chapter 210 and 210.770 et seq.; 908 Ky. Admin. Regs. 2:020</i>)	No (<i>Mich. Admin. Code R. 330.2806</i>)	Yes, same as certified investigator above (<i>55 Pa. Code 51.19</i>)	No
Education or training	High school diploma or GED Associate's degree from an accredited institution, or achieved at least junior year status at an accredited college or university, or, in the alternative,	N/A	N/A	N/A	High school diploma or GED Complete Department of Human Services certification training (must complete the web-based portion of the training within three months of	N/A

Level Two Investigative Agent Certificate

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	the experience listed below Must complete a Department-approved postemployment training course <i>(O.A.C. 5123-5-07(C)(2))</i>				enrolling in the training course) <i>(55 Pa. Code 51.19)</i>	
Experience	In lieu of the educational requirements listed above, completion of the Ohio peace officer basic training or comparable program, or completed two years of supervised, paid work experience in conducting administrative, civil, or criminal investigations <i>(O.A.C. 5123-5-07(C)(2))</i>	N/A	N/A	N/A	No <i>(55 Pa. Code 51.19)</i>	N/A

Level Two Investigative Agent Certificate						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Exam	No	N/A	N/A	N/A	Yes (55 Pa. Code 51.19)	N/A
Continuing education	20 hours every two years (O.A.C. 5123-5-07(C)(2))	N/A	N/A	N/A	Attend a one-day certification class every three years If conducted less than three investigations during a certification period, investigator must actively participate in a quarterly or semiannual review of the quality of investigations by serving as a member of a peer review or risk management committee (55 Pa. Code 51.19)	N/A

Level Two Investigative Agent Certificate

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Initial licensure fee	Not specified <i>(O.A.C. 5123-5-07)</i>	N/A	N/A	N/A	Not specified (55 <i>Pa. Code 51.19)</i>	N/A
License duration	Two years <i>(O.A.C. 5123-5-07(C)(2))</i>	N/A	N/A	N/A	Three years (55 <i>Pa. Code 51.19)</i>	N/A
Renewal fee	Not specified <i>(O.A.C. 5123-5-07)</i>	N/A	N/A	N/A	Not specified (55 <i>Pa. Code 51.19)</i>	N/A

DEPARTMENT OF INSURANCE (INS)

General information (INS)

Duties

The Ohio Department of Insurance provides consumer protection through education and fair, but vigilant regulation, while promoting a stable and competitive environment for insurance companies. The department is charged under Ohio Revised Code Chapters 17 and 39 with the responsibility of regulating the activities of 1,675 insurance companies that write more than \$102 billion in premiums. The department also monitors the conduct of approximately 290,000 licensed insurance agents and insurance agencies doing business in Ohio.

In accordance with Ohio Revised Code, 3905.02, an insurance license is required to sell, solicit or negotiate insurance in Ohio. In light of the above, the Department's Licensing Division is responsible for overseeing the licensing of all individuals and business entities seeking to sell insurance to Ohio consumers.

The Licensing Division's primary function is to provide consumer protection by ensuring that only suitable candidates are issued an Ohio insurance license. Its secondary mission is to provide efficient customer service to applicants, agents and business entities so there are adequate numbers of insurance agents available to assist Ohioans with their insurance needs.

The Department, including the License Division, works closely with the National Association of Insurance Commissioners (NAIC). NAIC is a nonprofit, nonpartisan organization governed by the chief insurance regulators of the 50 states, the District of Columbia and the five U.S. territories: American Samoa, Guam the Northern Mariana Islands, Puerto Rico and the Virgin Islands. The NAIC's role is to set standards and establish best practices for the U.S. insurance industry and to provide support to insurance regulators. NAIC also offers information and resources for consumers.

The License Division utilizes the National Insurance Producer Registry's (NIPR) electronic application process for agent/agency to submit electronic applications to the department. Ohio's License computer system, specifically the application processing, has been based around the NIPR Uniform Producer Application.

Membership *(Current members, chairperson and other officers, and selection process.)*

There is no membership.

All department staff must be hired following the standard State of Ohio hiring practices.

Budget *(Current budget, description of budgeting process, sources of funding, and expected increases or decreases in budget or funding in future years.)*

FY 2021 budget is \$43 million. Approximately \$2.8 million is from federal grants. The rest is from fees. The budget is prepared through Ohio standard budget process. The budget is expected to be flat in future years.

Workload *(Assess current, past, and anticipated workload. Has the workload increased or decreased significantly in the preceding six years?)*

The workload has increased within the preceding 6 years due to increasing agent population and legislative changes. Agent population as of August 2015 was 211,415 and agent population as of August 2020 was 290,280.

It is anticipated that ongoing legislative changes will continue to occur in future years. System changes and NAIC uniform application changes will occur within the next few years.

As previously provided in the Details section above, the License Division utilizes the National Insurance Producer Registry's (NIPR) electronic application process for agent/agency electronic application submission to the department. Ohio's License computer system, specifically the application processing, has been based around the NIPR Uniform Producer Application. Ohio's application system may need to be adjusted whenever the NAIC adopts changes to the uniform application.

Staffing *(How many staff are currently employed by the board? What are their roles? Are staffing levels proportionate to the board's current and anticipated workload?)*

Licensing staff typically includes a total of 16 State of Ohio employees. Titles of staff include:

- Insurance Licensing Examiner Manger 1 (1)
- Insurance Licensing Examiner Manager 2 (1)
- Insurance Licensing Examiner Supervisor (2)
- Insurance Licensing Examiner Analyst (12)

Administrative hearings and public complaints *(Describe the Board's processes for administering discipline and addressing complaints. Assess the efficiency of the processes.)*

The department's Legal division handles administrative hearings. Depending on the complaint type will determine which division handles the complaint. Consumer Services Division handles customer service questions and/or complaints. Enforcement Division investigates wrongdoing or misconduct claims on agents/agencies. Market Conduct Division investigates and handles complaints and compliance on insurance companies. License division works closely with all 4 divisions. Licensing will typically get involved with complaints, if the complaint was initially submitted to Licensing (Licensing will refer the complaint/question to the appropriate division) or by assisting other division(s) with their investigation of complaints/questions when asked for assistance.

Agent license

Survey responses (INS)

Description

Major Lines – Line of Authority:

1. Accident & Health: Insurance coverage for sickness, bodily injury, or accidental death, and may include benefits for disability income.
2. Casualty: Insurance coverage against legal liability, including coverage for death, injury, or disability or damage to real or personal property.
3. Life: Insurance coverage on human lives, including benefits of endowment and annuities, and may include benefits in the event of death or dismemberment by accident and benefits for disability income.
4. Personal: Is property & casualty insurance coverage sold to individuals and families for noncommercial purposes.
5. Property: Insurance coverage for the direct or consequential loss or damage to property of any kind.
6. Variable Life and Variable Annuity Products: Insurance coverage provided under variable life insurance contracts and variable annuities.

Type (See R.C. 4798.01 for relevant definitions.)

Government certification

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

Number issued annually	53,662
Number renewed annually	85,472

If the regulation is a registration, certification, or license requirement, please complete the following:	
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	Just since last year there was an increase of 30,545 active major line licenses. The total number of licenses increased from 243,338 in 2019 to 273,993 in 2020.
Education or training requirements	<p>Resident Major line individuals must complete 20 hours of pre- license education for each line of authority.</p> <p>Non-resident Major line individuals must meet the requirements of their resident state. No education or training requirements as Ohio will accept the completion of the resident states requirements.</p> <p>Business entity licensees have no education or training requirements.</p>
Experience requirements	None
Examination requirements (<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>Resident Major line individuals are required to pass a state license examination for each license type in which they are applying.</p> <p>Applicants are able to take the Life and Health as single exams or as a combined exam. Applicants are able to take the Property and Casualty as single exams or as a combined exam.</p> <p>Non-Resident Major line individuals and Business entities do not have an examination requirement.</p> <p>Examination vendors are selected via an RFP process with DAS Procurement as the administrator of the process.</p> <p>Each exam session is \$42.00. 100% of the examination fee goes to the exam vendor.</p>
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	<p>Resident Major line individuals are required to complete 24 credits (3 must be approved as Ethics) every 2-year renewal cycle.</p> <p>The curriculum is set by each provider, but must meet the minimum requirements set by the NAIC (National Association of Insurance Commissioners) and adopted by the Ohio Department</p>

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

	<p>of Insurance.</p> <p>For courses/programs of instruction to qualify for approval, they must: Contribute to the professional competence of an agent; Have significant intellectual or practical content to enhance and improve the insurance knowledge of the participants; Offer knowledge to the benefit or protection of the consumer; Course outline must include obvious connection to insurance. Implied connection will not be accepted; Be offered by an approved provider; Be submitted using the appropriate application form and with the appropriate fee for each course; Use the most recent forms filed in Ohio, editions and laws to the extent possible; Include methods which will be employed by the provider for the improvement of the course; Include a bibliography of reference sources; and Meet all other Ohio CE laws.</p> <p>Non-Resident Major line individuals and Business entities do not have a continuing education requirement in Ohio.</p>
Initial fee	Initial application fee is \$10.00 per line of authority.
Duration	2-Years
Renewal fee <i>(If different from initial fee, please explain why.)</i>	<p>Renewal application fee for all Resident Major Line individuals is waived as they pay a \$1/per credit participation fee when for CE credits.</p> <p>Non-resident Major line and business entities is \$25.00 per license. Fees are determined by ORC.</p>
Does the Board recognize uniform licensure requirements or allow for reciprocity?	Yes, Insurance licensure works closely with the NAIC to ensure that the Producer Licensing Uniform Standards and Reciprocity standards are followed as closely as possible. Ohio reciprocates with all state insurance departments.
Are there any similar national registrations, certifications, or licenses?	No

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

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?	See ORC 3905.03 which relates to the exceptions of the Ohio insurance licensure requirements.
Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?	Yes, but must do so in compliance with Ohio Revised Code and Ohio Administrative Code.
Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)	National Criminal Background check for resident individuals. Individuals are considered a resident of Ohio if they reside in Ohio <u>or</u> have their primary place of business in Ohio.

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

- Ohio Revised Code 3905
- Ohio Administrative Code 3901-5-01 thru 3901-5-09

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?

Licensing-related fees amount to about \$38.4 million in FY 2020. Most of the fees come from appointment renewal. A small portion of it (about \$1.8 million) is used to fund Licensing Division's operations.

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

Yes, federal law (known as NARAB) was signed on January 12, 2015. It requires the state departments of insurance to issue registrations to non-resident members of NARAB (individuals and business entities) operating in Ohio.

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

Insurance is an important part of any financial planning and insurance regulation is primarily focused on ensuring companies are solvent and able to pay claims, the products that are sold are compliant with Ohio law, and that the agents that are charged with selling these products to consumers are properly educated and able to perform this important duty. The "harm" that the regulation seeks to prevent focuses on ensuring that agents are properly educated and licensed to mitigate any consumer harm when purchasing insurance. This is especially important as many of the products that are sold to Ohioans, have a substantial impact on the financial wellbeing of an individual or family. In addition, often agents have access to debut consumers bank accounts and hold money to pay premiums, making ensuring agents are properly licensed and educated critical for consumer protection.

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

The regulation is effective at preventing the harm described above for a number of reasons, including that the department issues licenses according to a national system of reciprocity and

enforcement. Specifically, any Ohio licensed agent can apply to any other state following the national structure and receive a license with no additional testing or other requirements. The same is true for agents licensed in other states being able to obtain an Ohio insurance license. Additionally, the states work together in enforcing laws and removing bad actors from licensure. By following this national model, Ohio is able to quickly and easily license hundreds of thousands of agents in all lines of insurance to assist consumers with insurance needs, as well as being able to efficiently take action on an agent license if needed.

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

Not at this time

Comparison to other states *(How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)*

Every state/jurisdiction regulates insurance licenses.

Ohio issues licenses in a manner that is very consistent with other states on a national basis based on the Uniformity Provisions of the Gramm Leach Bliley Act Adopted in 1999, Uniformity Provisions of the Producer Licensing Model Act, Reciprocal Reciprocity for licensure of non-residents and Uniform Resident Licensing Standards

The current licensing procedures allow for Ohio DOI to meet the necessary national uniform and reciprocity standards that is critical for relations with every USA state/jurisdiction.

Surrounding state comparison (LSC)

Insurance Agent License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (<i>R.C. 3905.02</i>)	Yes (<i>Ind. Code Ann. 27-1-15.6-3</i>)	Yes (<i>Ky. Rev. Stat. Ann. 304.9-080</i>)	Yes (<i>Mich. Comp. Laws 500.1201a</i>)	Yes (<i>40 Pa. Cons. Stat. 310.3</i>)	Yes (<i>W. Va. Code Ann. 33-12-3(a)</i>)
Education or training	<p>One of the following:</p> <ol style="list-style-type: none"> 1. Bachelor's or associate's degree in insurance; 2. Professional designation approved by the Superintendent of Insurance; 3. 20-hour course of study in insurance education approved by the Superintendent <p><i>(R.C. 3905.04 and 3905.06(A)(1)(c))</i></p>	<p>Complete a certified prelicensing course of study (<i>Ind. Code Ann. 27-1-15.6-6(b)(3)</i>); <i>Indiana Department of Insurance, Resident Licensing Guidelines/ Requirements</i>)</p>	<p>Complete a prelicensing course of study consisting of 40 hours for life and health, 40 hours for property and casualty, or 20 hours for each line of authority (<i>Ky. Rev. Stat. Ann. 304.9-105(e)(1)</i>)</p>	<p>Complete a registered program of study</p> <p>Requirement may be waived if the applicant has an associate's, bachelor's, or master's degree with a concentration in insurance (<i>Mich. Comp. Laws 500.1204(2)</i>)</p>	<p>24 credit hours of approved preexamination courses (<i>40 Pa. Cons. Stat. 310.4(a)</i>)</p>	<p>"College degree" in insurance or certain professional designations (<i>W. Va. Code Ann. 33-12-6(a)(3)</i>; <i>W. Va. Code R. 114-2-2</i>)</p>

Insurance Agent License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Experience	No	No	No	No	No	No
Exam	Yes (<i>R.C. 3905.06(A)(1)(d) and (e)</i>)	Yes (<i>Ind. Code Ann. 27-1-15.6-5</i>)	Yes (<i>Ky. Rev. Stat. Ann. 304.9-105(e)(2)</i>)	Yes (<i>Mich. Comp. Laws 500.1204(1)</i>)	Yes (<i>40 Pa. Cons. Stat. 310.4(a)</i>)	Yes (<i>W. Va. Code Ann. 33-12-5(a)</i>)
Continuing education	24 hours every two years (<i>R.C. 3905.06(C)(2) and 3905.481</i>)	24 hours every two years (<i>Ind. Code Ann. 27-1-15.7-2</i>)	24 hours every two years (<i>Ky. Rev. Stat. Ann. 304.9-295</i>)	24 hours every two years (<i>Mich. Comp. Laws 500.1204c</i>)	24 hours every two years (<i>40 Pa. Cons. Stat. 310.8</i>)	24 hours every two years (<i>W. Va. Code Ann. 33-12-8</i>)
Initial licensure fee	\$10 (<i>R.C. 3905.40(C)</i>)	\$40 for resident and \$90 for nonresident (<i>Ind. Code Ann. 27-1-15.6-32</i>)	\$40 for resident and \$50 for nonresident (<i>806 Ky. Admin. Regs. 4:010(6)</i>)	\$10 (<i>Mich. Comp. Laws 500.240(1)(d)</i>)	\$55 for resident and \$110 for nonresident (<i>40 Pa. Cons. Stat. 310.5(c)</i>)	\$25 (<i>W. Va. Code Ann. 33-12-10</i>)
License duration	Two years (<i>R.C. 3905.06(C)(1)</i>)	Two years (<i>Ind. Code Ann. 27-1-15.6-32</i>)	Two years (<i>Ky. Rev. Stat. Ann. 304.9-260</i>)	Does not expire so long as license holder is keeping up with continuing education requirements (<i>Michigan Department of Insurance and Financial Services, Licensing –</i>	Two years (<i>40 Pa. Cons. Stat. 310.7</i>)	One year (<i>W. Va. Code Ann. 33-12-17</i>)

Insurance Agent License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
				<i>Insurance, Renewal)</i>		
Renewal fee	\$25, with exceptions (<i>R.C. 3905.40(E)</i>)	\$40 for resident and \$90 for nonresident (<i>Ind. Code Ann. 27-1-15.6-32</i>)	\$40 for resident and \$50 for nonresident (<i>806 Ky. Admin. Regs. 4:010(6)</i>)	N/A	\$55 for resident and \$110 for nonresident (<i>40 Pa. Cons. Stat. 310.8(f)</i>)	\$25 (<i>W. Va. Code Ann. 33-12-10 and 33-12-17</i>)

Managing general agent license

Survey responses (INS)

Description
<p>Managing General Agent (MGA) is defined as a person (individual or business entity) who negotiates and binds ceding reinsurance contracts on behalf of an insurer or manages all or part of the insurance business of an insurer, including the management of a separate division, department, or underwriting office. Acts as an agent for such insurer whether known as a managing general agent or other similar term, who, with or without the authority, either separately or together with affiliates, produces, directly or indirectly, and underwrites an amount of gross direct written premium of not less than 5% of the policyholder surplus as reported in the last annual statement of the insurer in any 1 quarter or year and adjusts or pays claims in excess of an amount determined by the commissioner or negotiates reinsurance on behalf of the insurer.</p>

Type (See R.C. 4798.01 for relevant definitions.)

Government certification

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

Number issued annually

60

Number renewed annually

63

Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?

No significant change.

Education or training requirements

No education or training prerequisite for licensure

Experience requirements

No experience prerequisite for licensure

Examination requirements (*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?*)

No examination requirement

If the regulation is a registration, certification, or license requirement, please complete the following:	
Continuing education requirements <i>(Including a description of the curriculum and the process of setting it.)</i>	No CE requirement
Initial fee	\$20.00
Duration	1-year
Renewal fee <i>(If different from initial fee, please explain why.)</i>	\$20.00
Does the Board recognize uniform licensure requirements or allow for reciprocity?	<p>ORC 3905.72 (D) If the applicant is a resident of another state or a business entity organized under the laws of another state, the applicant shall submit a request for licensure, along with a fee of twenty dollars, to the superintendent. The superintendent shall issue a license to act as a managing general agent if the request for licensure includes proof that the applicant is licensed and in good standing as a managing general agent in the applicant's home state and either a copy of the application for licensure the applicant submitted to the applicant's home state or the application described in division (B) of this section.</p> <p>If the applicant's home state does not license managing general agents under provisions similar to those in sections 3905.71 to 3905.79 of the Revised Code, or if the applicant's home state does not grant licenses to residents of this state on the same reciprocal basis, the applicant shall comply with divisions (B) and (C) of this section.</p>
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	No

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

<p>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?</p>	<p>Only in compliance with ORC 3905.71 to 3905.79</p>
<p>Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?</p>	<p>See ORC 3905.77</p>
<p>Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)</p>	<p>n/a</p>

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

- ORC: 3905.71 - 3905.79
- OAC: 3901-3-10

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?

Licensing-related fees amount to about \$38.4 million in FY 2020. Most of the fees come from appointment renewal. A small portion of it (about \$1.8 million) is used to fund Licensing Division's operations.

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).)

Insurance is an important part of any financial planning and insurance regulation is primarily focused on ensuring companies are solvent and able to pay claims, the products that are sold are compliant with Ohio law, and that the agents that are charged with selling these products to consumers are properly educated and able to perform this important duty. The "harm" that the regulation seeks to prevent focuses on ensuring that agents are properly educated and licensed to mitigate any consumer harm when purchasing insurance. This is especially important as many of the products that are sold to Ohioans, have a substantial impact on the financial wellbeing of an individual or family. In addition, often agents have access to debit consumers bank accounts and hold money to pay premiums, making ensuring agents are properly licensed and educated critical for consumer protection.

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

The regulation is effective at preventing the harm described above for a number of reasons, including that the department issues licenses according to a national system of reciprocity and

enforcement. Specifically, any Ohio licensed agent can apply to any other state following the national structure and receive a license with no additional testing or other requirements. The same is true for agents licensed in other states being able to obtain an Ohio insurance license. Additionally, the states work together in enforcing laws and removing bad actors from licensure. By following this national model, Ohio is able to quickly and easily license hundreds of thousands of agents in all lines of insurance to assist consumers with insurance needs, as well as being able to efficiently take action on an agent license if needed.

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

Not at this time

Comparison to other states *(How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)*

Not sure

Surrounding state comparison (LSC)

Managing General Agent License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (<i>R.C. 3905.72</i>)	No separate license for managing agents	Yes (<i>Ky. Rev. Stat. Ann. 304.9-085(2)</i>)	Yes, managing general agents are required to have an agent's license (<i>Mich. Comp. Laws 500.1405</i>)	Yes (<i>40 Pa. Cons. Stat. 310.31</i>)	Yes, managing general agents are required to have an agent's license (<i>W. Va. Code Ann. 33-37-2</i>)
Education or training	No	No	No	No	No	No
Experience	No	No	No	No	No	No
Exam	No	No	No	No	No	No
Continuing education	No	No	No requirement apart from general license requirements (<i>Ky. Rev. Stat. Ann. 304.9-085 and 304.9-260</i>)	No requirement apart from general license requirements	No	No requirement apart from general license requirements
Initial licensure fee	\$20 (<i>R.C. 3905.72(C)(4)</i>)	N/A	\$100 (<i>806 Ky. Admin. Regs. 4:010(7)</i>)	N/A	\$100 (<i>40 Pa. Cons. Stat. 310.32(c)</i>)	\$500 (<i>W. Va. Code Ann. 33-37-2(d)</i>)

Managing General Agent License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License duration	One year (<i>R.C. 3905.72(E)</i>)	N/A	Two years (<i>Ky. Rev. Stat. Ann. 304.9-260</i>)	N/A	One year (<i>40 Pa. Cons. Stat. 310.32(d)</i>)	One year (<i>W. Va. Code Ann. 33-37-2(d)</i>)
Renewal fee	\$20 (<i>R.C. 3905.72(C)(4)</i>)	N/A	\$100 (<i>806 Ky. Admin. Regs. 4:010(7)</i>)	N/A	\$100 (<i>40 Pa. Cons. Stat. 310.32(c)</i>)	\$200 (<i>W. Va. Code Ann. 33-37-2(d)</i>)

Title insurance agent

Survey responses (INS)

Description
Title insurance means insuring, guaranteeing, or indemnifying owners of real property or others interested in real property against loss or damage suffered by reason of liens or encumbrances upon, defect in, or the unmarketability of the title to the real property, guaranteeing, warranting, or otherwise insuring by a title insurance company the correctness of searches relating to the title to real property, or doing any business in substance equivalent to any of the foregoing.

Type (See R.C. 4798.01 for relevant definitions.)

Government certification

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

Number issued annually

303

Number renewed annually

1,232

Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?

There was a slight increase of 61 Title licenses since 2019.

Education or training requirements

None

Experience requirements

None

Examination requirements (*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?*)

Resident individuals are required to pass a state license examination.
Non-Resident individuals and Business entities do not have an examination requirement.
PSI is the current examination vendor. Examination vendors are selected via an RFP process with DAS Procurement as the administrator of the process.
Each exam session is \$42.00. 100% of the examination fee goes to the exam vendor.

If the regulation is a registration, certification, or license requirement, please complete the following:	
Continuing education requirements <i>(Including a description of the curriculum and the process of setting it.)</i>	Persons holding a resident title license need to complete 12 hours of approved continuing education, 10 of which must be approved as title specific and 2 of which must be approved as ethics specific, prior to renewing their license.
Initial fee	\$10
Duration	2-Years
Renewal fee <i>(If different from initial fee, please explain why.)</i>	\$25.00 (Resident Individuals have the fee waived.) Fees determined by ORC
Does the Board recognize uniform licensure requirements or allow for reciprocity?	No uniform licensure requirements, but does allow for reciprocity.
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	“Approved attorney” means an attorney at law who is not an employee of a title insurance company or a title insurance agent and upon whose examination of title and report on the examination a title insurance company may issue a policy of title insurance.
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	“Title insurance agent” means a person, partnership, or corporation authorized in writing by a title insurance company to solicit insurance and collect premiums and to issue or countersign policies on its behalf. “Title insurance agent” does not include officers and salaried employees of any title insurance company authorized to do a title insurance business within this state.
Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?	Yes, but must do so in compliance with Ohio Revised Code and Ohio Administrative Code.

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

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

National Criminal Background check for resident individuals

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

- Ohio Revised Code: 3953
- Ohio Administrative Code: 3901-5-01 thru 3901-5-09
- Ohio Administrative Code: 3901-7

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?

Licensing-related fees amount to about \$38.4 million in FY 2020. Most of the fees come from appointment renewal. A small portion of it (about \$1.8 million) is used to fund Licensing Division's operations.

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).)

Insurance is an important part of any financial planning and insurance regulation is primarily focused on ensuring companies are solvent and able to pay claims, the products that are sold are compliant with Ohio law, and that the agents that are charged with selling these products to consumers are properly educated and able to perform this important duty. The “harm” that the regulation seeks to prevent focuses on ensuring that agents are properly educated and licensed to mitigate any consumer harm when purchasing insurance. This is especially important as many of the products that are sold to Ohioans, have a substantial impact on the financial wellbeing of an individual or family. In addition, often agents have access to debit consumers bank accounts and hold money to pay premiums, making ensuring agents are properly licensed and educated critical for consumer protection.

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

The regulation is effective at preventing the harm described above for a number of reasons, including that the department issues licenses according to a national system of reciprocity and enforcement. Specifically, any Ohio licensed agent can apply to any other state following the national structure and receive a license with no additional testing or other requirements. The same is true for agents licensed in other states being able to obtain an Ohio insurance license. Additionally, the states work together in enforcing laws and removing bad actors from licensure. By following this national model, Ohio is able to quickly and easily license hundreds of thousands of agents in all lines of insurance to assist consumers with insurance needs, as well as being able to efficiently take action on an agent license if needed.

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

None at this time

Comparison to other states *(How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)*

About the same

Surrounding state comparison (LSC)

Title Insurance Agent						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Title insurance agents receive standard insurance agent license; all requirements for standard license	No separate license requirements for title insurance <i>(Ind. Code Ann. 27-1-15.6-7(a)(8))</i>	No title insurance license is offered or required <i>(Ky. Rev. Stat. Ann. 304.9-030)</i>	No separate license requirement for title insurance <i>(Mich. Comp. Laws 500.1201a)</i>	No separate license requirements for title insurance agent <i>(40 Pa. Cons. Stat. 310.3)</i>	No separate license requirement <i>(W. Va. Code Ann. 33-12-3(a) and 33-1-10(f)(4))</i>

Title Insurance Agent						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	apply (<i>R.C. 3953.22</i>)					
Education or training	N/A	N/A	N/A	N/A	N/A	N/A
Experience	N/A	N/A	N/A	N/A	N/A	N/A
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	N/A	N/A	N/A	N/A	N/A	N/A
License duration	N/A	N/A	N/A	N/A	N/A	N/A
Renewal fee	N/A	N/A	N/A	N/A	N/A	N/A

Surplus lines broker license

Survey responses (INS)

Description

Individuals and business entities who wish to place business with an approved surplus lines company must first obtain a surplus lines license from the Ohio Department of Insurance. A surplus lines license permits the person named in the license to negotiate and obtain insurance on property or persons in the state from insurers who are not authorized to transact business in this state.

Type *(See R.C. 4798.01 for relevant definitions.)*

Government certification

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

Number issued annually

511

Number renewed annually

3,007

If the regulation is a registration, certification, or license requirement, please complete the following:	
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	There was a slight increase of Surplus Lines licenses (67) from 2019.
Education or training requirements	None
Experience requirements	None
Examination requirements (<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
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	None
Initial fee	\$100
Duration	1 year
Renewal fee (<i>If different from initial fee, please explain why.</i>)	\$100

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

<p>Does the Board recognize uniform licensure requirements or allow for reciprocity?</p>	<p>Yes, Insurance licensure works closely with the NAIC to ensure that the Producer Licensing Uniform Standards and Reciprocity standards are followed as closely as possible. Ohio reciprocates with all state insurance departments.</p>
<p>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</p>	<p>No</p>
<p>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?</p>	<p>No</p>
<p>Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?</p>	<p>Yes, but must do so in compliance with Ohio Revised Code and Ohio Administrative Code.</p>
<p>Other information <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i></p>	<p>Resident individuals must complete a National Criminal Background check. Bond for residents Residents must hold an active P&C Major Line license.</p>

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

- Ohio Revised Code 3905
- Ohio Administrative Code 3901-5-01 thru 3901-5-09

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?

Licensing-related fees amount to about \$38.4 million in FY 2020. Most of the fees come from appointment renewal. A small portion of it (about \$1.8 million) is used to fund Licensing Division's operations.

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

When NARAB becomes active, the Ohio Department of Insurance will be required to issue registrations to non-resident members of NARAB (individuals and business entities) operating in Ohio.

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

Insurance is an important part of any financial planning and insurance regulation is primarily focused on ensuring companies are solvent and able to pay claims, the products that are sold are compliant with Ohio law, and that the agents that are charged with selling these products to consumers are properly educated and able to perform this important duty. The "harm" that the regulation seeks to prevent focuses on ensuring that agents are properly educated and licensed to mitigate any consumer harm when purchasing insurance. This is especially important as many of the products that are sold to Ohioans, have a substantial impact on the financial wellbeing of an individual or family. In addition, often agents have access to debit consumers bank accounts and hold money to pay premiums, making ensuring agents are properly licensed and educated critical for consumer protection.

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

The regulation is effective at preventing the harm described above for a number of reasons, including that the department issues licenses according to a national system of reciprocity and

enforcement. Specifically, any Ohio licensed agent can apply to any other state following the national structure and receive a license with no additional testing or other requirements. The same is true for agents licensed in other states being able to obtain an Ohio insurance license. Additionally, the states work together in enforcing laws and removing bad actors from licensure. By following this national model, Ohio is able to quickly and easily license hundreds of thousands of agents in all lines of insurance to assist consumers with insurance needs, as well as being able to efficiently take action on an agent license if needed.

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

None at this time

Comparison to other states *(How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)*

Every state/jurisdiction regulates Surplus Lines licenses. Ohio adopted the NAIC uniform standards therefore Ohio is equal to all other states that have adopted the standards.

Surrounding state comparison (LSC)

Surplus Lines Broker License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (<i>R.C. 3905.30</i>)	Yes (<i>Ind. Code Ann. 27-1-15.8-2</i>)	Yes (<i>Ky. Rev. Stat. Ann. 304.9-150</i>)	Yes (<i>Mich. Comp. Laws 500.1905</i>)	Yes (<i>40 Pa. Cons. Stat. 991.1615(a)</i>)	Yes (<i>W. Va. Code Ann. 33-12C-8</i>)
Education or training	No additional requirement beyond what is required for agent license	Complete a certified prelicensing course of study (<i>Ind. Code Ann. 27-1-15.8-2 and 27-1-15.6-6</i> ; <i>Indiana Department of Insurance, Resident Licensing Guidelines/ Requirements</i>)	No additional requirement beyond what is required for agent license (<i>Ky. Rev. Stat. Ann. 304.9-160</i>)	No (<i>Mich. Comp. Laws 500.1905(3)</i>)	No additional requirement beyond what is required for agent license (<i>40 Pa. Cons. Stat. 991.1615</i>)	No
Experience	Required to hold both a property license and a casualty license (<i>R.C. 3905.30(B)</i>)	No	No	No	No	No
Exam	No additional requirement beyond what is required for agent	Yes (<i>Ind. Code Ann. 27-1-15.8-2 and 27-1-15.6-5</i>)	No additional requirement beyond what is required for agent license (<i>Ky. Rev.</i>	Yes (<i>Mich. Comp. Laws 500.1905(3)(b)</i>)	Yes (<i>40 Pa. Cons. Stat. 991.1615(b)(3)</i>)	Yes (<i>W. Va. Code Ann. 33-12C-8(b)(3)</i>)

Surplus Lines Broker License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	license (R.C. 3905.30)		Stat. Ann. 304.9-160)			
Continuing education	No additional requirement beyond what is required for agent license (R.C. 3905.30)	No (Indiana Department of Insurance, Continuing Education (CE) Requirements By License Type/Line of Authority)	No additional requirement beyond what is required for agent license (Ky. Rev. Stat. Ann. 304.9-295)	No	No additional requirement beyond what is required for agent license (40 Pa. Cons. Stat. 991.1615)	No
Initial licensure fee	\$100 (R.C. 3905.32)	\$80 for resident and \$120 for nonresident (Ind. Code Ann. 27-1-15.6-32)	\$100 (806 Ky. Admin. Regs. 4:010)	\$100 (Mich. Comp. Laws 500.240; Michigan Department of Insurance and Financial Services, How to become licensed as a Resident Surplus Lines Producer)	\$200 (40 Pa. Cons. Stat. 991.1615(e))	\$200 (W. Va. Code Ann. 33-12C-8)01
License duration	One year (R.C. 3905.30(C)(2))	Two years (Ind. Code Ann. 27-1-15.6-32)	Two years (Ky. Rev. Stat. Ann. 304.9-260(1)(b))	N/A	Two years (40 Pa. Cons. Stat. 991.1615(d)(1)(iii))	One year (W. Va. Code Ann. 33-12C-8(d))

Surplus Lines Broker License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Renewal fee	\$100 (<i>R.C. 3905.32</i>)	\$80 for resident and \$120 for nonresident (<i>Ind. Code Ann. 27-1-15.6-32</i>)	\$100 (<i>806 Ky. Admin. Regs. 4:010</i>)	N/A	\$200 (<i>40 Pa. Cons. Stat. 991.1615(e)</i>)	\$200 (<i>W. Va. Code Ann. 33-12C-8(d)</i>)

Limited lines license

Survey responses (INS)

Description
<p>1. Car Rental Insurance: Insurance offered, sold, or solicited in connection with and incidental to the rental of rental cars, whether at the rental office or by pre-selection of coverage in master, corporate, group or individual agreements</p> <p>2. Credit Insurance Products: Includes credit life, credit disability, credit property, credit unemployment, involuntary unemployment, mortgage life, mortgage guaranty, mortgage disability, guaranteed automobile protection insurance, or any other form of insurance offered in connection with an extension of credit that is limited to partially or wholly extinguishing that credit obligation and that is designated by the superintendent as limited line credit insurance.</p> <p>3. Crop: Insurance providing protection against damage to crops from unfavorable weather conditions, fire, or lightning, flood, hail, insect infestation, disease or other yield-reducing conditions or perils provided by the private insurance market, or that is subsidized by the federal crop insurance corporation, including multi-peril crop insurance.</p> <p>4. Funeral Expense: Insurance sold to provide for payment of funeral or burial goods and services. (Must be a Licensed Funeral Director)</p>

Type (See R.C. 4798.01 for relevant definitions.)

License

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

Number issued annually	648
Number renewed annually	1,648
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	There was a slight decrease of Limited lines licenses (56) from 2019.
Education or training requirements	None
Experience requirements	None
Examination requirements (<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

If the regulation is a registration, certification, or license requirement, please complete the following:	
Continuing education requirements <i>(Including a description of the curriculum and the process of setting it.)</i>	None
Initial fee	\$10.00 per Line of Authority
Duration	2-Years
Renewal fee <i>(If different from initial fee, please explain why.)</i>	\$25.00
Does the Board recognize uniform licensure requirements or allow for reciprocity?	Yes, Insurance licensure works closely with the NAIC to ensure that the Producer Licensing Uniform Standards and Reciprocity standards are followed as closely as possible. Ohio reciprocates with all state insurance departments.
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	No
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	No unless elements fall within ORC 3905.03.
Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?	Yes, but must do so in compliance with Ohio Revised Code and Ohio Administrative Code.

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

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

National Criminal Background check for resident individuals

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

- Ohio Revised Code 3905
- Ohio Administrative Code 3901-5-01 thru 3901-5-09

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?

Licensing-related fees amount to about \$38.4 million in FY 2020. Most of the fees come from appointment renewal. A small portion of it (about \$1.8 million) is used to fund Licensing Division's operations.

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

When NARAB becomes active, the Ohio Department of Insurance will be required to issue registrations to non-resident members of NARAB (individuals and business entities) operating in Ohio.

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

Insurance is an important part of any financial planning and insurance regulation is primarily focused on ensuring companies are solvent and able to pay claims, the products that are sold are compliant with Ohio law, and that the agents that are charged with selling these products to consumers are properly educated and able to perform this important duty. The “harm” that the regulation seeks to prevent focuses on ensuring that agents are properly educated and licensed to mitigate any consumer harm when purchasing insurance. This is especially important as many of the products that are sold to Ohioans, have a substantial impact on the financial wellbeing of an individual or family. In addition, often agents have access to debit consumers bank accounts and hold money to pay premiums, making ensuring agents are properly licensed and educated critical for consumer protection.

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

The regulation is effective at preventing the harm described above for a number of reasons, including that the department issues licenses according to a national system of reciprocity and enforcement. Specifically, any Ohio licensed agent can apply to any other state following the national structure and receive a license with no additional testing or other requirements. The same is true for agents licensed in other states being able to obtain an Ohio insurance license. Additionally, the states work together in enforcing laws and removing bad actors from licensure. By following this national model, Ohio is able to quickly and easily license hundreds of thousands of agents in all lines of insurance to assist consumers with insurance needs, as well as being able to efficiently take action on an agent license if needed.

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

None at this time

Comparison to other states *(How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)*

All states/jurisdictions have limited lines licenses for majority of the same lines of authority. Ohio adopted the NAIC uniform standards so the regulation of the limited lines will be the same for all states that adopted the standards.

Surrounding state comparison (LSC)

See limited lines – portable electronics, limited lines – self-service storage, and limited lines – travel insurance, below.

Limited lines – portable electronics

Survey responses (INS)

Description
Portable Electronics: insurance providing coverage for the repair or replacement of portable electronics, which may be offered on a month-to-month or other periodic basis as a group or master commercial inland marine policy issued to a vendor by an insurer, and may cover portable electronics against loss, theft, inoperability due to mechanical failure, malfunction, damage, or other applicable perils.

Type <i>(See R.C. 4798.01 for relevant definitions.)</i>
Government certification

If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	4
Number renewed annually	18
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	This is a newer license type so at the beginning there was a large increase, but since the initial issuance of these license types it has been fairly consistent. There was an increase of only 2 from 2019 to 2020.

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

Education or training requirements

Each vendor, or the supervising entity to that vendor, shall provide a training and education program for all endorsees who sell or offer portable electronics insurance. The program may be provided as a web-based training module or in any other electronic or recorded video form. The training and education program shall meet all of the following minimum standards:

- (1) The training shall be delivered to each endorsee of each vendor who sells or offers portable electronics insurance and the endorsee shall complete the training;
- (2) If the training is conducted in an electronic form, the supervising entity shall implement a supplemental education program regarding portable electronics insurance that is conducted and overseen by employees of the supervising entity who are licensed as insurance agents under section 3905.06 of the Revised Code;
- (3) The training and education program shall include basic information about portable electronics insurance and information concerning all of the following prohibited actions of endorsees:
 - (a) No endorsee shall advertise, represent, or otherwise represent the endorsee's self as a licensed insurance agent.
 - (b) No endorsee shall offer, sell, or solicit the purchase of portable electronics insurance except in conjunction with and incidental to the sale or lease of portable electronics.
 - (c) No endorsee shall make any statement or engage in any conduct, express or implied, that would lead a customer to believe any of the following:
 - (i) That the insurance policies offered by the endorsee provide coverage not already provided by a customer's homeowner's insurance policy, renter's insurance policy, or by another source of coverage;
 - (ii) That the purchase by the customer of portable electronics insurance is required in order to purchase or lease portable electronics or services from the portable electronics vendor;
 - (iii) That the portable electronics vendor or its endorsees are qualified to evaluate the adequacy of the customer's existing insurance coverage.

If the regulation is a registration, certification, or license requirement, please complete the following:	
Experience requirements	None
Examination requirements (<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
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	None
Initial fee	Either \$100 or \$1000 depending upon number of locations operating under the entities license.
Duration	2-Years
Renewal fee (<i>If different from initial fee, please explain why.</i>)	Either \$100 or \$500 depending upon number of locations operating under the entities license.
Does the Board recognize uniform licensure requirements or allow for reciprocity?	Yes, Insurance licensure works closely with the NAIC to ensure that the Producer Licensing Uniform Standards and Reciprocity standards are followed as closely as possible. Ohio reciprocates with all state insurance departments.
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	No

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

Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	No
Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?	Yes, but must do so in compliance with Ohio Revised Code and Ohio Administrative Code.
Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)	No

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

- Ohio Revised Code 3905
- Ohio Administrative Code 3901-5-01 thru 3901-5-09

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?

Licensing-related fees amount to about \$38.4 million in FY 2020. Most of the fees come from appointment renewal. A small portion of it (about \$1.8 million) is used to fund Licensing Division's operations.

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

When NARAB becomes active, the Ohio Department of Insurance will be required to issue registrations to non-resident members of NARAB (individuals and business entities) operating in Ohio.

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

Insurance is an important part of any financial planning and insurance regulation is primarily focused on ensuring companies are solvent and able to pay claims, the products that are sold are compliant with Ohio law, and that the agents that are charged with selling these products to consumers are properly educated and able to perform this important duty. The "harm" that the regulation seeks to prevent focuses on ensuring that agents are properly educated and licensed to mitigate any consumer harm when purchasing insurance. This is especially important as many of the products that are sold to Ohioans, have a substantial impact on the financial wellbeing of an individual or family. In addition, often agents have access to debit consumers bank accounts and hold money to pay premiums, making ensuring agents are properly licensed and educated critical for consumer protection.

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The regulation is effective at preventing the harm described above for a number of reasons, including that the department issues licenses according to a national system of reciprocity and

enforcement. Specifically, any Ohio licensed agent can apply to any other state following the national structure and receive a license with no additional testing or other requirements. The same is true for agents licensed in other states being able to obtain an Ohio insurance license. Additionally, the states work together in enforcing laws and removing bad actors from licensure. By following this national model, Ohio is able to quickly and easily license hundreds of thousands of agents in all lines of insurance to assist consumers with insurance needs, as well as being able to efficiently take action on an agent license if needed.

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

None at this time

Comparison to other states *(How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)*

Ohio adopted the NAIC Uniform standards, so as long as other states/jurisdictions adopted the same standards then Ohio will be regulating similar to other states/jurisdictions.

Surrounding state comparison (LSC)

Limited Lines License – Portable Electronics						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (<i>R.C. 3905.062(B)(1)</i>)	Yes (<i>Ind. Code Ann. 27-1-15.9-10(a)</i>)	Yes (<i>Ky. Rev. Stat. Ann. 304.9-780</i>)	No (<i>Mich. Comp. Laws 500.1202(2)(i)</i>)	Yes (<i>40 Pa. Cons. Stat. 4203(a)</i>)	No, sellers of portable electronics are exempt from licensure, so long as they meet certain requirements (<i>W. Va. Code Ann. 33-12-32a</i>)
Education or training	No (<i>R.C. 3905.06(A)(2)(d)</i>)	Complete training program (<i>Ind. Code Ann. 27-1-15.9-10(b)(2)(B)</i>)	No (<i>Ky. Rev. Stat. Ann. 304.9-782</i>)	N/A	Complete training program (<i>40 Pa. Cons. Stat. 4205(a)(2)</i>)	Complete training program (<i>W. Va. Code Ann. 33-12-32a(d)(1)(B)</i>)
Experience	No (<i>R.C. 3905.06(A)(2)(d)</i>)	No	No	N/A	No	N/A
Exam	No (<i>R.C. 3905.06(A)(2)(d)</i>)	No	No (<i>Ky. Rev. Stat. Ann. 304.9-782</i>)	N/A	No	N/A
Continuing education	No (<i>R.C. 3905.06(A)(2)(d)</i>)	Requires “continuing training on a periodic basis” (<i>Ind. Code Ann. 27-1-15.9-10</i> ;	No (<i>Ky. Rev. Stat. Ann. 304.9-782</i>)	N/A	No	N/A

Limited Lines License – Portable Electronics

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
		<i>Indiana Department of Insurance, Continuing Education (CE) Requirements By License Type/Line of Authority)</i>				
Initial licensure fee	Ten or fewer locations: \$100 11 or more locations: \$1,000 <i>(R.C. 3905.40(F); license application)</i>	\$40 for residents and \$90 for nonresidents <i>(Ind. Code Ann. 27-1-15.6-32(b))</i>	\$100 for residents and \$120 for nonresidents <i>(Ky. Rev. Stat. Ann. 304.9-782; 806 Ky. Admin. Regs. 4:010)</i>	N/A	\$55 for residents and \$110 for nonresidents <i>(40 Pa. Cons. Stat. 310.5(c))</i>	N/A
License duration	Two years <i>(R.C. 3905.06(C))</i>	Two years <i>(Ind. Code Ann. 27-1-15.6-32(b))</i>	Two years <i>(Ky. Rev. Stat. Ann. 304.9-260(1)(d) and (e))</i>	N/A	Two years <i>(40 Pa. Cons. Stat. 310.7)</i>	N/A
Renewal fee	Ten or fewer locations: \$100 11 or more locations: \$500	\$40 for residents and \$90 for nonresidents <i>(Ind. Code Ann. 27-1-15.6-32(b))</i>	\$100 for residents and \$120 for nonresidents <i>(Ky. Rev. Stat. Ann. 304.9-782; 806 Ky. Admin. Regs. 4:010)</i>	N/A	\$55 for residents and \$110 for nonresidents <i>(40 Pa. Cons. Stat. 310.5(c))</i>	N/A

Limited Lines License – Portable Electronics						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	(R.C. 3905.40(F); <i>renewal application</i>)					

Limited lines license – self-service storage

Survey responses (INS)

Description
Self-Service Storage: insurance providing coverage for the loss of, or damage to, tangible personal property that is contained in storage space or in transit during a self-service storage rental agreement period, which may be offered on a month-to-month or other periodic basis under an individual policy, or as a group, commercial, or master policy issued to a self-service storage facility to provide insurance for the self-service storage facility's customers.
Type (See R.C. 4798.01 for relevant definitions.)
Government certification

If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	35
Number renewed annually	21
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	This is a newer license type so at the beginning there was a large increase, but since the initial issuance of these license types it has been fairly consistent. There was an increase of 29 from 2019 to 2020.
Education or training requirements	None
Experience requirements	None
Examination requirements (<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
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	None
Initial fee	\$10.00
Duration	2-Years

If the regulation is a registration, certification, or license requirement, please complete the following:	
Renewal fee <i>(If different from initial fee, please explain why.)</i>	\$25.00
Does the Board recognize uniform licensure requirements or allow for reciprocity?	Yes, Insurance licensure works closely with the NAIC to ensure that the Producer Licensing Uniform Standards and Reciprocity standards are followed as closely as possible. Ohio reciprocates with all state insurance departments.
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	no
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	“Self-service storage insurance” does not mean any of the following: (i) A consumer goods service contract governed by section 3905.423 of the Revised Code; (ii) A policy of insurance covering a seller’s or a manufacturer’s obligations under a warranty; (iii) A homeowner’s, renter’s, private passenger automobile, or similar insurance policy.
Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?	Yes, but must do so in compliance with Ohio Revised Code and Ohio Administrative Code.
Other information <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i>	National Criminal Background check for resident individuals

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

- Ohio Revised Code 3905
- Ohio Administrative Code 3901-5-01 thru 3901-5-09

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?

Licensing-related fees amount to about \$38.4 million in FY 2020. Most of the fees come from appointment renewal. A small portion of it (about \$1.8 million) is used to fund Licensing Division's operations.

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When NARAB becomes active, the Ohio Department of Insurance will be required to issue registrations to non-resident members of NARAB (individuals and business entities) operating in Ohio.

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

Insurance is an important part of any financial planning and insurance regulation is primarily focused on ensuring companies are solvent and able to pay claims, the products that are sold are compliant with Ohio law, and that the agents that are charged with selling these products to consumers are properly educated and able to perform this important duty. The “harm” that the regulation seeks to prevent focuses on ensuring that agents are properly educated and licensed to mitigate any consumer harm when purchasing insurance. This is especially important as many of the products that are sold to Ohioans, have a substantial impact on the financial wellbeing of an individual or family. In addition, often agents have access to debit consumers bank accounts and hold money to pay premiums, making ensuring agents are properly licensed and educated critical for consumer protection.

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

The regulation is effective at preventing the harm described above for a number of reasons, including that the department issues licenses according to a national system of reciprocity and enforcement. Specifically, any Ohio licensed agent can apply to any other state following the national structure and receive a license with no additional testing or other requirements. The same is true for agents licensed in other states being able to obtain an Ohio insurance license. Additionally, the states work together in enforcing laws and removing bad actors from licensure. By following this national model, Ohio is able to quickly and easily license hundreds of thousands of agents in all lines of insurance to assist consumers with insurance needs, as well as being able to efficiently take action on an agent license if needed.

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

None at this time

Comparison to other states (How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)

Ohio adopted the NAIC Uniform language. Therefore regulates the occupation the same as majority of the states that regulate the same license type.

Surrounding state comparison (LSC)

Limited Lines License – Self-service Storage						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (R.C. 3905.063)	Standard limited line required (Ind. Code Ann. 27-1-15.6-4(c)(11) and 27-1-16.1-8)	Limited lines license required; Self-service storage facility may act as an agent of the license holder (Ky. Rev. Stat. Ann. 304.9-496)	No (Mich. Comp. Laws 500.1202(2)(k))	Yes (40 Pa. Cons. Stat. 310.81(a))	Yes (W. Va. Code Ann. 33-12-38(b)(1))
Education or training	No (R.C. 3905.06(A)(2)(d))	Complete training program (Ind. Code Ann. 27-1-16.1-8(b)(2)(B))	No (Ky. Rev. Stat. Ann. 304.9-496)	N/A	Complete training program (40 Pa. Cons. Stat. 310.81(f))	Complete training program (W. Va. Code Ann. 33-12-38(d)(1)(b))

Limited Lines License – Self-service Storage						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Experience	No (<i>R.C. 3905.06(A)(2)(d)</i>)	No	No	N/A	No	No
Exam	No (<i>R.C. 3905.06(A)(2)(d)</i>)	No (<i>Ind. Code Ann 27-1-15.6-18</i>)	No (<i>Ky. Rev. Stat. Ann. 304.9-486</i>)	N/A	No	No
Continuing education	No (<i>R.C. 3905.06(A)(2)(d)</i>)	Continuing training required on a periodic basis (<i>Ind. Code Ann. 27-1-16.1-8(c)(3)</i>)	No (<i>Ky. Rev. Stat. Ann. 304.9-496</i>)	N/A	No (<i>40 Pa. Cons. Stat. 310.81(k)</i>)	No
Initial licensure fee	\$10 (<i>R.C. 3905.40(H); license application</i>)	\$40 for residents and \$90 for nonresidents (<i>Ind. Code Ann. 27-1-15.6-32(b)</i>)	\$40 for individual resident license, \$50 for nonresident license, \$100 for resident business license, \$120 for nonresident business license, no separate license fee for self-storage service facilities acting as agent for limited lines license holder	N/A	\$55 for residents and \$110 for nonresidents (<i>40 Pa. Cons. Stat. 310.5(c)</i>)	\$25 (<i>W. Va. Code Ann. 33-12-10 and 33-12-17</i>)

Limited Lines License – Self-service Storage

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
			<i>(806 Ky. Admin. Regs. 4:010(6))</i>			
License duration	Two years <i>(R.C. 3905.40(H))</i>	Two years <i>(Ind. Code Ann. 27-1-15.6-32(b))</i>	Two years <i>(Ky. Rev. Stat. Ann. 304.9-260(1))</i>	N/A	Two years <i>(40 Pa. Cons. Stat. 310.7)</i>	One year <i>(W. VA Code 33-12-17)</i>
Renewal fee	\$25 <i>(R.C. 3905.40(H); license application)</i>	\$40 for residents and \$90 for nonresidents <i>(Ind. Code Ann. 27-1-15.6-32(b))</i>	\$40 for individual resident license, \$50 for nonresident license, \$100 for resident business license, \$120 for nonresident business license <i>(806 Ky. Admin. Regs. 4:010(6))</i>	N/A	\$55 for residents and \$110 for nonresidents <i>(40 Pa. Cons. Stat. 310.5(c))</i>	\$25 <i>(W. Va. Code Ann. 33-12-10)</i>

Limited lines license – travel insurance

Survey responses (INS)

Description	
Travel: Insurance coverage for personal risks incident to planned travel, including all of the following: (a) Interruption or cancellation of a trip or event; (b) Loss of baggage or personal effects; (c) Damages to accommodations or rental vehicles; (d) Sickness, accident, disability, or death occurring during travel.	
Type <i>(See R.C. 4798.01 for relevant definitions.)</i>	
Government certification	
If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	184
Number renewed annually	477

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

<p>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</p>	<p>Recent decrease after the law was changed to comply with the NAIC Uniform Standard.</p>
<p>Education or training requirements</p>	<p>The limited lines travel insurance agent requires each employee and authorized representative of the travel retailer, whose duties include offering or selling travel insurance, to receive a program of instruction or training.</p> <p>(ii) The training material shall, at minimum, contain instructions on the types of insurance offered, ethical sales practices, and required disclosures to prospective customers.</p> <p>(b) The superintendent may review all training programs or materials at the superintendent's discretion.</p>
<p>Experience requirements</p>	<p>None</p>
<p>Examination requirements (<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>None</p>
<p>Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)</p>	<p>None</p>
<p>Initial fee</p>	<p>\$10.00</p>
<p>Duration</p>	<p>2-Years</p>

If the regulation is a registration, certification, or license requirement, please complete the following:	
Renewal fee <i>(If different from initial fee, please explain why.)</i>	\$25.00
Does the Board recognize uniform licensure requirements or allow for reciprocity?	Yes, Insurance licensure works closely with the NAIC to ensure that the Producer Licensing Uniform Standards and Reciprocity standards are followed as closely as possible. Ohio reciprocates with all state insurance departments.
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	No
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	No
Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?	Yes, but must do so in compliance with Ohio Revised Code and Ohio Administrative Code.
Other information <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i>	National Criminal Background check for resident individuals

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

- Ohio Revised Code 3905
- Ohio Administrative Code 3901-5-01 thru 3901-5-10

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?

Licensing-related fees amount to about \$38.4 million in FY 2020. Most of the fees come from appointment renewal. A small portion of it (about \$1.8 million) is used to fund Licensing Division's operations.

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

When NARAB becomes active, the Ohio Department of Insurance will be required to issue registrations to non-resident members of NARAB (individuals and business entities)

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

Insurance is an important part of any financial planning and insurance regulation is primarily focused on ensuring companies are solvent and able to pay claims, the products that are sold are compliant with Ohio law, and that the agents that are charged with selling these products to consumers are properly educated and able to perform this important duty. The “harm” that the regulation seeks to prevent focuses on ensuring that agents are properly educated and licensed to mitigate any consumer harm when purchasing insurance. This is especially important as many of the products that are sold to Ohioans, have a substantial impact on the financial wellbeing of an individual or family. In addition, often agents have access to debit consumers bank accounts and hold money to pay premiums, making ensuring agents are properly licensed and educated critical for consumer protection.

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

The regulation is effective at preventing the harm described above for a number of reasons, including that the department issues licenses according to a national system of reciprocity and enforcement. Specifically, any Ohio licensed agent can apply to any other state following the national structure and receive a license with no additional testing or other requirements. The same is true for agents licensed in other states being able to obtain an Ohio insurance license. Additionally, the states work together in enforcing laws and removing bad actors from licensure. By following this national model, Ohio is able to quickly and easily license hundreds of thousands of agents in all lines of insurance to assist consumers with insurance needs, as well as being able to efficiently take action on an agent license if needed.

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

None at this time

Comparison to other states (*How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?*)

Ohio adopted majority of the NAIC Uniform standards so the licensing process of the license is similar to other states that have adopted the uniform standards.

Surrounding state comparison (LSC)

Limited Lines License – Travel Insurance						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (<i>R.C. 3905.064(B)</i>)	Yes (<i>Ind. Code Ann. 27-1-15.6-19.7</i>)	Limited lines license required – travel retailer may act as an agent of the license holder (<i>Ky. Rev. Stat. Ann. 304.9-475; Ky. Rev. Stat. Ann. 304.9-080(6)</i>)	No (<i>Mich. Comp. Laws 500.1202(2)(h) and (j)</i>)	Yes (<i>40 Pa. Cons. Stat. 4603(a)</i>)	Yes (<i>W. Va. Code Ann. 33-12-32b(b)(1)</i>)
Education or training	No	No	No (<i>Ky. Rev. Stat. Ann. 304.9-496</i>)	N/A	Complete training program (<i>40 Pa. Cons. Stat. 4604(d)</i>)	Complete training program (<i>W. Va. Code Ann. 3-12-32b(d)(5)</i>)
Experience	No	No	No	N/A	No	No

Limited Lines License – Travel Insurance						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Exam	No	No (<i>Ind. Code Ann. 27-1-15.6-18(1)</i>)	No (<i>Ky. Rev. Stat. Ann. 304.9-475</i>)	N/A	No	No
Continuing education	No	No (<i>Ind. Code Ann. 27-1-15.7-2(c)(1)</i>)	No (<i>Ky. Rev. Stat. Ann. 304.9-475</i>)	N/A	No	No
Initial licensure fee	\$10 (<i>R.C. 3905.40(G); license application</i>)	\$40 for residents and \$90 for nonresidents (<i>Ind. Code Ann. 27-1-15.6-32(b)</i>)	\$40 for individual resident license, \$50 for nonresident license, \$100 for resident business license, \$120 for nonresident business license, no separate license fee travel retailers acting as agent for limited lines license holder (<i>806 Ky. Admin. Regs. 4:010(6)</i>)	N/A	\$400 (<i>40 Pa. Cons. Stat. 4608(b)</i>)	\$200 (<i>W. Va. Code Ann. 33-12-32b(b)(3)</i>)
License duration	Two years (<i>R.C. 3905.064(J)</i>)	Two years (<i>Ind. Code Ann. 27-1-15.6-32(b)</i>)	Two years (<i>Ky. Rev. Stat. Ann. 304.9-260</i>)	N/A	Two years (<i>40 Pa. Cons. Stat. 310.7</i>)	One year (<i>W. Va. Code Ann. 33-12-32b(b)(3)</i>)

Limited Lines License – Travel Insurance						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Renewal fee	\$25 (<i>R.C. 3905.40(G); renewal application</i>)	\$40 for residents and \$90 for nonresidents (<i>Ind. Code Ann. 27-1-15.6-32(b)</i>)	\$40 for individual resident license, \$50 for nonresident license, \$100 for resident business license, \$120 for nonresident business license (<i>806 Ky. Admin. Regs. 4:010(6)</i>)	N/A	\$400 (<i>40 Pa. Cons. Stat. 4608(b)</i>)	\$200 (<i>W. Va. Code Ann. 33-12-32b(b)(3)</i>)

Surety bail bond license

Survey responses (INS)

Description
<p>Bail or bond is an amount of money in cash or surety bond for the purpose of making sure that a particular person attends all required court appearances. Bail allows an arrested person (defendant) to be released from jail until his or her case is completed.</p> <p>A surety bail bond agent is a person who is licensed by the Ohio Department of Insurance to sell surety bonds and is authorized to conduct business in the State of Ohio. They are an agent for an insurance company that sells surety bonds. A surety bond is an agreement made between one or more persons and a bond agent where the bond agent agrees to post the necessary bail so that a defendant can be released from jail. The agreement is backed by an insurance company contract that is signed by the person or persons and the bond agent on behalf of the insurance company. Sufficient cash or collateral to cover the full amount of the bail if the defendant misses his or her court date also backs the agreement. Only a person who has been licensed by the Ohio Department of Insurance may post a surety bond.</p> <p>No person, other than a law enforcement officer, shall apprehend, detain, or arrest a principal on bond, whenever issued, unless that person is qualified, licensed, and appointed as a surety bail bond agent, licensed as a private investigator, or an off-duty peace officer.</p>

Type (See R.C. 4798.01 for relevant definitions.)

Government certification

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

Number issued annually	62
Number renewed annually	657
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	Slight Increase. There was an increase of 33 Surety Bail Bond active licenses from 2019 to 2020.
Education or training requirements	Pre-license education for a minimum of 20 hours
Experience requirements	None

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

<p>Examination requirements (<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>Resident individuals are required to pass a state license exam.</p> <p>Non-Resident individuals and Business entities do not have an examination requirement.</p> <p>PSI is the current examination vendor. Examination vendors are selected via an RFP process with DAS Procurement as the administrator of the process.</p> <p>Each exam session is \$42.00. 100% of the examination fee goes to the exam vendor.</p>
<p>Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)</p>	<p>Resident individual Surety Bail Bond agents need to complete 7 hours of approved continuing education, 6 of which must be approved as surety bail bond specific and 1 of which must be approved as ethics specific, prior to renewing their license.</p>
<p>Initial fee</p>	<p>\$150.00</p>
<p>Duration</p>	<p>1 year</p>
<p>Renewal fee (<i>If different from initial fee, please explain why.</i>)</p>	<p>\$150.00</p>
<p>Does the Board recognize uniform licensure requirements or allow for reciprocity?</p>	<p>No uniform licensure requirements, but does allow for reciprocity.</p>
<p>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</p>	<p>No</p>

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

<p>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?</p>	<p>No</p>
<p>Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?</p>	<p>Yes, but must do so in compliance with Ohio Revised Code and Ohio Administrative Code.</p>
<p>Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)</p>	<p>National Criminal Background check for resident individuals</p>

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

- Ohio Administrative Code 3901-5-01 thru 3901-5-09
- ORC: 3905.83 – 3905.99
- ORC: 3905.14
- ORC: 2927.27
- ORC: 2921.51
- OAC: 3901-05
- OAC: 3901-1-66

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?

Licensing-related fees amount to about \$38.4 million in FY 2020. Most of the fees come from appointment renewal. A small portion of it (about \$1.8 million) is used to fund Licensing Division's operations.

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).)

Insurance is an important part of any financial planning and insurance regulation is primarily focused on ensuring companies are solvent and able to pay claims, the products that are sold are compliant with Ohio law, and that the agents that are charged with selling these products to consumers are properly educated and able to perform this important duty. The "harm" that the regulation seeks to prevent focuses on ensuring that agents are properly educated and licensed to mitigate any consumer harm when purchasing insurance. This is especially important as many of the products that are sold to Ohioans, have a substantial impact on the financial wellbeing of an individual or family. In addition, often agents have access to debut consumers bank accounts and hold money to pay premiums, making ensuring agents are properly licensed and educated critical for consumer protection.

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

The regulation is effective at preventing the harm described above for a number of reasons, including that the department issues licenses according to a national system of reciprocity and

enforcement. Specifically, any Ohio licensed agent can apply to any other state following the national structure and receive a license with no additional testing or other requirements. The same is true for agents licensed in other states being able to obtain an Ohio insurance license. Additionally, the states work together in enforcing laws and removing bad actors from licensure. By following this national model, Ohio is able to quickly and easily license hundreds of thousands of agents in all lines of insurance to assist consumers with insurance needs, as well as being able to efficiently take action on an agent license if needed.

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

None at this time

Comparison to other states *(How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)*

Not sure

Surrounding state comparison (LSC)

Surety Bail Bond License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (<i>R.C. 3905.85(A)</i>)	Yes (<i>Ind. Code Ann. 27-10-3-1(a)</i>)	Commercial bail bonding is prohibited (<i>Ky. Rev. Stat. Ann. 431.510</i>)	Michigan does not have a separate license for bail bonding. Insurance producers license is required (<i>Michigan Department of Insurance and Financial Services, Bail Bondsmen FAQ</i>)	Yes (<i>42 Pa. Cons. Stat. 5742</i>)	No, bail bond enforcers (bounty hunters) appear to be required to register, but there does not appear to be a license for bail bondsmen (<i>W. Va. Code Ann. 51-10-8; W. Va. Code R. 81-15-1 to 81-15-7</i>)
Education or training	One of the following: <ol style="list-style-type: none"> 1. Bachelor's or associate's degree in insurance; 2. Approved professional designation; 3. 20 hours of insurance education for 	12 hours of approved instruction (<i>Ind. Code Ann. 27-10-3-3(a)(4)</i>)	N/A	N/A	Possess a casualty line license (<i>42 Pa. Cons. Stat. 5742</i>)	N/A

Surety Bail Bond License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	each line of authority <i>(R.C. 3905.85(B)(1) (f) and 3905.04)</i>					
Experience	No	Demonstrate relevant experience <i>(Ind. Code Ann. 27-10-3-3)</i>	N/A	N/A	None beyond standard licensing requirement	N/A
Exam	Yes <i>(R.C. 3905.85(B)(1)(f))</i>	Yes <i>(Ind. Code Ann. 27-10-3-6)</i>	N/A	N/A	None beyond standard licensing requirement	N/A
Continuing education	Seven hours, annually <i>(R.C. 3905.85(F)(2) and 3905.88)</i>	Six hours every two years <i>(Ind. Code Ann. 27-10-3-7(b))</i>	N/A	N/A	None beyond standard licensing requirement	N/A
Initial licensure fee	\$150 <i>(R.C. 3905.85(A))</i>	\$650 <i>(Ind. Code Ann. 27-10-3-4(a))</i>	N/A	N/A	\$100 <i>(PID website)</i>	N/A
License duration	One year <i>(R.C. 3905.85(F)(1))</i>	Two years <i>(Ind. Code Ann. 27-10-3-2)</i>	N/A	N/A	Two years <i>(40 Pa. Cons. Stat. 310.8(b))</i>	N/A
Renewal fee	\$150 <i>(R.C. 3905.85(F)(1))</i>	\$300 <i>(Ind. Code Ann. 27-10-3-7)</i>	N/A	N/A	\$100 <i>(Pennsylvania)</i>	N/A

Surety Bail Bond License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
					<i>Insurance Department, Professional Bondsman Documents)</i>	

Reinsurance intermediary broker license

Survey responses (INS)

Description
Reinsurance Intermediary-Broker: means any person, other than an officer or employee of the ceding insurer, firm, association, or corporation that solicits, negotiates, or places reinsurance cessions or retrocessions on behalf of a ceding insurer without the authority or power to bind reinsurance on behalf of that insurer.
Type (See R.C. 4798.01 for relevant definitions.)
Government certification

If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	13
Number renewed annually	43
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	No major changes. There was only an increase of 2 active licenses from 2019 to 2020.
Education or training requirements	None
Experience requirements	None
Examination requirements (<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
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	None
Initial fee	\$500.00
Duration	1 year

If the regulation is a registration, certification, or license requirement, please complete the following:	
Renewal fee <i>(If different from initial fee, please explain why.)</i>	\$500.00
Does the Board recognize uniform licensure requirements or allow for reciprocity?	No uniform licensure requirements, but does allow for reciprocity.
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	No
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	No
Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?	Yes, but must do so in compliance with Ohio Revised Code and Ohio Administrative Code.
Other information <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i>	None

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

ORC: 3905.81

OAC: 3901-3-09

**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?**

Licensing-related fees amount to about \$38.4 million in FY 2020. Most of the fees come from appointment renewal. A small portion of it (about \$1.8 million) is used to fund Licensing Division's operations.

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).)

Insurance is an important part of any financial planning and insurance regulation is primarily focused on ensuring companies are solvent and able to pay claims, the products that are sold are compliant with Ohio law, and that the agents that are charged with selling these products to consumers are properly educated and able to perform this important duty. The “harm” that the regulation seeks to prevent focuses on ensuring that agents are properly educated and licensed to mitigate any consumer harm when purchasing insurance. This is especially important as many of the products that are sold to Ohioans, have a substantial impact on the financial wellbeing of an individual or family. In addition, often agents have access to debit consumers bank accounts and hold money to pay premiums, making ensuring agents are properly licensed and educated critical for consumer protection.

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

The regulation is effective at preventing the harm described above for a number of reasons, including that the department issues licenses according to a national system of reciprocity and enforcement. Specifically, any Ohio licensed agent can apply to any other state following the national structure and receive a license with no additional testing or other requirements. The same is true for agents licensed in other states being able to obtain an Ohio insurance license. Additionally, the states work together in enforcing laws and removing bad actors from licensure. By following this national model, Ohio is able to quickly and easily license hundreds of thousands of agents in all lines of insurance to assist consumers with insurance needs, as well as being able to efficiently take action on an agent license if needed.

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

Not at this time

Comparison to other states (How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)

Not sure

Surrounding state comparison (LSC)

Reinsurance Intermediary Broker License and Reinsurance Intermediary Manager License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (<i>R.C. 3905.81(B)</i>)	Reinsurance intermediary brokers must have standard producer's license (<i>Ind. Code Ann. 27-6-9-12</i>)	Yes (<i>Ky. Rev. Stat. Ann. 304.9-705</i>)	Yes (<i>Mich. Comp. Laws 500.1153 and 500.1165</i>)	Yes (<i>40 Pa. Cons. Stat. 321.2(a)</i>)	Yes (<i>W. Va. Code Ann. 33-38-3</i>)
Education or training	No	No	No additional requirements beyond standard license requirements (<i>Ky. Rev. Stat. Ann. 304.9-705</i>)	No	No	No

Reinsurance Intermediary Broker License and Reinsurance Intermediary Manager License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Experience	No	No	No	No	No	No
Exam	No	No	No additional requirements beyond standard license requirements (<i>Ky. Rev. Stat. Ann. 304.9-705</i>)	No	No	No
Continuing education	No	No	No additional requirements beyond standard license requirements (<i>Ky. Rev. Stat. Ann. 304.9-705</i>)	No	No	No
Initial licensure fee	\$500 (<i>R.C. 3905.81(D)</i>)	\$100 (<i>760 Ind. Admin. Code 1-51-3(c)</i>)	\$100 (<i>806 Ky. Admin. Regs. 4:010</i>)	\$100 (<i>Michigan Department of Insurance and Financial Services, Application for Reinsurance Intermediary Broker</i>)	No (<i>Pennsylvania Insurance Department, Reinsurance Intermediary Broker</i>)	\$500 (<i>W. Va. Code Ann. 33-38-3a(a)</i>)
License duration	One year (<i>R.C. 3905.81(D); Department of</i>	One year (<i>760 Ind. Admin. Code 1-51-3(a)</i>)	Two years (<i>Ky. Rev. Stat. Ann. 304.9-260</i>)	Does not appear to expire unless revoked (<i>Mich.</i>	Does not expire unless revoked (<i>Pennsylvania</i>	One year (<i>W. Va. Code Ann. 33-38-3a(h)</i>)

Reinsurance Intermediary Broker License and Reinsurance Intermediary Manager License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<i>Insurance, Re-insurance Intermediary)</i>			<i>Comp. Laws 500.1153 and 500.1165)</i>	<i>Insurance Department, Reinsurance Intermediary Broker)</i>	
Renewal fee	\$500 (R.C. 3905.81(D))	\$100 (760 Ind. Admin. Code 1-51-3(c))	\$100 (806 Ky. Admin. Regs. 4:010)	N/A	No (Pennsylvania Insurance Department, Reinsurance Intermediary Broker)	\$200 (W. Va. Code Ann. 33-38-3a(h))

Reinsurance intermediary manager license

Survey responses (INS)

Description
Reinsurance Intermediary-Manager: means any person, firm, association, or corporation that has authority to bind, or manages all or part of the assumed reinsurance business of, a reinsurer (including the management of a separate division, department, or underwriting office) and acts as an agent for the reinsurer whether known as a reinsurance intermediary-manager, manager, or other similar term.

Type (See R.C. 4798.01 for relevant definitions.)

Government certification

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

Number issued annually

4

Number renewed annually

17

Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?

No major changes. The same number of licenses were active in both 2019 and 2020.

Education or training requirements

None

Experience requirements

None

Examination requirements (*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?*)

None

If the regulation is a registration, certification, or license requirement, please complete the following:	
Continuing education requirements <i>(Including a description of the curriculum and the process of setting it.)</i>	None
Initial fee	\$500.00
Duration	1 year
Renewal fee <i>(If different from initial fee, please explain why.)</i>	\$500.00
Does the Board recognize uniform licensure requirements or allow for reciprocity?	No uniform licensure requirements, but does allow for reciprocity.
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	No
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	No
Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?	Yes, but must do so in compliance with Ohio Revised Code and Ohio Administrative Code.

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

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

N/A

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

- ORC: 3905.81
- OAC: 3901-3-09

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?

Licensing-related fees amount to about \$38.4 million in FY 2020. Most of the fees come from appointment renewal. A small portion of it (about \$1.8 million) is used to fund Licensing Division's operations.

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).)

Insurance is an important part of any financial planning and insurance regulation is primarily focused on ensuring companies are solvent and able to pay claims, the products that are sold are compliant with Ohio law, and that the agents that are charged with selling these products to consumers are properly educated and able to perform this important duty. The “harm” that the regulation seeks to prevent focuses on ensuring that agents are properly educated and licensed to mitigate any consumer harm when purchasing insurance. This is especially important as many of the products that are sold to Ohioans, have a substantial impact on the financial wellbeing of an individual or family. In addition, often agents have access to debit consumers bank accounts and hold money to pay premiums, making ensuring agents are properly licensed and educated critical for consumer protection.

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

The regulation is effective at preventing the harm described above for a number of reasons, including that the department issues licenses according to a national system of reciprocity and enforcement. Specifically, any Ohio licensed agent can apply to any other state following the national structure and receive a license with no additional testing or other requirements. The same is true for agents licensed in other states being able to obtain an Ohio insurance license. Additionally, the states work together in enforcing laws and removing bad actors from licensure. By following this national model, Ohio is able to quickly and easily license hundreds of thousands of agents in all lines of insurance to assist consumers with insurance needs, as well as being able to efficiently take action on an agent license if needed.

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

None at this time

Comparison to other states (How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)

Not sure

Surrounding state comparison (LSC)

Reinsurance Intermediary Broker License and Reinsurance Intermediary Manager License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (<i>R.C. 3905.81(B)</i>)	Reinsurance intermediary brokers must have standard producer's license (<i>Ind. Code Ann. 27-6-9-12</i>)	Yes (<i>Ky. Rev. Stat. Ann. 304.9-705</i>)	Yes (<i>Mich. Comp. Laws 500.1153 and 500.1165</i>)	Yes (<i>40 Pa. Cons. Stat. 321.2(a)</i>)	Yes (<i>W. Va. Code Ann. 33-38-3</i>)

Reinsurance Intermediary Broker License and Reinsurance Intermediary Manager License

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Education or training	No	No	No additional requirements beyond standard license requirements (<i>Ky. Rev. Stat. Ann. 304.9-705</i>)	No	No	No
Experience	No	No	No	No	No	No
Exam	No	No	No additional requirements beyond standard license requirements (<i>Ky. Rev. Stat. Ann. 304.9-705</i>)	No	No	No
Continuing education	No	No	No additional requirements beyond standard license requirements (<i>Ky. Rev. Stat. Ann. 304.9-705</i>)	No	No	No
Initial licensure fee	\$500 (<i>R.C. 3905.81(D)</i>)	\$100 (<i>760 Ind. Admin. Code 1-51-3(c)</i>)	\$100 (<i>806 Ky. Admin. Regs. 4:010</i>)	\$100 (<i>Michigan Department of Insurance and Financial Services,</i>	No (<i>Pennsylvania Insurance Department, Reinsurance</i>	\$500 (<i>W. Va. Code Ann. 33-38-3a(a)</i>)

Reinsurance Intermediary Broker License and Reinsurance Intermediary Manager License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
				<i>Application for Reinsurance Intermediary Broker)</i>	<i>Intermediary Broker)</i>	
License duration	One year (<i>R.C. 3905.81(D); Department of Insurance, Re-insurance Intermediary</i>)	One year (<i>760 Ind. Admin. Code 1-51-3(a)</i>)	Two years (<i>Ky. Rev. Stat. Ann. 304.9-260</i>)	Does not appear to expire unless revoked (<i>Mich. Comp. Laws 500.1153 and 500.1165</i>)	Does not expire unless revoked (<i>Pennsylvania Insurance Department, Reinsurance Intermediary Broker</i>)	One year (<i>W. Va. Code Ann. 33-38-3a(h)</i>)
Renewal fee	\$500 (<i>R.C. 3905.81(D)</i>)	\$100 (<i>760 Ind. Admin. Code 1-51-3(c)</i>)	\$100 (<i>806 Ky. Admin. Regs. 4:010</i>)	N/A	No (<i>Pennsylvania Insurance Department, Reinsurance Intermediary Broker</i>)	\$200 (<i>W. Va. Code Ann. 33-38-3a(h)</i>)

Viatical settlement provider or broker license

Survey responses (INS)

Description

License Division does not oversee the regulation and licensure of Viatical Settlement Providers so this license type should not be included in this survey. However, the Viatical Settlement Brokers is overseen by Licensing and information is provided below.

Viatical Settlement: means an activity involved, but not limited to, in the offering, solicitation, negotiation, procurement, effectuation, purchasing, investing, financing, monitoring, tracking, underwriting, selling, transferring, assigning, pledging, or hypothecating or in any other manner acquiring an interest in a policy by means of viatical settlement contracts.

V.S. Broker: means a person that, on behalf of a viator and for a fee, commission, or other valuable consideration, offers or attempts to negotiate viatical settlements between a viator and one or more viatical settlement providers or viatical settlement brokers. "Viatical settlement broker" does not include an attorney, a certified public accountant, or a financial planner accredited by a nationally recognized accreditation agency, who is retained to represent the viator, whose compensation is not paid directly or indirectly by the viatical settlement provider or purchaser.

Type *(See R.C. 4798.01 for relevant definitions.)*

Government certification

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

Number issued annually

25

If the regulation is a registration, certification, or license requirement, please complete the following:	
Number renewed annually	82
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	Slight Increase of VS Brokers of 14 licenses from 2019 to 2020.
Education or training requirements	None
Experience requirements	None
Examination requirements (<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
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	15 Credits every 2-years See OAC 3901-9-03 for education curriculum
Initial fee	\$200.00
Duration	1 Year
Renewal fee (<i>If different from initial fee, please explain why.</i>)	\$100.00

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?	No uniform licensure requirements, but does allow for reciprocity.
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	No
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	No
Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?	Yes, but must do so in compliance with Ohio Revised Code and Ohio Administrative Code.
Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)	<p>National Criminal Background check</p> <p>Documentation of the applicant's qualifications to engage in the viatical settlement broker business. [ORC section 3916.03(C)(2)(b)], either by: Resume or curriculum vitae, or Letter describing education, training and relevant work/professional experience, professional designations, professional licenses held.</p> <p>If applicant will be conducting business using any name other than the applicant's personal legal name, proof of registration with the Ohio Secretary of State.</p> <p>Written anti-fraud program that complies with ORC section 3916.18(G). [ORC section 3916.03(C)(4)]</p> <p>Description of procedures in place to safeguard the confidentiality of viators' personal and medical information that complies with ORC section 3916.13.</p>

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

- ORC 3916
- OAC 3901-9-01
- OAC 3901-9-02
- OAC 3901-9-03
- OAC 3901-9-04

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?

Licensing-related fees amount to about \$38.4 million in FY 2020. Most of the fees come from appointment renewal. A small portion of it (about \$1.8 million) is used to fund Licensing Division's operations.

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).)

Insurance is an important part of any financial planning and insurance regulation is primarily focused on ensuring companies are solvent and able to pay claims, the products that are sold are compliant with Ohio law, and that the agents that are charged with selling these products to consumers are properly educated and able to perform this important duty. The “harm” that the regulation seeks to prevent focuses on ensuring that agents are properly educated and licensed to mitigate any consumer harm when purchasing insurance. This is especially important as many of the products that are sold to Ohioans, have a substantial impact on the financial wellbeing of an individual or family. In addition, often agents have access to debit consumers bank accounts and hold money to pay premiums, making ensuring agents are properly licensed and educated critical for consumer protection.

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

The regulation is effective at preventing the harm described above for a number of reasons, including that the department issues licenses according to a national system of reciprocity and enforcement. Specifically, any Ohio licensed agent can apply to any other state following the national structure and receive a license with no additional testing or other requirements. The same is true for agents licensed in other states being able to obtain an Ohio insurance license. Additionally, the states work together in enforcing laws and removing bad actors from licensure. By following this national model, Ohio is able to quickly and easily license hundreds of thousands of agents in all lines of insurance to assist consumers with insurance needs, as well as being able to efficiently take action on an agent license if needed.

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

None at this time

Comparison to other states (How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)

Not sure

Surrounding state comparison (LSC)

Viatical Settlement Provider or Broker License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (R.C. 3916.02(A))	Yes, life insurance license required (Ind. Code Ann. 27-8-19.8-8.5)	Yes (Ky. Rev. Stat. Ann. 304.15-700)	No clear equivalent (Mich. Comp. Laws 550.521-550.528)	Yes (40 Pa. Cons. Stat. 626.3(a))	Yes (W. Va. Code Ann. 33-13C-3(a)(1))
Education or training	Sufficient to carry out responsibilities (R.C. 3916.03(C)(2)(b))	No	Complete training course (Ky. Rev. Stat. Ann. 304.15-700(2)(a))	N/A	Sufficient to carry out duties (40 Pa. Cons. Stat. 626.3(i)(3))	No
Experience	Sufficient to carry out responsibilities (R.C. 3916.03(C)(2)(b))	Sufficient to carry out responsibilities (Ind. Code Ann. 27-8-19.8-11(3))	No	N/A	Sufficient to carry out duties (40 Pa. Cons. Stat. 626.3(i)(3))	Qualified by experience, training, or education (W. Va.

Viatical Settlement Provider or Broker License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
						<i>Code Ann. 33-13C-3(d)(3)</i>
Exam	No	No	Yes (<i>Ky. Rev. Stat. Ann. 304.15-700(2)(a)</i>)	N/A	No	Yes (<i>W. Va. Code R. 114-80-4(4.3a)</i>)
Continuing education	15 hours every two years (<i>R.C. 3916.03(G)</i>)	No	24 hours every two years (<i>806 Ky. Admin. Regs. 9:310, Section 4</i>)	N/A	No	15 hours every two years for brokers (<i>W. Va. Code Ann. 33-13C-3(g)</i>)
Initial licensure fee	\$200 (<i>O.A.C. 3901-9-02(J)(1)</i>)	\$1,000 (<i>760 Ind. Admin. Code 1-61-4</i>)	\$250 (<i>806 Ky. Admin. Regs. 9:310(1)(c)</i>)	N/A	Provider – \$300, broker – \$100 (<i>40 Pa. Cons. Stat. 626.3(c)</i>)	\$600 – producer, \$200 – entity, \$50 individual broker license (<i>W. Va. Code R. 114-80-3(3.2.b) and 114-80-4(4.7)</i>)
License duration	One year (<i>R.C. 3916.03(F)</i>)	One year (<i>760 Ind. Admin. Code 1-61-5(a)</i>)	Two years (<i>806 Ky. Admin. Regs. 9:310; Ky. Rev. Stat. Ann. 304.9-260</i>)	N/A	One year (<i>40 Pa. Cons. Stat. 626.3(e)</i>)	One year (<i>W. Va. Code R. 114-80-3(3.4) and 114-80-4(4.7)</i>)
Renewal fee	\$100 (<i>O.A.C. 3901-9-02(J)(2)</i>)	\$500 (<i>760 Ind. Admin. Code 1-61-5(b)</i>)	\$250 (<i>806 Ky. Admin. Regs. 9.310, Section 6</i>)	N/A	Provider – \$300, broker – \$100 (<i>40</i>	\$300 – producer, \$200 – entity, \$50 individual broker license (<i>W. Va.</i>

Viatical Settlement Provider or Broker License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
					<i>Pa. Cons. Stat. 626.3(c)</i>	<i>Code R. 114-80-3(3.4) and 114-80-4(4.7)</i>

Reciprocal or interinsurance adjuster license

Survey responses (INS)

Description
Unaware of this license type.
Type <i>(See R.C. 4798.01 for relevant definitions.)</i>
N/A

If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	N/A
Number renewed annually	N/A
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	N/A
Education or training requirements	N/A
Experience requirements	N/A
Examination requirements (<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>)	N/A
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	N/A
Initial fee	N/A
Duration	N/A

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

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

N/A

**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?**

N/A

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).)

N/A

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

N/A

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

N/A

Comparison to other states (How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)

N/A

Surrounding state comparison (LSC)

Reciprocal or Interinsurance Adjuster License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes. (R.C. 3931.10)	Yes (Ind. Code Ann. 27-6-6-9)	Yes (Ky. Rev. Stat. Ann. 304.27-070)	Yes (Mich. Comp. Laws 500.7202 and 500.7206)	Yes (40 Pa. Cons. Stat. 965)	Yes (W. Va. Code Ann. 33-21-6)
Education or training	Must be an attorney (R.C. 3931.10)	Must be an attorney (Ind. Code Ann. 27-6-6-9)	Must be an attorney (Ky. Rev. Stat. Ann. 304.27-070)	Must be an attorney (Mich. Comp. Laws 500.7202 and 500.7206)	Must be an attorney (40 Pa. Cons. Stat. 965)	No
Experience	No	No	No	N/A	No	No
Exam	No	No	No	N/A	No	No
Continuing education	No	No	No	N/A	No	No

Reciprocal or Interinsurance Adjuster License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Initial licensure fee	\$2 (<i>R.C. 3931.02</i>)	Unclear, required to pay the same taxes, licenses, and fees as required to be paid by mutual insurance companies (<i>Ind. Code Ann. 27-6-6-12</i>)	No specific fee just for reciprocal or interinsurance certificate – just standard insurance certificate of authority fee	N/A	No fee other than those generally required for the company in question (<i>40 Pa. Cons. Stat. 969</i>)	No fee other than those generally required for the company (<i>W. Va. Code Ann. 33-21-13</i>)
License duration	N/A	One year (<i>Ind. Code Ann. 27-6-6-9</i>)	One year (<i>Ky. Rev. Stat. Ann. 304.3-180</i>)	N/A	One year (<i>40 Pa. Cons. Stat. 965</i>)	Until revoked (<i>W. Va. Code Ann. 33-21-7</i>)
Renewal fee	N/A	Unclear, required to pay the same taxes, licenses, and fees as required to be paid by mutual insurance companies (<i>Ind. Code Ann. 27-6-6-12</i>)	No specific fee just for reciprocal or interinsurance certificate – just standard insurance certificate of authority fee	N/A	N/A	N/A

Public insurance adjuster

Survey responses (INS)

Description

A Public Insurance adjuster is any person, firm, association, partnership or corporation who, for compensation, acts on behalf of or aids in any manner, an insurer or insured or another in negotiating for, or effect, the settlement of a claim or claims for loss or damage under any policy of insurance covering real or personal property and any person, firm who advertises, solicits business or holds itself out to the public as an adjuster of insurance claims, and any person who for compensation investigates, settles, adjusts, advises, or assists an insurer or insured with reference to claims for such losses on behalf of any such public insurance adjuster.

Type *(See R.C. 4798.01 for relevant definitions.)*

Government certification

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

Number issued annually	103
Number renewed annually	250

If the regulation is a registration, certification, or license requirement, please complete the following:	
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	Slight Increase of PIA licenses of 15 from 2019 to 2020.
Education or training requirements	None
Experience requirements	None
Examination requirements (<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>)	Resident individuals are required to pass a state license exam. Non-Resident individuals and Business entities do not have an examination requirement. PSI is the current examination vendor. Examination vendors are selected via an RFP process with DAS Procurement as the administrator of the process. Each exam session is \$42.00. 100% of the examination fee goes to the exam vendor.
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	None
Initial fee	\$100.00
Duration	1-Year
Renewal fee (<i>If different from initial fee, please explain why.</i>)	\$50.00

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

<p>Does the Board recognize uniform licensure requirements or allow for reciprocity?</p>	<p>No uniform licensure requirements, but does allow for reciprocity.</p>
<p>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</p>	<p>No</p>
<p>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?</p>	<p>The industry recognizes Independent and Company Adjusters. These types of adjusters represent an insurance company whereas Public adjusters represents the insured so there is a distinctive difference. Not all states license all 3 types. Ohio only licenses Public.</p>
<p>Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?</p>	<p>Yes, but must do so in compliance with Ohio Revised Code and Ohio Administrative Code.</p>
<p>Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)</p>	<p>Bond requirement Application notarization requirement</p>

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

- Ohio Revised Code 3951.01 - 3951.99
- Ohio Administrative Code: 3901-1-24

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?

Licensing-related fees amount to about \$38.4 million in FY 2020. Most of the fees come from appointment renewal. A small portion of it (about \$1.8 million) is used to fund Licensing Division's operations.

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).)

Insurance is an important part of any financial planning and insurance regulation is primarily focused on ensuring companies are solvent and able to pay claims, the products that are sold are compliant with Ohio law, and that the agents that are charged with selling these products to consumers are properly educated and able to perform this important duty. The "harm" that the regulation seeks to prevent focuses on ensuring that agents are properly educated and licensed to mitigate any consumer harm when purchasing insurance. This is especially important as many of the products that are sold to Ohioans, have a substantial impact on the financial wellbeing of an individual or family. In addition, often agents have access to debit consumers bank accounts and hold money to pay premiums, making ensuring agents are properly licensed and educated critical for consumer protection.

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

The regulation is effective at preventing the harm described above for a number of reasons, including that the department issues licenses according to a national system of reciprocity and enforcement. Specifically, any Ohio licensed agent can apply to any other state following the national structure and receive a license with no additional testing or other requirements. The same is true for agents licensed in other states being able to obtain an Ohio insurance license. Additionally, the states work together in enforcing laws and removing bad actors from licensure. By following this national model, Ohio is able to quickly and easily license hundreds of thousands of agents in all lines of insurance to assist consumers with insurance needs, as well as being able to efficiently take action on an agent license if needed.

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

Not at this time

Comparison to other states *(How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)*

A little more restrictive as Ohio does not allow persons who also have construction transactions that includes work related by an insurance loss. Ohio law allows a person to have other license (even construction) so long as they do not do any work that involves insurance loss.

Surrounding state comparison (LSC)

Public Insurance Adjuster/Public Insurance Adjuster Certificate						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (<i>R.C. 3951.02</i>)	Yes (<i>Ind. Code Ann. 27-1-27-2</i>)	Yes (<i>Ky. Rev. Stat. Ann. 304.9-430</i>)	Yes (<i>Mich. Comp. Laws 500.1222</i>)	Yes (<i>63 Pa. Cons. Stat. 1602(a)</i>)	Yes (<i>W. Va. Code Ann. 33-12B-4</i>)
Education or training	No	No (<i>Ind. Code Ann. 27-1-27-3; Indiana Department of Insurance, Resident Adjuster Licensing Requirements</i>)	No (<i>Ky. Rev. Stat. Ann. 304.9-430(2)(e)</i>)	No	No	No
Experience	No	No	No	No	No	No
Exam	Yes (<i>R.C. 3951.05</i>)	Yes (<i>Ind. Code Ann. 27-1-27-3</i>)	Yes (<i>Ky. Rev. Stat. Ann. 304.9-430(2)(e)</i>)	Yes (<i>Mich. Comp. Laws 500.1224(2); Michigan Department of Insurance and Financial Services, How to Become Licensed as an Insurance Adjuster</i>)	Yes (<i>63 Pa. Cons. Stat. 1602.1(a)(3)</i>)	Only for crop adjusters (<i>W. Va. Code Ann. 33-12B-5; W. Va. Code R. 114-25-7</i>)
Continuing education	No	No (<i>Ind. Code Ann. 27-1-27-4</i>)	24 hours every two years (<i>Ky.</i>	No	24 hours every two years (<i>63 Pa.</i>	No

Public Insurance Adjuster/Public Insurance Adjuster Certificate						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
			<i>Rev. Stat. Ann. 304.9-295)</i>		<i>Cons. Stat. 1602.4(b))</i>	
Initial licensure fee	\$100 (<i>R.C. 3951.06(A)</i>)	\$50 (<i>Ind. Code Ann. 27-1-27-4(c)</i>)	\$50 (<i>806 Ky. Admin. Regs. 4:010(8)</i>)	\$10 (<i>Mich. Comp. Laws 500.240</i>)	\$200 (<i>63 Pa. Cons. Stat. 1602.1(c)</i>)	\$25 (<i>W. Va. Code Ann. 33-12B-8</i>)
License duration	One year (<i>R.C. 3951.06(C)</i>)	One year (<i>Ind. Code Ann. 27-1-27-4(c)</i>)	Two years (<i>Ky. Rev. Stat. Ann. 304.9-295)</i>	One year (<i>Mich. Comp. Laws 500.240</i>)	Two years (<i>63 Pa. Cons. Stat. 1602.3(4)</i>)	One year (<i>W. Va. Code Ann. 33-12B-10</i>)
Renewal fee	\$50 (<i>R.C. 3951.06(C)</i>)	\$50 (<i>Ind. Code Ann. 27-1-27-4(c)</i>)	\$50 (<i>Ky. Admin. Regs. 4:010(8)</i>)	\$5 (<i>Mich. Comp. Laws 500.240</i>)	\$200 (<i>63 Pa. Cons. Stat. 1602.4(e)</i>)	\$25 (<i>W. Va. Code Ann. 33-12B-8</i>)

Public insurance adjuster certificate

Survey responses (INS)

Description
Public Insurance Adjuster Agent is any person who is a bona fide employee of a public insurance adjuster and who aids in the adjustment, investigation and in securing of any contract for the adjustment of a loss.

Type (See R.C. 4798.01 for relevant definitions.)

Government certification

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

Number issued annually

25

Number renewed annually

32

Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?

Slight Decrease of PIAA licenses of 13 from 2019 to 2020.

Education or training requirements

None

Experience requirements

None

Examination requirements (*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?*)

None

If the regulation is a registration, certification, or license requirement, please complete the following:	
Continuing education requirements <i>(Including a description of the curriculum and the process of setting it.)</i>	None
Initial fee	\$50.00
Duration	1 Year
Renewal fee <i>(If different from initial fee, please explain why.)</i>	\$50.00
Does the Board recognize uniform licensure requirements or allow for reciprocity?	No uniform licensure requirements, but does allow for reciprocity.
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	No
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	No
Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?	Yes, but must do so in compliance with Ohio Revised Code and Ohio Administrative Code.

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

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

Individual must be sponsored by an Ohio licensed PIA.

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

- Ohio Revised Code 3951.01 - 3951.99
- Ohio Administrative Code: 3901-1-24

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?

Licensing-related fees amount to about \$38.4 million in FY 2020. Most of the fees come from appointment renewal. A small portion of it (about \$1.8 million) is used to fund Licensing Division's operations.

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

none

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

Insurance is an important part of any financial planning and insurance regulation is primarily focused on ensuring companies are solvent and able to pay claims, the products that are sold are compliant with Ohio law, and that the agents that are charged with selling these products to consumers are properly educated and able to perform this important duty. The “harm” that the regulation seeks to prevent focuses on ensuring that agents are properly educated and licensed to mitigate any consumer harm when purchasing insurance. This is especially important as many of the products that are sold to Ohioans, have a substantial impact on the financial wellbeing of an individual or family. In addition, often agents have access to debit consumers bank accounts and hold money to pay premiums, making ensuring agents are properly licensed and educated critical for consumer protection.

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

The regulation is effective at preventing the harm described above for a number of reasons, including that the department issues licenses according to a national system of reciprocity and enforcement. Specifically, any Ohio licensed agent can apply to any other state following the national structure and receive a license with no additional testing or other requirements. The same is true for agents licensed in other states being able to obtain an Ohio insurance license. Additionally, the states work together in enforcing laws and removing bad actors from licensure. By following this national model, Ohio is able to quickly and easily license hundreds of thousands of agents in all lines of insurance to assist consumers with insurance needs, as well as being able to efficiently take action on an agent license if needed.

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

Not at this time

Comparison to other states *(How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)*

This license type is only offered in Ohio. It is not known if this license type exists in any other state.

Surrounding state comparison (LSC)

Public Insurance Adjuster/Public Insurance Adjuster Certificate						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (<i>R.C. 3951.02</i>)	Yes (<i>Ind. Code Ann. 27-1-27-2</i>)	Yes (<i>Ky. Rev. Stat. Ann. 304.9-430</i>)	Yes (<i>Mich. Comp. Laws 500.1222</i>)	Yes (<i>63 Pa. Cons. Stat. 1602(a)</i>)	Yes (<i>W. Va. Code Ann. 33-12B-4</i>)
Education or training	No	No (<i>Ind. Code Ann. 27-1-27-3; Indiana Department of</i>	No (<i>Ky. Rev. Stat. Ann. 304.9-430(2)(e)</i>)	No	No	No

Public Insurance Adjuster/Public Insurance Adjuster Certificate

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
		<i>Insurance, Resident Adjuster Licensing Requirements)</i>				
Experience	No	No	No	No	No	No
Exam	Yes (R.C. 3951.05)	Yes (Ind. Code Ann. 27-1-27-3)	Yes (Ky. Rev. Stat. Ann. 304.9-430(2)(e))	Yes (Mich. Comp. Laws 500.1224(2); Michigan Department of Insurance and Financial Services, <i>How to Become Licensed as an Insurance Adjuster</i>)	Yes (63 Pa. Cons. Stat. 1602.1(a)(3))	Only for crop adjusters (W. Va. Code Ann. 33-12B-5; W. Va. Code R. 114-25-7)
Continuing education	No	No (Ind. Code Ann. 27-1-27-4)	24 hours every two years (Ky. Rev. Stat. Ann. 304.9-295)	No	24 hours every two years (63 Pa. Cons. Stat. 1602.4(b))	No
Initial licensure fee	\$100 (R.C. 3951.06(A))	\$50 (Ind. Code Ann. 27-1-27-4(c))	\$50 (806 Ky. Admin. Regs. 4:010(8))	\$10 (Mich. Comp. Laws 500.240)	\$200 (63 Pa. Cons. Stat. 1602.1(c))	\$25 (W. Va. Code Ann. 33-12B-8)
License duration	One year (R.C. 3951.06(C))	One year (Ind. Code Ann. 27-1-27-4(c))	Two years (Ky. Rev. Stat. Ann. 304.9-295)	One year (Mich. Comp. Laws 500.240)	Two years (63 Pa. Cons. Stat. 1602.3(4))	One year (W. Va. Code Ann. 33-12B-10)

Public Insurance Adjuster/Public Insurance Adjuster Certificate						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Renewal fee	\$50 (<i>R.C. 3951.06(C)</i>)	\$50 (<i>Ind. Code Ann. 27-1-27-4(c)</i>)	\$50 (<i>Ky. Admin. Regs. 4:010(8)</i>)	\$5 (<i>Mich. Comp. Laws 500.240</i>)	\$200 (<i>63 Pa. Cons. Stat. 1602.4(e)</i>)	\$25 (<i>W. Va. Code Ann. 33-12B-8</i>)

Insurance navigator

Survey responses (INS)

Description
<p>The insurance navigator program in Ohio is run by the federally facilitated exchange and the U.S. Department of Health and Human Services (HHS). Therefore, HHS is responsible for the funding for each insurance navigator entity. Entities cannot serve as Navigators without receiving federal grant funding from CMS to perform Navigator duties.</p>
Type <i>(See R.C. 4798.01 for relevant definitions.)</i>
<p>Government certification</p>

If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	1
Number renewed annually	7
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	When the ACA initial started there were more navigators registered with the department. However, the last few years the numbers have been steady.
Education or training requirements	Federal training requirements
Experience requirements	none
Examination requirements (<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
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	none
Initial fee	Individuals do not pay an application fee. Business Entities pay either \$250.00 or \$500.00 depending upon the number of individual navigators operating under the entity license.
Duration	1 year

If the regulation is a registration, certification, or license requirement, please complete the following:	
Renewal fee <i>(If different from initial fee, please explain why.)</i>	Individuals do not pay an application fee. Business Entities pay either \$100 or \$250.00 depending upon the number of individual navigators operating under the entity license.
Does the Board recognize uniform licensure requirements or allow for reciprocity?	No uniform licensure requirements, but does allow for reciprocity.
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	no
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	none
Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?	Yes, but must do so in compliance with Ohio Revised Code and Ohio Administrative Code.
Other information <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i>	Navigators must complete comprehensive federal Navigator training, criminal background checks, and Ohio registration prior to assisting Ohio consumers.

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

- OAC 3901-5-13
- Centers of Medicare & Medicaid Services (CMS)
- U.S. Department of Health and Human Services (HHS)

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?

Licensing-related fees amount to about \$38.4 million in FY 2020. Most of the fees come from appointment renewal. A small portion of it (about \$1.8 million) is used to fund Licensing Division's operations.

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

To the extent permitted by states, licensed agents may assist consumers determine their eligibility for insurance affordability programs, including advance payments of the premium tax credit and cost-sharing reductions, and enroll them in qualified health plans (QHPs).

Agents play a crucial role in educating consumers about the Health Insurance Marketplace, both during annual Open Enrollment and throughout the coverage year. Agents may also help employers understand their options for enrolling in SHOP coverage and assist them and their employees through the SHOP application and enrollment process.

Some states have set up their own State-based individual and small business Marketplaces, while the federal government runs the Individual Marketplace through HealthCare.gov and/or SHOP in other states. Some have a combination. Agents can help consumers apply for and choose insurance options in any state in which the agents have an active state license that is approved for a health-related line of authority, regardless of whether the Marketplace is operated by the state or federal government.

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

Agents who wish to assist consumers in the Individual Marketplace on HealthCare.gov and/or SHOP must complete registration and required training on an annual basis—prior to assisting consumers enroll in a plan.

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

Insurance is an important part of any financial planning and insurance regulation is primarily focused on ensuring companies are solvent and able to pay claims, the products that are sold are compliant with Ohio law, and that the agents that are charged with selling these products to consumers are properly educated and able to perform this important duty. The “harm” that the regulation seeks to prevent focuses on ensuring that agents are properly educated and licensed to mitigate any consumer harm when purchasing insurance. This is especially important as many of the products that are sold to Ohioans, have a substantial impact on the financial wellbeing of an individual or family. In addition, often agents have access to debit consumers bank accounts and hold money to pay premiums, making ensuring agents are properly licensed and educated critical for consumer protection.

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

The regulation is effective at preventing the harm described above for a number of reasons, including that the department issues licenses according to a national system of reciprocity and enforcement. Specifically, any Ohio licensed agent can apply to any other state following the national structure and receive a license with no additional testing or other requirements. The same is true for agents licensed in other states being able to obtain an Ohio insurance license. Additionally, the states work together in enforcing laws and removing bad actors from licensure. By following this national model, Ohio is able to quickly and easily license hundreds of thousands of agents in all lines of insurance to assist consumers with insurance needs, as well as being able to efficiently take action on an agent license if needed.

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

Not at this time

Comparison to other states *(How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)*

Ohio is somewhere in between

Surrounding state comparison (LSC)

Insurance Navigator						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (<i>R.C. 3905.471</i>)	Yes (<i>Ind. Code Ann. 27-19-4-1</i>)	Yes (<i>900 Ky. Admin. Regs. 10:200, Section 13</i>)	Yes (<i>Mich. Comp. Laws 500.1262</i>)	Registration required (<i>40 Pa. Cons. Stat. 4403(a)</i>)	No clear equivalent

Insurance Navigator						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Education or training	Yes (<i>R.C. 3905.471(D)(4)</i>)	Yes (<i>Ind. Code Ann. 27-19-4-11</i>)	No (<i>900 Ky. Admin. Regs. 10:200, Section 13</i>)	Yes (<i>Mich. Comp. Laws 500.1263</i>)	No (<i>40 Pa. Cons. Stat. 4403</i>)	N/A
Experience	No	No	No (<i>900 Ky. Admin. Regs. 10:200, Section 13</i>)	No	No (<i>40 Pa. Cons. Stat. 4403</i>)	N/A
Exam	Yes (<i>O.A.C. 3901-5-13(C)(2)(c)</i>)	Yes (<i>Ind. Code Ann. 27-19-4-11</i>)	No (<i>900 Ky. Admin. Regs. 10:200, Section 13</i>)	Yes (<i>Mich. Comp. Laws 500.1263</i>)	No (<i>40 Pa. Cons. Stat. 4403</i>)	N/A
Continuing education	Yes (<i>O.A.C. 3901-5-13(E)(1)(a)(i)</i>)	Yes (<i>Ind. Code Ann. 27-19-4-12(c); Indiana Department of Insurance, Process for Annual Renewal</i>)	No (<i>900 Ky. Admin. Regs. 10:200, Section 13</i>)	No	No (<i>40 Pa. Cons. Stat. 4403</i>)	N/A
Initial licensure fee	For business entity with <100 navigators – \$250 For business entity with 100 or more navigators – \$500 (<i>O.A.C. 3901-5-13(D)(10)</i>)	\$50 for residents and \$100 for nonresidents (<i>760 Ind. Admin. Code 4-3-3</i>)	\$0 (<i>900 Ky. Admin. Regs. 10:200</i>)	Unclear – Mich. Comp. Laws 500.1263 requires applicants to pay fees required by the Director of Insurance, but research found no such fees could be found	\$5.50 (<i>Pennsylvania Insurance Department, Bureau of Licensing and Enforcement, Initial Individual Exchange Assister Registration</i>)	N/A

Insurance Navigator						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License duration	One year (<i>O.A.C. 3901-5-13(D)(10)</i>)	One year (<i>760 Ind. Admin. Code 4-3-6</i>)	Until certification is withdrawn (<i>900 Ky. Admin. Regs. 10:200</i>)	Until certification is withdrawn (<i>Mich. Comp. Laws 500.1264</i>)	Until registration is withdrawn (<i>40 Pa. Cons. Stat. 4403</i>)	N/A
Renewal fee	For business entity with <100 navigators: \$100 For business entity with 100 or more navigators: \$250 (<i>O.A.C. 3901-5-13(D)(10)</i>)	\$50 for residents and \$100 for nonresidents (<i>760 Ind. Admin. Code 4-3-6(c) and (d)</i>)	N/A	N/A	N/A	N/A

DEPARTMENT OF JOB AND FAMILY SERVICES (JFS)

General information (JFS)

Duties

The Ohio Department of Job and Family Services (ODJFS) promotes stable families, safe children, and economic independence. ODJFS is responsible for developing and supervising the state's public assistance, workforce development, unemployment insurance, child and adult protective services, adoption, child care, and child support programs. Our mission is to support the well-being of Ohioans by strengthening families and providing economic stability.

To accomplish this work, ODJFS partners with approximately 150 local agencies. These county departments of job and family services, public children services agencies, child support enforcement agencies, and local workforce development boards administer ODJFS programs. When appropriate, we also partner with local and statewide not-for-profit, faith-based, and business organizations to further our mission and better serve our customers.

Membership *(Current members, chairperson and other officers, and selection process.)*

ODJFS is an administrative department as enumerated in section 121.02 of the Ohio Revised Code with a director. It does not have a membership.

Budget *(Current budget, description of budgeting process, sources of funding, and expected increases or decreases in budget or funding in future years.)*

State Fiscal Year 2020 expenditures were nearly \$3.6 billion. Two-thirds (67%) of that is federal revenue, 22% is Ohio General Revenue Funds, 3% is Dedicated Purpose Funding and the remaining 8% is from a fiduciary fund group or holding account.

Workload *(Assess current, past, and anticipated workload. Has the workload increased or decreased significantly in the preceding six years?)*

The workload across the numerous programs within ODJFS is responsive to the economy and dependent upon funding. Over the preceding six years a significant emphasis has been placed on increasing the access and quality of child care in Ohio. Likewise, there has been focus on continuous improvement in the children's protection services arena. As of recent, due to the COVID-19 pandemic, the workload in the unemployment insurance program has increased by an unprecedented volume.

Staffing *(How many staff are currently employed by the board? What are their roles? Are staffing levels proportionate to the board's current and anticipated workload?)*

ODJFS has 2,071 FTE staff as of October 30, 2020. Employees are classified for specific roles within the department to accomplish our mission and responsibilities (management, policy developers, customer service representatives, project managers, licensing specialists, fiscal, attorney, IT, etc.)

Administrative hearings and public complaints *(Describe the Board's processes for administering discipline and addressing complaints. Assess the efficiency of the processes.)*

For Foster Caregivers, per OAC 5101:2-5-26 provides the procedures for revocation, denial of certification, or denial of recertification of a foster home, which includes opportunity for hearing by ODJFS.

<http://codes.ohio.gov/oac/5101:2-5-26v1>

Following Chapter 119 of the Ohio Revised Code for the opportunity for an adjudication hearing for licensure.

In-home aide certification

Survey responses (JFS)

Description

In terms of the child care programming an "In-home aide" means a person who does not reside with the child but provides care in the child's home and is certified by a county director of job and family services pursuant to section 5104.12 of the Revised Code to provide publicly funded child care to a child in a child's own home pursuant to chapter 5104 "Child Day-Care" and any rules adopted under it.

Type *(See R.C. 4798.01 for relevant definitions.)*

Inspection requirement

If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	From 2015 to present, the average number of new certifications each year is 4.
Number renewed annually	From 2015 to present, the average number of In-home Aides who continue to operate each year is 12.
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	Ohio typically has 18 or fewer In-Home Aides at any given time. There has not been a significant increase in this provider type in the past 6 years.
Education or training requirements	<p>The in-home aide (IHA) shall complete all application requirements in accordance with appendix A to rule 5101:2-14-02 of the Administrative Code and shall meet the following qualifications:</p> <ol style="list-style-type: none"> (1) Be at least eighteen years old. (2) Have completed a high school education as verified by appendix A to rule 5101:2-14-03, for those individuals certified after April 1, 2003. (3) Be physically, intellectually and emotionally capable of complying with Chapter 5101:2-14 of the Administrative Code and performing activities normally related to child care. These include, but are not limited to, providing meals, dealing with emergencies in a calm manner, carrying out methods of child guidance and discipline in a courteous, respectful and patient manner and keeping accurate records as required by chapter 5101:2-14. (4) Be currently certified in first aid and cardiopulmonary resuscitation (CPR) as described in appendix B to rule 5101:2-14-03. (5) Maintain current training in management of communicable disease as described in appendix B to rule 5101:2-14-03. (6) Maintain a current training in six-hour child abuse recognition and prevention as described in appendix B to rule 5101:2-14-03.

If the regulation is a registration, certification, or license requirement, please complete the following:	
	<ul style="list-style-type: none"> (7) Maintain a copy of the certificate in his or her files. (8) Not be involved in any other employment during the hours in which care is provided. (9) Not use or disclose any information concerning the family receiving publicly funded child care to anyone other than the county agency or the Ohio department of job and family services (ODJFS), except upon written consent of the parent. (10) Submit verification that he or she meets the medical statement requirements detailed in appendix C to rule 5101:2-14-03.
Experience requirements	None
Examination requirements <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 is no examination; however, the applicant must pass a background check of:</p> <ul style="list-style-type: none"> (1) Bureau of criminal investigation (BCI) records pursuant to section 5104.013 of the Revised Code. (2) Federal bureau of investigation (FBI) records pursuant to section 5104.013 of the Revised Code. (3) National sex offender registry. (4) State sex offender registry. (5) Statewide automated child welfare information system (SACWIS) records.
Continuing education requirements <i>(Including a description of the curriculum and the process of setting it.)</i>	A minimum of six clock hours of training annually in any of the categories listed in appendix D to rule 5101:2-14-03 each fiscal year. The fiscal year is defined July first through June thirtieth
Initial fee	None

If the regulation is a registration, certification, or license requirement, please complete the following:	
Duration	Certificate is valid for two years
Renewal fee <i>(If different from initial fee, please explain why.)</i>	None
Does the Board recognize uniform licensure requirements or allow for reciprocity?	Not applicable
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	No
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	Yes, an individual may care for children in the children's own home without regulation. Regulation is only required for the care to paid for by the Publicly Funded Child Care program.
Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?	No, the county JFS agencies are required to follow the certification regulations set by Chapter 5104. Of the Revised Code and the rules adopted under it.
Other information <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i>	N/A

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

The county agency may revoke the certification for failure to comply with ORC/OAC.

**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?**

Not applicable

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

Yes, the requirements of the Child Care and Development Block Grant Act of 2014 (CCDBG) for the implementation of the Child Care Development Fund require the regulation of providers of publicly funded child care.

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

The certification of In-Home Aides seeks to protect children from harm while their parents are at work or school.

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

The certification of in-home aides includes only the minimum requirements set by CCDBG for the regulation of publicly funded child care.

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

None

Comparison to other states (How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)

All states are required federally to offer care in the child's own home and must follow the same federal requirements.

Surrounding state comparison (LSC)

In-Home Aide						
	Ohio	Indiana (Nanny)	Kentucky (Registered child care provider)	Michigan (License exempt provider)	Pennsylvania	West Virginia (In-home care provider)
License required?	Certification (<i>R.C. 5104.12</i>)	Certification (<i>470 Ind. Admin. Code 3-18-1(5), Indiana Family and Social Services Administration,</i>	Registration (<i>922 Ky. Admin. Regs. 2:180, Section 2</i>)	Enrollment (<i>Michigan Department of Education, State of Michigan Child</i>	No ⁶	Certificate of registration (<i>W.</i>

⁶ Pennsylvania licenses three types of child care providers: child care centers, group child care homes, and family child care homes. The definition of family child care homes excludes child care provided at the child's home. 55 Pa. Code Ch. 3270-3290. Subsidized child care must be provided by one of these licensed providers or a relative. Pennsylvania Department of Human Services, *Child Care Works Subsidized Child Care Program*, available at <https://www.dhs.pa.gov/Services/Children/Pages/Child-Care-Works-Program.aspx>. Publicly funded care by a relative is permissible only under very limited circumstances, such as when care is provided during nighttime hours or the child must receive care in the child's home for health reasons. Pennsylvania Department of Human Services, *Child Care and Development Fund Plan for Pennsylvania*, page 116, available at <https://www.dhs.pa.gov/Services/Children/Documents/Child%20Care%20Early%20Learning/CCDF%20Plan%202019-2021.pdf>.

In-Home Aide						
	Ohio	Indiana (Nanny)	Kentucky (Registered child care provider)	Michigan (License exempt provider)	Pennsylvania	West Virginia (In-home care provider)
		<i>Nanny Care Provider Eligibility Application)</i>		<i>Development and Care Handbook)</i>		<i>Va. Code Ann. Ann. 49-2-113(g))⁷</i>
Minimum age	18 (O.A.C. 5101:2-14-03(A)(1))	18 (Indiana Family & Social Services Administration, CCDF Provider Manual)	18 (922 Ky. Admin. Regs. 2:180, Section 2(4)(b))	18 (Michigan Department of Education, State of Michigan Child Development and Care Handbook)	N/A	18 (W. Va. Code Ann. R. 78-20-6(6.1.a.1))
Education or training	High school education, certification in first aid and CPR, training in management of communicable diseases, and six hours training in child abuse recognition and prevention	Certification in first aid and CPR (470 Ind. Admin. Code 3-18-7) and orientation (Indiana Family and Social Services Administration, CCDF Certified Unlicensed Provider, CCDF	Six hours training (922 Ky. Admin. Regs. 2:180, Section 2(5)(b))	Seven hours training (Michigan Department of Education, State of Michigan Child Development and Care Handbook, page 9)	N/A	Two hours training (West Virginia Department of Health and Human Resources, Child Care and Development Fund (CCDF) Plan for West Virginia, FFY 2019-2021)

⁷ To receive a certificate of registration, in-home child care providers must comply with the same standards as informal family child care homes. West Virginia Department of Health and Human Resources, *Child Care and Development Fund Plan for West Virginia*, page 121, available at <https://dhhr.wv.gov/bcf/Childcare/Pages/West-Virginia-State-Plan.aspx>.

In-Home Aide						
	Ohio	Indiana (Nanny)	Kentucky (Registered child care provider)	Michigan (License exempt provider)	Pennsylvania	West Virginia (In-home care provider)
	<i>(O.A.C. 5101:2-14-03)</i>	<i>provider eligibility standards)</i>				
Continuing education	Six hours annually <i>(O.A.C. 5101:2-14-03(B))</i>	Maintain first aid and CPR certification <i>(470 Ind. Admin. Code 3-18-7)</i>	Three hours annually <i>(922 Ky. Admin. Regs. 2:180, Section 7(2)(b))</i>	Annual health and safety training <i>(Michigan Department of Education, State of Michigan Child Development and Care Handbook, page 8)</i>	N/A	One hour annually <i>(W. Va. Code Ann. R. 78-20-6(6.3.d))</i>
Initial licensure fee	N/A	Background check fee <i>(470 Ind. Admin. Code 3-18-14(a))</i> and drug testing fee <i>(470 Ind. Admin. Code 3-18-15(a))</i>	Background check fee <i>(922 Ky. Admin. Regs. 2:280, Section 4(c)(2)(a))</i>	Background check fee <i>(Michigan Department of Education, State of Michigan Child Development and Care Handbook, page 8)</i>	N/A	N/A
License duration	Two years <i>(O.A.C. 5101:2-14-02(B)(2))</i>	One year <i>(470 Ind. Admin. Code 3-18-20(e))</i>	One year <i>(922 Ky. Admin. Regs. 2:180, Section 4(3))</i>	One year <i>(Michigan Department of Education, State of Michigan Child Development and</i>	N/A	Two years <i>(W. Va. Code Ann. Ann. 49-2-115(e))</i>

In-Home Aide						
	Ohio	Indiana (Nanny)	Kentucky (Registered child care provider)	Michigan (License exempt provider)	Pennsylvania	West Virginia (In-home care provider)
				<i>Care Handbook, page 7)</i>		
Renewal fee	N/A	N/A	N/A	N/A	N/A	N/A

Foster caregiver certificate

Survey responses (JFS)

Description
<p>Per OAC 5101:2-1-01, the term “foster caregiver” means a person holding a valid foster home certificate issued by ODJFS.</p> <p>Per OAC 5101:2-01-01, “foster home” means a private residence in which children are received apart from their parents, guardian, or legal custodian, by an individual reimbursed for providing the children non-secure care, supervision, or training twenty-four hours a day. “Foster home” does not include care provided for a child in the home of a person other than the child’s parent, guardian, or legal custodian while the parent, guardian, or legal custodian is temporarily away. Family foster homes, pre-adoptive infant foster homes and specialized foster homes are types of foster homes.</p> <p>General Requirements for foster caregivers:</p> <ul style="list-style-type: none"> • Foster Parents must be at least 18 years old. • Foster Parents must have functional literacy to be able to read and write at the level necessary to participate effectively in the community in which they live. They must be able to communicate with children in the home, the recommending agency and health care and other service providers. • Foster Parents may be legally married, a single person or co-parent(s). • The foster parent’s household must have enough income to meet the basic needs of the child and to make timely payment of shelter costs, utility bills and other debts.

Description

- Foster Parents and all members of the foster home must be free of any physical, emotional or mental conditions that could endanger the child or seriously impair your ability to care for the child.
- A licensed physician, physician's assistant, clinical nurse specialist, certified nurse practitioner or certified nurse-midwife must complete and sign a JFS01653 for all foster parents. All other household members are to complete the JFS 01653.
- All household members are up to date on immunizations or have documentation that immunizations are contrary to an individual's health or for reasons of conscience, including religious convictions.
- Foster Parents must have an approved inspection by a state certified fire safety inspector or the state fire marshal's office certifying that the foster home is free from conditions hazardous to the safety of foster children.

A Foster Parent must complete all required **pre-placement and continuing training**.

Type *(See R.C. 4798.01 for relevant definitions.)*

Government certification

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

Number issued annually	As of October 2020, there were 7,808 certified foster homes. The homes are required to be recertified every two years.
Number renewed annually	None are renewed annually since all foster care certifications are valid for two years.
Have there been significant increases or decreases in active registrations,	No. Number of certified foster homes has not changed substantially in the last six years.

If the regulation is a registration, certification, or license requirement, please complete the following:	
certifications or licenses in the preceding six years?	
Education or training requirements	ORC 5103.0311, 5103.0316, 5103.033 and OAC 5101:2-5-40 outlines preplacement and continuing training requirements for foster caregivers.
Experience requirements	Prior experience is not required.
Examination requirements (<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 is no examination; however, the applicant must submit an application, meet the general requirements outlined above, and must pass a background check of:</p> <ol style="list-style-type: none"> (1) Bureau of criminal investigation (BCI) records pursuant to section 2151.860 of the Revised Code and 5101:2-5-09.1 of the Ohio Administrative Code. (2) Federal bureau of investigation (FBI) records pursuant to section 2151.86 of the Revised Code and 5101:2-5-09.1 of the Ohio Administrative Code. (3) National sex offender registry. (4) State sex offender registry. (5) Statewide automated child welfare information system (SACWIS) records. <p>ORC 5103.0311, 5103.0316, 5103.033 and OAC 5101:2-5-40 outlines preplacement and continuing training requirements for foster caregivers.</p>
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	5101:2-5-40 outlines continuing training requirements, along with a description of the required training topics.
Initial fee	None
Duration	Foster Caregivers are issued a two-year certification.

If the regulation is a registration, certification, or license requirement, please complete the following:	
Renewal fee <i>(If different from initial fee, please explain why.)</i>	None
Does the Board recognize uniform licensure requirements or allow for reciprocity?	There is not Board governance over Foster Caregivers as they are not employed.
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	All states have foster care licensure requirements. Licensure in one state does not transfer to another.
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	There is not Board governance over Foster Caregivers as they are not employed. A foster caregiver is not an occupation. No, foster caregivers may not provide care without being certified as foster care providers.
Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?	There is not Board governance over Foster Caregivers as they are not employed. However, OAC 5101:2-5-26 provides the procedures for revocation, denial of certification, or denial of recertification of a foster home, which includes opportunity for hearing by ODJFS http://codes.ohio.gov/oac/5101:2-5-26v1
Other information <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i>	N/A

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

There is not Board governance over Foster Caregivers as they are not employed.

**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?**

There is no revenue as there are no fees.

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

Foster caregiver is not an occupation. However, there are federal and state laws that require background checks (criminal records, sex offender registry, regulations that require background checks, and provide for disqualifying offenses

2151.86 <http://codes.ohio.gov/orc/2151.86v1>

5102.0310 <http://codes.ohio.gov/orc/5103.0310v1>

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

N/A to R.C. 4798.02

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

Per R.C. 4798.02, it is not an occupational regulation.

However, there are federal and state laws that require background checks (criminal records, sex offender registry, regulations that require background checks, and provide for disqualifying offenses that are effective at preventing the harm of licensing people with disqualifying criminal offenses from becoming foster caregivers.

2151.86 <http://codes.ohio.gov/orc/2151.86v1>

5102.0310 <http://codes.ohio.gov/orc/5103.0310v1>

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

Not applicable

Comparison to other states (*How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?*)

All states have foster caregiver licensure or certification requirements. Due to changes to Ohio's foster care licensing standards to match the federal foster care modeling standards effective June 15, 2020, Ohio's regulations are comparable to other states.

Surrounding state comparison (LSC)

Foster Caregiver						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Certification (<i>R.C. 5103.03</i>)	License (<i>Ind. Code. Ann. 31-27-4-1</i>)	Approval (<i>922 Ky. Admin. Regs. 1:310, Section 1(13)(b); 922 Ky. Admin. Regs. 1:350, Section 1(10)(b)</i>)	License (<i>Mich. Comp. Laws 722.115h</i>)	Approval (<i>55 Pa. Code 3700.61</i>)	Certification (<i>W. Va. Code Ann. 49-2-107</i>)
Minimum age	21 (<i>O.A.C 5101:2-7-02</i>)	21 (<i>465 Ind. Admin. Code 2-1.5-3(a)</i>)	21, 18 under certain circumstances (<i>922 Ky. Admin. Regs. 1:310, Section 4; 922 Ky. Admin. Regs. 1:350, Section 2</i>)	18 (<i>Mich. Admin. Code R. 400.9201(a)</i>)	21 (<i>55 Pa. Code 3700.62</i>)	21 (<i>W. Va. Code Ann. R. 78-2-13(13.1.c)</i>)

Foster Caregiver						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Education or training	36 hours (<i>R.C. 5103.031</i>)	Ten hours (<i>465 Ind. Admin. Code 2-1.5-22(a)</i>)	24 hours for foster caregivers under the supervision of a child-placing agency (<i>922 Ky. Admin. Regs. 1:310, Section 5</i>) 15 hours for foster caregivers under the supervision of the Cabinet for Health and Family Services (<i>922 Ky. Admin. Regs. 1:495, Section 2</i>)	12 hours (<i>Mich. Admin. Code R. 400.12312</i>)	Orientation (hours vary by agency but state recommends 24 hours) (<i>55 Pa. Code 3700.38</i>)	Orientation (unspecified number of hours) (<i>W. Va. Code Ann. R. 78-2-20(20.1.e)</i>)
Continuing education	40-60 hours biannually (<i>R.C. 5103.032</i>)	15 hours annually (<i>465 Ind. Admin. Code 2-1.5-22(b)</i>)	Six hours annually for foster caregivers under the supervision of a child-placing agency (<i>922 Ky. Admin. Regs. 1:310, Section 5(c)</i>) 30 hours in the first two years and ten hours in	Six hours annually (<i>Mich. Admin. Code R. 400.12312(2)(c) and 400.9416</i>)	Six hours annually (<i>55 Pa. Code 3700.65</i>)	12 hours annually, 15 hours in first year certified (<i>W. Va. Code Ann. R. 78-2-20(20.1)</i>)

Foster Caregiver						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
			subsequent years for foster caregivers under the supervision of the Cabinet (922 Ky. Admin. Regs. 1:495, Section 3) 1.5 hours on pediatric abusive head trauma every five years for foster caregivers who receive a child under five years old (Ky. Rev. Stat. Ann. 199.464)			
Initial licensure fee	May be required to pay criminal records check fee (O.A.C. 5101:2-5-09.1(F))	Required to pay criminal records check fee (Ind. Code. Ann. 31-27-4-5(j))	N/A	May be required to pay criminal records check fee (Mich. Comp. Laws Ann. 722.115h(5))	N/A	N/A
License duration	Two years (R.C. 5103.032)	Four years (Ind. Code. Ann. 31-27-4-16)	Reevaluation every three years for foster caregivers under the supervision of a child-placing	Two years (Mich. Comp. Laws 722.118(1))	Annual reevaluation (55 Pa. Code 3700.69)	Three years (W. Va. Code Ann. 49-2-107(b))

Foster Caregiver						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
			<i>agency (922 Ky. Admin. Regs. 1:310, Section 15)</i> Annual reevaluation for foster caregivers under the supervision of the Cabinet (922 Ky. Admin. Regs. 1:350, Section 12)			
Renewal fee	N/A	N/A	N/A	N/A	N/A	N/A

OCCUPATIONAL THERAPY, PHYSICAL THERAPY, AND ATHLETIC TRAINERS BOARD (PYT)

General information (PYT)

Duties

- Establishing and checking requirements for entry into the profession
- Adopting administrative rules
- Enforcing laws related to licensure
- Assuring continued competence of licensees

Membership *(Current members, chairperson and other officers, and selection process.)*

The make-up of the Board is unique. Each profession governs itself (occupational therapy (OT), physical therapy (PT), and athletic trainers (AT)). A Joint Board made of five members of the PT Section plus the OT and AT Sections, plus a public member govern the OPP licenses and the overall office management/executive director. Members are appointed by the Governor for three-year terms and may serve up to three consecutive terms. Terms expire on August 27 of the designated year.

Occupational Therapy Section

<u>Board Member</u>	<u>City</u>	<u>Term Expires*</u>	<u>Term[^]</u>
Beth Ann Ball, OT, MS, OTR/L	Worthington	2021	3rd
Joanne Phillips Estes, OT, Ph.D	Cincinnati	2022	1st
Mary Lavey, OTA, COTA, Chair	Fremont	2021	3rd

Membership (Current members, chairperson and other officers, and selection process.)

Anissa Siefert, MOT, OTR/L	New Washington	2022	2nd
Melissa Van Allen, OT, OTR/L, Secretary	Columbus	2020	1st

Physical Therapy Section

<u>Board Member</u>	<u>City</u>	<u>Term Expires*</u>	<u>Term^</u>
Mario Baker, PT	Bowling Green	2022	1st
Lynn Busdeker, PT, DPT	Tiffin	2020	3rd
Anthony Ganim, PT, OCS, MBA	Hilliard	2021	1st
Erin Hofmeyer, PT, DPT, Chair	Cleves	2020	2nd
Ronald Kleinman, PT	Fairlawn	2020	3rd
Timothy McIntire, PT, DPT, Secretary	Dayton	2020	2nd
Karen McIntyre, PT, DPT	Avon	2021	1st
C.J. Miller, PT, AT	Marengo	2022	3rd
Linda Pax Lowes, PT, Ph.D	Columbus	2021	1st

Athletic Trainers Section

Membership (Current members, chairperson and other officers, and selection process.)

<u>Board Member</u>	<u>City</u>	<u>Term Expires*</u>	<u>Term^</u>
Trevor Bates, AT, DHSc, Chair	Sylvania	2020	1st
Dr. Benjamin Burkam, MD, Secretary	Dublin	2022	1st
Hollie Kozak, M.Ed, AT	Willoughby	2022	2nd
Gary Lake, AT, M. Ed	Wadsworth	2021	1st
Jeff Sczpanski, AT, M.Ed.	Galloway	2020	1st

***All terms expire on August 27 of the designated year.**

Public Member

<u>Board Member</u>	<u>City</u>	<u>Term Expires*</u>	<u>Term^</u>
Trevor Vessels	Columbus	2020	3rd

Joint Board Officers

Hollie Kozak, M.Ed, AT, President

Anthony Ganim, PT, OCS, MBA,
President-Elect

Anissa Siefert, MOT, OTR/L, Secretary

Budget (Current budget, description of budgeting process, sources of funding, and expected increases or decreases in budget or funding in future years.)

	FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 Actual	FY 2020 Appropriation	FY 2021 Appropriation
Fund 4K90 ALI 890609, Operating Expenses						
	\$748,736	\$861,288	\$812,339	\$945,705	\$1,137,397	\$1,168,045
	% change	15.0%	-5.7%	16.4%	20.3%	2.7%

Current budget:

The OTPTAT Board submits a biennial budget request to the Office of Budget and Management every two years as a part of OBM’s budgeting process. It is reviewed by OBM and submitted as a part of the Governor’s budget bill to the legislature and vetted by the General Assembly just like most other state agencies.

The Board is funded solely through fees paid by license holders which are deposited in fund 4K90.

The Board expects minimal increases in the budget in line with regular inflationary growth due to state negotiated wage increases for union staff, increases in fees paid to DAS for services, and overall cost of doing business.

The Board’s revenues consistently more than cover its costs on an annual basis. For instance, FY 2020 revenues were \$1.17 million. The appropriation was \$1.13 million, but expenses were only approximately \$958,000.

Workload (Assess current, past, and anticipated workload. Has the workload increased or decreased significantly in the preceding six years?)

The Board is always seeking to streamline its processes in order to reduce overall workload and bureaucracy. All applications are now processed through eLicense Ohio, an online platform, which has greatly reduced the amount of physical documents that need to be stored and processed. The Board has reduced the documentation required for submission of an application. But due to the regular growth in the regulated professions, workload is fairly steady and the number of applications processed each year grows. In 2018, the OTPTAT Board took on the regulation of orthotics, prosthetics, and pedorthics, which resulted in an increased workload, while there was no staffing increase. Generally speaking, the Board sees a total increase in the number of licensees annually anywhere between 2%-7%.

Staffing *(How many staff are currently employed by the board? What are their roles? Are staffing levels proportionate to the board's current and anticipated workload?)*

The Board currently has a staffing ceiling of 9.5 positions. 1.5 positions are unfilled. One of these positions is an investigator position which needs filled as soon as the state hiring freeze is lifted. Without the position, the Board will not be able to efficiently process complaints and investigations. The remaining half position is leftover from the OPP Board, which was merged with OTPTAT in 2018. The Board would only fill that position if additional administrative assistance were needed if changes are made to fiscal processing.

The staff of the Board is divided into two sections. The first is administration and licensure. An executive assistant is responsible for processing of fiscal and administrative duties, as well as supervision of the front desk and licensing staff. There is one position at the front desk who answers and redirects all incoming inquiries via phone, mail, and email. This position also processes service requests such as duplicate wall certificates and verification requests that come in. There are also three licensure staff who process applications all nine license types divided according to last of the alphabet. This cross training and division of labor allows for adequate coverage when a person is out of the office. The other section of the Board is enforcement. The staff consists of an enforcement supervisor, an investigator, and a paralegal. Their work is supported legally by an assistant attorney general. All staff in the enforcement section carry a caseload, including audits for continuing education and the answering of general scope of practice inquiries. The Executive Director supervises all work, communicates with Board members, prepares for Board meetings, manages the office and budget, handles eLicense improvement requests, and many other tasks.

Administrative hearings and public complaints *(Describe the Board's processes for administering discipline and addressing complaints. Assess the efficiency of the processes.)*

The OTPTAT Board follows the Chapter 119 hearing process, which is described for the public in the following pdf:

<https://otptat.ohio.gov/Portals/0/Pdfs/complaint-investigation%20process%202019%20August.pdf?ver=2019-08-14-124600-003>

The time it takes to investigate a complaint is very much impacted by the assistance and cooperation of others. A timely response to a subpoena or interview request makes the process run much smoother. The Board works hard to settle as many cases as possible through consent agreement prior to going through the 119 hearing process. The scheduling of hearings with a hearing officer and awaiting a report and recommendation from a hearing officer adds months to the caseload. However, the 119 process is important to ensuring due process for everyone involved.

Occupational therapist license (OT)

Survey responses (PYT)

Description

(A) “Occupational therapy” means the therapeutic use of everyday life activities or occupations with individuals or groups for the purpose of participation in roles and situations in the home, school, workplace, community, and other settings. The practice of occupational therapy includes all of the following:

(1) Methods or strategies selected to direct the process of interventions, including, but not limited to, establishment, remediation, or restoration of a skill or ability that has not yet developed or is impaired and compensation, modification, or adaptation of activity or environment to enhance performance;

(2) Evaluation of factors affecting activities of daily living, instrumental activities of daily living, education, work, play, leisure, and social participation, including, but not limited to, sensory motor abilities, vision, perception, cognition, psychosocial, and communication and interaction skills;

(3) Interventions and procedures to promote or enhance safety and performance in activities of daily living, education, work, play, leisure, and social participation, including, but not limited to, application of physical agent modalities, use of a range of specific therapeutic procedures to enhance performance skills, rehabilitation of driving skills to facilitate community mobility, and management of feeding, eating, and swallowing to enable eating and feeding performance;

(4) Consultative services, case management, and education of patients, clients, or other individuals to promote self-management, home management, and community and work reintegration;

(5) Designing, fabricating, applying, recommending, and instructing in the use of selected orthotic or prosthetic devices and other equipment which assists the individual to adapt to the individual’s potential or actual impairment;

(6) Administration of topical drugs that have been prescribed by a licensed health professional authorized to prescribe drugs, as defined in section [4729.01](#) of the Revised Code.

(B) “Occupational therapist” means a person who is licensed or holds a limited permit to practice occupational therapy and who offers such services to the public under any title incorporating the words “occupational therapy,” “occupational therapist,” or any similar title or description of services.

Type (See R.C. 4798.01 for relevant definitions.)

License

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

Number issued annually	432
Number renewed annually	Licenses run a two-year renewal cycle. Typically 95% of the total renew – give or take a few percentage points. Currently there are 6,650 active OTs.
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	Steady slight increase.
Education or training requirements	An OT must have an education from an occupational therapy program accredited by the Accreditation Council for Occupational Therapy Education (ACOTE). This is currently a master’s level program and it includes required fieldwork.
Experience requirements	The student must complete Level I and Level II fieldwork as required by their program of study and ACOTE.
Examination requirements (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Board receive any</i>	The National Board of Certification in Occupational Therapy (NBCOT) administers the exam. This is the only exam available for OT. NBCOT charges \$515 for the exam. The Ohio Board does not receive proceeds.

If the regulation is a registration, certification, or license requirement, please complete the following:	
<i>proceeds of those fees? If so, how are the proceeds used?)</i>	
Continuing education requirements <i>(Including a description of the curriculum and the process of setting it.)</i>	The Board requires OTs to take 20 hours of continuing education over the course of a two-year renewal period. Many different activities can qualify for continuing education. At least one hour must be in ethics, jurisprudence, or cultural competence education. http://codes.ohio.gov/oac/4755-9-01v1 The Board offers CE approval review for a fee of \$25 per application.
Initial fee	\$100
Duration	Two years
Renewal fee <i>(If different from initial fee, please explain why.)</i>	\$70 for renewal. It has been this amount for years. Renewal fees are the primary source of revenue for the Board, and the fees were set based on budget projections.
Does the Board recognize uniform licensure requirements or allow for reciprocity?	Yes, the Board allows reciprocity. OTs are licensed in all 50 states and the requirements are quite similar in all states.
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	NBCOT offers an optional certification process. Maintenance of certification requires on-going continuing education. But NBCOT does not conduct enforcement and discipline based on Ohio's laws and rules, so it is not a good substitute for state regulation.
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	4755.13 Exemptions. Nothing in sections 4755.04 to 4755.13 of the Revised Code shall be construed to prevent or restrict the practice, services, or activities of the following:

If the regulation is a registration, certification, or license requirement, please complete the following:	
	<p>(A) Any person who does not claim to the public by any title, initials, or description of services as being engaged in the practice of occupational therapy, who is:</p> <p>(1) A physician licensed under Chapter 4731. of the Revised Code, or anyone employed or supervised by a licensed physician in the delivery of treatment or services;</p> <p>(2) A person licensed, certified, or registered under sections 4755.40 to 4755.56 of the Revised Code or under any other chapter of the Revised Code who is practicing within the standards and ethics of practice that represent appropriate extensions of the person’s profession;</p> <p>(3) A qualified member of any other profession who is practicing within the standards and ethics of the member’s profession.</p>
Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?	Only insofar as the Board has the discretion to decide whether a person has met the requirements for licensure.
Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)	N/A

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

ORC 4755.11 - In accordance with Chapter 119. of the Revised Code, the occupational therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers board may suspend, revoke, or refuse to issue or renew an occupational therapist license, occupational therapy assistant license, occupational therapist limited permit, occupational therapy assistant limited permit, or reprimand, fine, place a license or limited permit holder on probation, or require the license or limited permit 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?**

\$510,615 – FY 19

\$339,630 – FY 20

These are fees charged to both OTs and OTAs combined. A large percentage is renewal revenue. There are more OTs who renewed in FY 19 than OTAs who renewed in FY 20. OTA renewals are spilling into FY 21 due to COVID renewal extensions.

The revenue is used to support the operations of the OTPTAT Board, which is entirely fee-based.

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

As health care providers, HIPAA applies to all occupational therapists. FERPA applies to those who work in the schools. These two federal laws are the ones about which we get the most questions at the Board.

The Medicaid and Medicare programs require a license in order to bill these large federal programs. CMS regulations, in addition to other payers, also apply to OT practitioners.

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

Violations of the Ohio Revised Code and Ohio Administrative Code, particularly the Code of Ethics (OAC 4755-7-08. ORC 4798.02(B)(7) applies.

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 law allows the Board to adequately determine if an individual is qualified to practice OT. It also allows for the investigation of and discipline for violations of the ORC and OAC. Given that all fifty states license OTs, a less restrictive regulation would be inappropriate, especially given that OTs interact with patients of all ages – from birth to death – and often work with vulnerable Ohioans who deserve protection from bad actors.

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

ORC 4755 refers to limited permits, which are no longer issued by the Board. The Board has proposed removing this outdated reference. The Board is also seeking a couple of changes to its disciplinary statutes, including to give the Board the authority to revoke a license permanently in the most egregious of cases and to make Franklin County the court of jurisdiction for any Board appeals.

Comparison to other states *(How many other states regulate the occupation? How do Ohio's regulations compare to those other states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)*

All 50 states, plus Washington, DC and Puerto Rico, require licensure of occupational therapists. In some ways more stringent, in other ways less. All states require passage of the same certification exam and graduation from a certified program. Ohio requires a background check, which not all states do. Some states allow new graduates to practice upon graduation prior to passing the certification exam on a limited permit. Ohio ceased this practice many years ago, as it leads to problems if a limited permit holder fails the exam. Ohio requires a jurisprudence test to ensure knowledge of Ohio's laws and rules prior to initial licensure. Other states do not. Ohio requires 20 hours of continuing education every two years. States vary in the number of hours that are required, if at all. General speaking, Ohio is not the most restrictive, not the least restrictive.

Surrounding state comparison (LSC)

Occupational Therapist						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (<i>R.C. 4755.07, 4755.10, and 4755.12; O.A.C. 4755-3-01, 4755-3-03, 4755-3-04, 4755-3-11, 4755-5-01, 4755-5-05, and 4755-9-01; Occupational Therapy, Physical Therapy, and Athletic Trainers Board, Fees</i>)	Yes (<i>Ind. Code Ann. 25-23.5-2-5 and 25-23.5-2-6; 844 Ind. Admin. Code 10-2-2</i>)	Yes (<i>Ky. Rev. Stat. Ann. 210.366, 319A.080, 319A.110, 319A.120, 319A.160, and 319A.170; 201 Ky. Admin. Regs. 28:060, 28:070, 28:170, and 28:200</i>)	Yes (<i>Mich. Comp. Laws 333.16148, 333.16317, 333.16345, 333.18303, 333.18307, and 333.18313; Mich. Admin. Code R. 338.1213, 338.1215, 338.1223, 338.1224, 338.1225, 338.1226, 338.1227, 338.1251, 338.1252, and 338.7001a</i>)	Yes (<i>63 Pa. Cons. Stat. 1508, 1509, 1510, 1511, 1512, 1515, and 1517; 49 Pa. Code 42.1, 42.11, 42.12, 42.13, 42.14, 42.15, 42.16, 42.17, and 42.53</i>)	Yes (<i>W. Va. Code Ann. 30-28-10, 30-28-13, 30-28-15; W. Va. Code R. 13-1-9, 13-3-2, 13-4-3</i>)
Education or training	Complete an accredited or approved entry-level program (that includes instruction in specified subject including	Bachelor's or master's degree in occupational therapy from a certified school	Complete accredited occupational therapy program	Complete an accredited or approved occupational therapist program or substantially similar program	Complete approved four-year program in occupational therapy or a master's or certificate program in	Complete an accredited program for occupational therapists

Occupational Therapist						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<p>occupational therapy theory and practice)</p> <p>May be waived on the basis of job experience if the individual:</p> <ol style="list-style-type: none"> 1. Passed the National Board for Certification in Occupational Therapy (NBCOT) examination; 2. Engaged in the active practice of occupational therapy as a licensed occupational therapist or occupational therapy assistant in another state or, if the 				occupational therapy	

Occupational Therapist						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<p>experience occurred in a state not requiring licensure, as an occupational therapist or occupational therapist assistant certified by NBCOT, for at least five years immediately preceding the date of application; and</p> <p>3. License/certification is active and without restriction</p> <p>Education requirement may also be waived under certain circumstances for</p>					

Occupational Therapist						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	foreign education therapists					
Experience	Six months of supervised field work experience at a recognized educational institution or an approved training program	Six months of occupational therapy work experience as part of an internship under a licensed occupational therapist	24 weeks of supervised fieldwork	No	Six months of supervised fieldwork at a recognized educational institute or an approved training program	Supervised fieldwork experience required by the recognized educational institution where applicant met education requirements
Exam	Yes	Yes	Yes	Yes	Yes	Yes
Continuing education	20 hours every two years, including one hour of ethics, jurisprudence, or cultural competence education No continuing education required for first-time renewal	18 hours every two years	12 hours annually; training program in suicide assessment, treatment, and management once every six years	20 hours every two years	24 hours every two years; not required for first renewal period	24 hours every two years

Occupational Therapist						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Initial licensure fee	\$100	\$100	\$50	\$102.70	\$30	\$150
License duration	Two years	Two years	One year	Two years	Two years	Two years
Renewal fee	\$70	\$100	\$50	\$122.70	\$55	\$120

Occupational therapy assistant license (OTA)

General information (PYT)

Description
<p>(A) “Occupational therapy” means the therapeutic use of everyday life activities or occupations with individuals or groups for the purpose of participation in roles and situations in the home, school, workplace, community, and other settings. The practice of occupational therapy includes all of the following:</p> <p>(1) Methods or strategies selected to direct the process of interventions, including, but not limited to, establishment, remediation, or restoration of a skill or ability that has not yet developed or is impaired and compensation, modification, or adaptation of activity or environment to enhance performance;</p> <p>(2) Evaluation of factors affecting activities of daily living, instrumental activities of daily living, education, work, play, leisure, and social participation, including, but not limited to, sensory motor abilities, vision, perception, cognition, psychosocial, and communication and interaction skills;</p> <p>(3) Interventions and procedures to promote or enhance safety and performance in activities of daily living, education, work, play, leisure, and social participation, including, but not limited to, application of physical agent modalities, use of a range of specific therapeutic procedures to enhance performance skills, rehabilitation of driving skills to facilitate community mobility, and management of feeding, eating, and swallowing to enable eating and feeding performance;</p>

Description

- (4) Consultative services, case management, and education of patients, clients, or other individuals to promote self-management, home management, and community and work reintegration;
 - (5) Designing, fabricating, applying, recommending, and instructing in the use of selected orthotic or prosthetic devices and other equipment which assists the individual to adapt to the individual’s potential or actual impairment;
 - (6) Administration of topical drugs that have been prescribed by a licensed health professional authorized to prescribe drugs, as defined in section 4729.01 of the Revised Code.
- (C) “Occupational therapy assistant” means a person who holds a license or limited permit to provide occupational therapy techniques under the general supervision of an occupational therapist.

Type (See R.C. 4798.01 for relevant definitions.)

License

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

Number issued annually	218
Number renewed annually	Licenses run a two-year renewal cycle. Typically 95% of the total renew – give or take a few percentage points. Currently there are 5,224 active OTAs.
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	Steady slight increase.

If the regulation is a registration, certification, or license requirement, please complete the following:	
Education or training requirements	An OTA must have an education from an occupational therapy program accredited by the Accreditation Council for Occupational Therapy Education (ACOTE). This is currently an associate's level program and it includes required fieldwork.
Experience requirements	The student must complete Level I and Level II fieldwork as required by their program of study and ACOTE.
Examination requirements (<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>)	The National Board of Certification in Occupational Therapy (NBCOT) administers the exam. This is the only exam available for OT. NBCOT charges \$515 for the exam. The Ohio Board does not receive proceeds.
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	The Board requires OTs to take 20 hours of continuing education over the course of a two-year renewal period. At least one hour must be in ethics, jurisprudence, or cultural competence education. Many different activities can qualify for continuing education. http://codes.ohio.gov/oac/4755-9-01v1 The Board offers CE approval review for a fee of \$25 per application.
Initial fee	\$100
Duration	Two years
Renewal fee (<i>If different from initial fee, please explain why.</i>)	\$70 for renewal. It has been this way for years. Renewal fees are the primary source of revenue for the Board, and the fees were set based on budget projections.
Does the Board recognize uniform licensure requirements or allow for reciprocity?	Yes, the Board allows reciprocity. OTAs are licensed in all 50 states and the requirements are quite similar in all states.

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

<p>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</p>	<p>NBCOT offers an optional certification process. Maintenance of certification requires on-going continuing education. But NBCOT does not conduct enforcement and discipline on Ohio's laws and rules, so it is not a good substitute for state regulation.</p>
<p>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?</p>	<p>4755.13 Exemptions.</p> <p>Nothing in sections 4755.04 to 4755.13 of the Revised Code shall be construed to prevent or restrict the practice, services, or activities of the following:</p> <p>(A) Any person who does not claim to the public by any title, initials, or description of services as being engaged in the practice of occupational therapy, who is:</p> <p>(1) A physician licensed under Chapter 4731. of the Revised Code, or anyone employed or supervised by a licensed physician in the delivery of treatment or services;</p> <p>(2) A person licensed, certified, or registered under sections 4755.40 to 4755.56 of the Revised Code or under any other chapter of the Revised Code who is practicing within the standards and ethics of practice that represent appropriate extensions of the person's profession;</p> <p>(3) A qualified member of any other profession who is practicing within the standards and ethics of the member's profession.</p>
<p>Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?</p>	<p>Only insofar as the Board has the discretion to decide whether a person has met the requirements for licensure.</p>
<p>Other information <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i></p>	<p>N/A</p>

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

ORC 4755.11 - In accordance with Chapter 119. of the Revised Code, the occupational therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers board may suspend, revoke, or refuse to issue or renew an occupational therapist license, occupational therapy assistant license, occupational therapist limited permit, occupational therapy assistant limited permit, or reprimand, fine, place a license or limited permit holder on probation, or require the license or limited permit 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?

\$510,615 – FY 19

\$339,630 – FY 20

These are fees charged to both OTs and OTAs combined. A large percentage is renewal revenue. There are more OTs who renewed in FY 19 than OTAs who renewed in FY 20. OTA renewals are spilling into FY 21 due to COVID renewal extensions.

The revenue is used to support the operations of the OTPTAT Board, which is entirely fee-based.

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

As health care providers, HIPAA applies to all occupational therapists. FERPA applies to those who work in the schools. These two federal laws are the ones about which we get the most questions at the Board.

The Medicaid and Medicare programs require a license in order to bill these large federal programs. CMS regulations, in addition to other payers, also apply to OTA practitioners.

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

Violations of the Ohio Revised Code and Ohio Administrative Code, particularly the Code of Ethics (OAC 4755-7-08. ORC 4798.02(B)(7) applies.

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 law allows the Board to adequately determine if an individual is qualified to practice as an OTA. It also allows for the investigation of and discipline for violations of the ORC and OAC. Given that all fifty states license OTAs, a less restrictive regulation would be inappropriate, especially given that OTAs interact with patients of all ages – from birth to death – and often work with vulnerable Ohioans who deserve protection from bad actors.

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

The statute refers to limited permits, which are no longer issued by the Board. The Board would propose removing this outdated reference. The Board is also seeking a couple of changes to its disciplinary statutes, including to give the Board the authority of revoke a license permanently in the most egregious of cases and to make Franklin County the court of jurisdiction for any Board appeals.

Comparison to other states (How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)

All 50 states, plus Washington, DC and Puerto Rico, require licensure of occupational therapy assistants. In some ways more stringent, in other ways less. All states require passage of the same certification exam and graduation from a certified program. Ohio requires a background check, which not all states do. Some states allow new graduates to practice upon graduation prior to passing the certification exam on a limited permit. Ohio ceased this practice many years ago, as it leads to problems if a limited permit holder fails the exam. Ohio requires a jurisprudence test to ensure knowledge of Ohio's laws and rules prior to initial licensure. Other states do not. Ohio requires 20 hours of continuing education every two years. States vary in the number of hours that are required, if at all. General speaking, Ohio is not the most restrictive, not the least restrictive.

Surrounding state comparison (LSC)

Occupational Therapy Assistant						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (R.C. 4755.07, 4755.10, and 4755.12; O.A.C. 4755-3-01, 4755-3-03, 4755-3-04, 4755-3-11, 4755-5-01, 4755-5-05, and 4755-9-01; Occupational Therapy, Physical Therapy, and Athletic Trainers Board, Fees)	Yes (Ind. Code Ann. 25-23.5-2-5 and 25-23.5-2-6; 844 Ind. Admin. Code 10-2-2)	Yes (Ky. Rev. Stat. Ann. 210.366, 319A.080, 319A.110, 319A.120, 319A.160, and 319A.170; 201 Ky. Admin. Regs. 28:060, 28:070, 28:170, and 28:200)	Yes (Mich. Comp. Laws 333.16148, 333.16317, 333.16345, 333.18303, 333.18309, and 333.18313; Mich. Admin. Code R. 338.1213, 338.1215, 338.1231, 338.1233, 338.1234, 338.1235, 338.1236, 338.1251,	Yes (63 Pa. Cons. Stat. 1508, 1509, 1510, 1511, 1512, 1515, and 1517; 49 Pa. Code 42.1, 42.11, 42.12, 42.13, 42.14, 42.15, 42.16, 42.17, and 42.53)	Yes (W. Va. Code Ann. 30-28-10, 30-28-13, 30-28-15; W. Va. Code R. 13-1-9, 13-3-2, 13-4-3)

Occupational Therapy Assistant						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
				<i>338.1252, and 338.7001a)</i>		
Education or training	Complete an accredited, recognized entry-level program (that includes instruction in specified subject including occupational therapy theory and practice)	Associate's degree in occupational therapy from a certified school	Complete accredited occupational therapy program	Complete accredited occupational therapy assistant program that meets prescribed requirements	Complete approved two-year program in occupational therapy or an approved master's or certificate program in occupational therapy	Complete an accredited program for occupational therapy assistants
Experience	Two months of supervised fieldwork experience at a recognized educational institution or an approved training program	Three months of occupational therapy work experience as part of an internship under a licensed occupational therapist	16 weeks of supervised fieldwork	No	Two months of supervised fieldwork at a recognized educational institute or an approved training program	Supervised fieldwork experience required by the recognized educational institution where applicant met academic requirements
Exam	Yes	Yes	Yes	Yes	Yes	Yes
Continuing education	20 hours every two years, including one	18 hours every two years	12 hours annually; training program in suicide	20 hours every two years	24 hours every two years; not	24 hours every two years

Occupational Therapy Assistant						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	hour of ethics, jurisprudence, or cultural competence education No continuing education required for first-time renewal		assessment, treatment, and management once every six years		required for first renewal period	
Initial licensure fee	\$100	\$100	\$35	\$102.70	\$30	\$100
License duration	Two years	Two years	One year	Two years	Two years	Two years
Renewal fee	\$70	\$100	\$35	\$122.70	\$45	\$100

**Temporary military spouse license (occupational therapy)
Survey responses (PYT)**

Description
See previous questions defining OT/OTA licenses.

Type (See R.C. 4798.01 for relevant definitions.)

License

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

Number issued annually	Varies greatly. It is a low number. Sometimes we get a couple. Sometimes none.
Number renewed annually	None are renewed annually. A temp military license is now good for six years.
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	Same – small number
Education or training requirements	Same as OT/OTA above
Experience requirements	Same as OT/OTA above
Examination requirements (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Board receive any</i>	Same as OT/OTA above

If the regulation is a registration, certification, or license requirement, please complete the following:	
<i>proceeds of those fees? If so, how are the proceeds used?)</i>	
Continuing education requirements <i>(Including a description of the curriculum and the process of setting it.)</i>	Same as OT/OTA above
Initial fee	\$0
Duration	Six years
Renewal fee <i>(If different from initial fee, please explain why.)</i>	none
Does the Board recognize uniform licensure requirements or allow for reciprocity?	yes
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	Same as for OT/OTA above.
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	Same as for OT/OTA above.
Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?	Same as OT/OTA. Note that professionals working on a base do not need a state license.

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

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

Click or tap here to enter text.

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

Same as for OT/OTA above.

**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?**

\$0 – there is no cost to a temp military license.

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

Same as for OT/OTA above.

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

Same as for OT/OTA above.

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

Same as for OT/OTA above.

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

None.

Comparison to other states (How many other states regulate the occupation? How do Ohio’s regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)

Military licensure varies greatly across states. The Department of Defense would be a better resource for this question.

Surrounding state comparison (LSC)

Temporary Occupational Therapist						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes, for military spouses (R.C. 4755.07, 4755.10, and 4755.12; O.A.C. 4755-3-01, 4755-3-03, 4755-3-04, 4755-3-11,	No clear equivalent	Yes (Ky. Rev. Stat. Ann. 319A.100; 201 Ky. Admin. Regs. 28:060)	Yes, for military spouses (Mich. Comp. Laws 333.16181(5) and (6))	Yes, must practice under direct supervision of a licensed occupational therapist (63 Pa. Cons. Stat. 1508,	Yes, must practice under direct supervision of a licensed occupational therapist (W. Va. Code Ann. 30-28-

Temporary Occupational Therapist						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<i>4755-5-01, 4755-5-05, and 4755-9-01; Occupational Therapy, Physical Therapy, and Athletic Trainers Board, Fees)</i>				<i>1509, 1510, 1511, 1512, 1515, and 1517; 49 Pa. Code 42.1, 42.11, 42.12, 42.13, 42.14, 42.15, 42.16, 42.17, and 42.53)</i>	<i>10, 30-28-13, 30-28-15; W. Va. Code R. 13-1-9, 13-3-2, 13-4-3)</i>
Education or training	No	N/A	Complete accredited occupational therapy program	No	If the individual does not satisfy the experience requirements, the education requirements for an occupational therapist license	No
Experience	A valid unrestricted license to practice as an occupational therapist or occupational therapy assistant in another jurisdiction of the U.S.	N/A	24 weeks of supervised fieldwork	The individual is: <ul style="list-style-type: none"> 1. Married to a member of the armed forces on active duty; 2. Licensed or registered in good standing as an occupational therapist with 	Either licensed under the laws of another state which has licensure requirements substantially equal to those of Pennsylvania or has met national requirements for certification as an occupational	Licensure as an occupational therapist or occupational therapy assistant in another jurisdiction whose standards are determined to be equivalent to West Virginia standards

Temporary Occupational Therapist						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
				<p>an equivalent licensing department in another state, U.S. territory, or foreign country; and</p> <p>3. Assigned to a duty station in Michigan under the individual's spouse's permanent change of station orders</p>	<p>therapist or a certified occupational therapy assistant</p> <p>If the individual does not have a license or certification, no experience requirement</p>	
Exam	No	N/A	Yes (jurisprudence exam only)	No	No	Yes
Continuing education	N/A	N/A	N/A	No	N/A	N/A
Initial licensure fee	\$100	N/A	\$50	None	\$20	None
License duration	Six months	N/A	May not extend for more than 60 days after the second exam	Six months, may be renewed once	Six months or upon failure to take or retake exam	30 days, cannot be renewed

Temporary Occupational Therapist						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
			<p>offered after the applicant has applied to take the examination for licensure</p> <p>May not be renewed</p>			
Renewal fee	N/A	N/A	N/A	None	N/A	N/A

Physical therapist license (PT)

Survey responses (PYT)

Description
<p>(1) “Physical therapy” means the evaluation and treatment of a person by physical measures and the use of therapeutic exercises and rehabilitative procedures, with or without assistive devices, for the purpose of preventing, correcting, or alleviating physical impairments, functional limitations, and physical disabilities. “Physical therapy” includes physiotherapy.</p> <p>“Physical therapy” includes the establishment and modification of physical therapy programs, treatment planning, patient education and instruction, and consultative services.</p> <p>With respect to the evaluation of a person, “physical therapy” includes determining a physical therapy diagnosis in order to treat the person’s physical impairments, functional limitations, and physical disabilities; determining a prognosis; and determining a plan of therapeutic intervention.</p> <p>If performed by a person who is adequately trained, “physical therapy” includes the design, fabrication, and revision of various assistive devices, and the provision of education and instruction in the use of those devices, including braces, splints, ambulatory or locomotion devices, wheelchairs, prosthetics, and orthotics.</p>

Description

“Physical therapy” includes the administration of topical drugs that have been prescribed by a licensed health professional authorized to prescribe drugs, as defined in section 4729.01 of the Revised Code.

(2) “Physical therapy” does not include either of the following:

- (a) The use of electricity for cauterization or other surgical purposes;
- (b) The use of Roentgen rays or radium for diagnostic or therapeutic purposes.

(D) “Physical therapist” means a person who practices or provides patient education and instruction in physical therapy and includes a physiotherapist.

Type (See R.C. 4798.01 for relevant definitions.)

License

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

Number issued annually	602
Number renewed annually	Licenses run a two-year renewal cycle. Typically 95% of the total renew – give or take a few percentage points. Currently there are 10,760 active PTs.
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	Slight steady increase.

If the regulation is a registration, certification, or license requirement, please complete the following:	
Education or training requirements	A PT must have an education from a physical therapy program accredited by the Commission on Physical Therapy Education (CAPTE). This is currently a doctorate level program and it includes required Level I and Level II clinical instruction.
Experience requirements	The student must complete Level I and Level II clinical education as required by their program of study and CAPTE.
Examination requirements (<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>)	The Federation of State Boards of Physical Therapy (FSBPT) administers the exam for PT. It is called the National Physical Therapy Exam (NPTE). This is the only exam administered for PT. The fee is \$485 and the Board does not receive proceeds.
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	PTs are required to obtain 24 hours every two years. The Ohio Physical Therapy Association reviews and approves all coursework using a rigorous tool that requires citations and relevance to PT practice. Course that are not Ohio approved do not count, with limited exceptions such as specialty certification and clinical instruction. Beginning with the 1/31/2022 PT renewal, license holders will be required to take a jurisprudence assessment module for renewal.
Initial fee	\$100
Duration	Two years
Renewal fee (<i>If different from initial fee, please explain why.</i>)	\$70 for renewal. It has been this way for years. Renewal fees are the primary source of revenue for the Board, and the fees were set based on budget projections.
Does the Board recognize uniform licensure requirements or allow for reciprocity?	Yes, the Board allows reciprocity. PTs are licensed in all 50 states and the requirements are quite similar in all states.

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

Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?

The Physical Therapy Compact is an interstate compact that allows a person who is licensed in a home state to purchase a “privilege to practice” in another state that has passed the Compact. The legislation is pending in Ohio. Senate Bill 272

Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?

4755.50 No restrictions on licensed health care professional.

Nothing in this chapter shall be construed to prevent or restrict the practice of any person who is a licensed health care professional in this state while practicing within the scope of the person’s license and according to the standards and ethics of the person’s profession, or of any person employed by or acting under the supervision of that licensed health care professional. Services rendered by a person acting under the supervision or in the employment of a licensed health care professional shall not be designated physical therapy.

(G)

(1) Subject to division (G)(2) of this section, nothing in sections 4755.40 to 4755.56 of the Revised Code shall prevent or restrict the activities or services of any person who holds a current, unrestricted license to practice physical therapy in another state when that person, pursuant to contract or employment with an athletic team located in the state in which the person holds the license, provides physical therapy to any of the following while the team is traveling to or from or participating in a sporting event in this state:

- (a) A member of the athletic team;
- (b) A member of the athletic team’s coaching, communications, equipment, or sports medicine staff;
- (c) A member of a band or cheerleading squad accompanying the athletic team;
- (d) The athletic team’s mascot.

(2) In providing physical therapy pursuant to division (G)(1) of this section, the person shall not do either of the following:

- (a) Provide physical therapy at a health care facility;

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

	(b) Provide physical therapy for more than sixty days in a calendar year.
Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?	Only insofar as the Board has the discretion to decide whether a person has met the requirements for licensure.
Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)	Individuals who are foreign trained (not through a CAPTE accredited program) may achieve licensure after the education is evaluated and deemed equivalent to a U.S. education. They must also pass the national exam.

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

ORC 4755.47 - (A) In accordance with Chapter 119. of the Revised Code, the physical therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers board may refuse to grant a license to an applicant for an initial or renewed license as a physical therapist or physical therapist assistant or, by an affirmative vote of not less than five members, may limit, suspend, or revoke the license of a physical therapist or physical therapist assistant or reprimand, fine, place a license holder on probation, or require the license holder to take corrective action courses, on any of the following grounds...

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?

FY 19 - \$704,885

FY 20 - \$820,747.16

These are fees charged to both PTs and PTAs combined. A large percentage is renewal revenue.

The revenue is used to support the operations of the OTPTAT Board, which is entirely fee-based.

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

As health care providers, HIPAA applies to all physical therapists. FERPA applies to those who work in the schools. These two federal laws are the ones about which we get the most questions at the Board.

The Medicaid and Medicare programs require a license in order to bill these large federal programs. CMS regulations, in addition to other payers, also apply to PT practitioners.

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

Violations of the Ohio Revised Code and Ohio Administrative Code, particularly the Code of Ethics (OAC 4755-27-05. ORC 4798.02(B)(7) applies.

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 law allows the Board to adequately determine if an individual is qualified to practice PT. It also allows for the investigation of and discipline for violations of the ORC and OAC. There are various ways to issue said discipline, including efforts to remediate, such as training and compliance with treatment. Given that all fifty states license PTs, a less restrictive regulation would be inappropriate. PTs often work with vulnerable Ohioans who deserve protection from bad actors.

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

The Board would like to remove the reference to a requirement to submit a photo or physical description as a part of the licensure process. The Board does not use this information and it is taking up space within the licensure files and on the server and sometimes seems to be an administrative hurdle to licensure. The Board is also seeking a couple of changes to its disciplinary statutes, including to give the Board the authority of revoke a license permanently in the most egregious of cases and to make Franklin County the court of jurisdiction for any Board appeals.

Comparison to other states (How many other states regulate the occupation? How do Ohio’s regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)

All 50 states, plus Washington, DC and Puerto Rico, require licensure of physical therapists. In some ways more stringent, in other ways less. All states require passage of the same national exam and graduation from a certified program. Ohio requires a background check, which not all states do. Some states allow new graduates to practice upon graduation prior to passing the national exam on a limited permit. Ohio ceased this practice many years ago, as it leads to problems if a person fails the exam. Ohio requires a jurisprudence test to ensure knowledge of Ohio’s laws and rules prior to initial licensure. Other states do not. Ohio requires 24 hours of continuing education every two years. States vary in the number of hours that are required, if at all. Some states require you to have professional liability insurance; Ohio does not. Scope of practice may vary across states as well. Generally speaking, Ohio is not the most restrictive, not the least restrictive.

Surrounding state comparison (LSC)

Physical Therapist						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (R.C. 4755.42, 4755.421, 4755.43, 4755.431, 4755.46, 4755.51, 4755.511, and	Yes (Ind. Code Ann. 25-27-1-5, 25-27-1-6.1, 25-27-1-7, and 25-27-1-8; 842 Ind. Admin. Code 1-2-	Yes (Ky. Rev. Stat. Ann. 327.020, 327.045, 327.050, and 327.060; 201 Ky. Admin. Regs. 22:020, 22:040,	Yes (Mich. Comp. Laws 333.16148, 333.16317, 333.16335, 333.17820, and 333.17823; Mich.	Yes (63 Pa. Cons. Stat. 1306, 1307, 1307.2, 1309, and 1309.1; 49 Pa. Code 40.1, 40.5, 40.11, 40.13,	Yes (W. Va. Code Ann. 30-20-8, 30-20-10, 30-20-12, 30-20-13, and 30-20-14; W. Va. Code R. 16-1-4,

Physical Therapist						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	4755.53; O.A.C. 4755-23-02, 4755-23-04, 4755-23-06, 4755-23-08, 4755-23-16, 4755-24-03, and 4755-24-04; Occupational Therapy, Physical Therapy, and Athletic Trainers Board, Fees)	1, 1-3-1, 1-3-2, 1-3-4, and 1-7-1)	22:045, 22:070, 22:135, and 22:140)	Admin. Code R. 338.7001a, 338.7126, 338.7133, 338.7135(b), 338.7136, and 338.7137)	40.16, 40.17, 40.19, 40.22, 40.61, 40.63, 40.67, 40.163, 40.165, 40.166, 40.191, and 40.192)	16-1-7, 16-1-11, and 16-4-2)
Education or training	Master's or doctorate degree in an accredited physical therapy program	Complete accredited professional physical therapist program	Complete accredited physical therapy program	Complete accredited physical therapy program; requirement may be waived for individuals who are licensed in another jurisdiction and have five or more years of experience	Master's degree in physical therapy	Complete an accredited and approved physical therapy program
Experience	No	No	30 weeks of full-time clinical experience	No	No	No

Physical Therapist						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Exam	Yes	Yes	Yes	Yes	Yes	Yes
Continuing education	24 hours every two years, including two hours of ethics; not required for first license renewal	22 hours every two years, including two hours of ethics and jurisprudence	30 hours every two years, including two hours for completion of a jurisprudence examination	24 credits every two years	30 hours every two years, including two hours in law or ethics	24 hours every two years
Initial licensure fee	\$100	\$100	\$225	\$118.95	\$30 (\$45 if the individual is educated outside the country)	\$220
License duration	Two years	Two years	Two years	Two years	Two years	Two years
Renewal fee	\$70	\$100	\$190	\$138.95	\$90	\$100

Physical therapist assistant license (PTA)

Survey responses (PYT)

Description

(1) “Physical therapy” means the evaluation and treatment of a person by physical measures and the use of therapeutic exercises and rehabilitative procedures, with or without assistive devices, for the purpose of preventing, correcting, or alleviating physical impairments, functional limitations, and physical disabilities. “Physical therapy” includes physiotherapy.

“Physical therapy” includes the establishment and modification of physical therapy programs, treatment planning, patient education and instruction, and consultative services.

With respect to the evaluation of a person, “physical therapy” includes determining a physical therapy diagnosis in order to treat the person’s physical impairments, functional limitations, and physical disabilities; determining a prognosis; and determining a plan of therapeutic intervention.

If performed by a person who is adequately trained, “physical therapy” includes

the design, fabrication, and revision of various assistive devices, and the provision of education and instruction in the use of those devices, including braces, splints, ambulatory or locomotion devices, wheelchairs, prosthetics, and orthotics.

“Physical therapy” includes the administration of topical drugs that have been prescribed by a licensed health professional authorized to prescribe drugs, as defined in section 4729.01 of the Revised Code.

(2) “Physical therapy” does not include either of the following:

(a) The use of electricity for cauterization or other surgical purposes;

(b) The use of Roentgen rays or radium for diagnostic or therapeutic purposes.

(E) “Physical therapist assistant” means a person who assists in the provision of physical therapy treatments, including the provision of patient education and instruction, under the supervision of a physical therapist.

Type (See R.C. 4798.01 for relevant definitions.)

License

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

Number issued annually	351
Number renewed annually	Licenses run a two-year renewal cycle. Typically 95% of the total renew – give or take a few percentage points. Currently there are 9,029 active PTAs.
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	Slight increase
Education or training requirements	A PTA must have an education from a physical therapy program accredited by the Commission on Physical Therapy Education (CAPTE). This is currently an associate level program and it includes required clinical education.
Experience requirements	The student must complete Level I and Level II clinical education as required by their program of study and CAPTE.

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

<p>Examination requirements (<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>The Federation of State Boards of Physical Therapy (FSBPT) administers the exam for PTAs. It is called the National Physical Therapy Exam (NPTE). This is the only exam administered for PTAs. The fee is \$485 and the Board does not receive proceeds.</p>
<p>Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)</p>	<p>PTAs are required to obtain 12 hours every two years. The Ohio Physical Therapy Association reviews and approves all coursework using a rigorous tool that requires citations and relevance to physical therapy practice. Courses that are not Ohio approved do not count, with limited exceptions such as specialty certification and clinical instruction. Beginning with the 1/31/2023 PTA renewal, license holders will be required to take a jurisprudence assessment module for renewal.</p>
<p>Initial fee</p>	<p>\$100</p>
<p>Duration</p>	<p>Two years</p>
<p>Renewal fee (<i>If different from initial fee, please explain why.</i>)</p>	<p>\$70 for renewal. It has been this way for years. Renewal fees are the primary source of revenue for the Board, and the fees were set based on budget projections.</p>
<p>Does the Board recognize uniform licensure requirements or allow for reciprocity?</p>	<p>Yes, the Board allows reciprocity. PTAs are licensed in all 50 states and the requirements are quite similar in all states.</p>
<p>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</p>	<p>The Physical Therapy Compact is an interstate compact that allows a person who is licensed in a home state to purchase a “privilege to practice” in another state that has passed the Compact. The legislation is pending in Ohio. Senate Bill 272.</p>

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

Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?

4755.50 No restrictions on licensed health care professional.

Nothing in this chapter shall be construed to prevent or restrict the practice of any person who is a licensed health care professional in this state while practicing within the scope of the person's license and according to the standards and ethics of the person's profession, or of any person employed by or acting under the supervision of that licensed health care professional. Services rendered by a person acting under the supervision or in the employment of a licensed health care professional shall not be designated physical therapy.

(G)

(1) Subject to division (G)(2) of this section, nothing in sections 4755.40 to 4755.56 of the Revised Code shall prevent or restrict the activities or services of any person who holds a current, unrestricted license to practice physical therapy in another state when that person, pursuant to contract or employment with an athletic team located in the state in which the person holds the license, provides physical therapy to any of the following while the team is traveling to or from or participating in a sporting event in this state:

- (a) A member of the athletic team;
- (b) A member of the athletic team's coaching, communications, equipment, or sports medicine staff;
- (c) A member of a band or cheerleading squad accompanying the athletic team;
- (d) The athletic team's mascot.

(2) In providing physical therapy pursuant to division (G)(1) of this section, the person shall not do either of the following:

- (a) Provide physical therapy at a health care facility;
- (b) Provide physical therapy for more than sixty days in a calendar year.

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

Only insofar as the Board has the discretion to decide whether a person has met the requirements for licensure.

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

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

N/A

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

ORC 4755.47 - (A) In accordance with Chapter 119. of the Revised Code, the physical therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers board may refuse to grant a license to an applicant for an initial or renewed license as a physical therapist or physical therapist assistant or, by an affirmative vote of not less than five members, may limit, suspend, or revoke the license of a physical therapist or physical therapist assistant or reprimand, fine, place a license holder on probation, or require the license holder to take corrective action courses, on any of the following grounds...

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?

FY 19 - \$704,885

FY 20 - \$820,747.16

These are fees charged to both PTs and PTAs combined. A large percentage is renewal revenue.

The revenue is used to support the operations of the OTPTAT Board, which is entirely fee-based.

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

As health care providers, HIPAA applies to all physical therapist assistants. FERPA applies to those who work in the schools. These two federal laws are the ones about which we get the most questions at the Board.

The Medicaid and Medicare programs require a license in order to bill these large federal programs. CMS regulations, in addition to other payers, also apply to physical therapy practitioners.

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

Violations of the Ohio Revised Code and Ohio Administrative Code, particularly the Code of Ethics (OAC 4755-27-05. ORC 4798.02(B)(7) applies.

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 law allows the Board to adequately determine if an individual is qualified to practice as a PTA. It also allows for the investigation of and discipline for violations of the ORC and OAC. There are various ways to issue said discipline, including efforts to remediate, such as training and compliance with treatment. Given that all fifty states license PTAs, a less restrictive regulation would be inappropriate. PTAs often work with vulnerable Ohioans who deserve protection from bad actors.

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

The Board would like to remove the reference to a requirement to submit a photo or physical description as a part of the licensure process. The Board does not use this information and it is taking up space within the licensure files and on the server and sometimes seems to be an administrative hurdle to licensure. The Board is also seeking a couple of changes to its disciplinary statutes, including to give the Board the authority of revoke a license permanently in the most egregious of cases and to make Franklin County the court of jurisdiction for any Board appeals.

Comparison to other states *(How many other states regulate the occupation? How do Ohio’s regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)*

All 50 states, plus Washington, DC and Puerto Rico, require licensure of physical therapist assistants. In some ways more stringent, in other ways less. All states require passage of the same national exam and graduation from a certified program. Ohio requires a background check, which not all states do. Some states allow new graduates to practice upon graduation prior to passing the national exam on a limited permit. Ohio ceased this practice many years ago, as it leads to problems if a person fails the exam. Ohio requires a jurisprudence test to ensure knowledge of Ohio’s laws and rules prior to initial licensure. Other states do not. Ohio requires 12 hours of continuing education every two years. States vary in the number of hours that are required, if at all. Some states require you to have professional liability insurance; Ohio does not. Some states allow someone who is educated as a physical therapist to test and be licensed as a physical therapist assistant if they cannot pass the PT exam. Ohio does not. Scope of practice may vary across states as well. General speaking, Ohio is not the most restrictive, nor the least restrictive.

Surrounding state comparison (LSC)

Physical Therapy Assistant						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (<i>R.C. 4755.42, 4755.421, 4755.43, 4755.431,</i>	Yes (<i>Ind. Code Ann. 25-27-1-5, 25-27-1-6.1, 25-27-1-7, and 25-27-</i>	Yes (<i>Ky. Rev. Stat. Ann. 327.020, 327.050, 327.060; 201 Ky. Admin.</i>	Yes (<i>Mich. Comp. Laws 333.16148, 333.16317, 333.16335,</i>	Yes (<i>63 Pa. Cons. Stat. 1306, 1307, 1307.2, 1309, and 1309.1; 49 Pa.</i>	Yes (<i>W. Va. Code Ann. 30-20-8, 30-20-10, 30-20-12, 30-20-13, and 30-</i>

Physical Therapy Assistant						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	4755.46, 4755.51, 4755.511, and 4755.53; O.A.C. 4755-23-02, 4755-23-04, 4755-23-06, 4755-23-08, 4755-23-16, 4755-24-03, and 4755-24-04; Occupational Therapy, Physical Therapy, and Athletic Trainers Board, Fees)	1-8; 842 Ind. Admin. Code 1-2-1, 1-3-1, 1-3-2, 1-3-4, and 1-7-1)	Regs. 22:020, 22:040, 22:045, 22:070, and 22:135)	333.17820, 333.17823, and 333.17826; Mich. Admin. Code R. 338.7001a, 338.7126, 338.7142, and 338.7145)	Code 40.1, 40.5, 40.11, 40.13, 40.16, 40.17, 40.19, 40.22, 40.61, 40.63, 40.67, 40.163, 40.165, 40.166, 40.191, and 40.192)	20-14; W. Va. Code R. 16-1-4, 16-1-7, 16-1-11, and 16-4-2)
Education or training	Complete accredited physical therapist assistant program	Complete accredited professional physical therapist assistant program	Complete accredited physical therapy or physical therapist assistant program	Complete accredited physical therapist assistant program that meets prescribed standards; requirement may be waived for individuals licensed in another recognized jurisdiction that have five or more	Complete an approved physical therapist assistant program	Complete a two-year college-level program for physical therapy assistants

Physical Therapy Assistant						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
				years of experience		
Experience	No	No	520 hours of clinical experience	No	No	No
Exam	Yes	Yes	Yes	Yes	Yes	Yes
Continuing education	12 hours every two years, including two hours of ethics; not required for first license renewal	22 hours every two years, including two hours of ethics and jurisprudence	20 hours every two years, including two hours for completion of a jurisprudence examination	24 credits every two years	30 hours every two years, including two hours in law or ethics	24 hours every two years
Initial licensure fee	\$100	\$100	\$225	\$118.95	\$30	\$140
License duration	Two years	Two years	Two years	Two years	Two years	Two years
Renewal fee	\$70	\$100	\$190	\$138.95	\$45	\$60

Temporary military spousal license (physical therapy)

Survey responses (PYT)

Description	
See other PT/PTA sections.	
Type <i>(See R.C. 4798.01 for relevant definitions.)</i>	
License	
If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	10 maximum
Number renewed annually	Renewal is not annual. The new law for military licensure allows for a six year license. The rules are pending with the Common Sense Initiative.

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

Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	No.
Education or training requirements	Same as PT/PTA
Experience requirements	Same as PT/PTA
Examination requirements (<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>)	Same as PT/PTA
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	Same as PT/PTA
Initial fee	Free of charge
Duration	Up to six years. Rules are pending recommendation by CSI.
Renewal fee (<i>If different from initial fee, please explain why.</i>)	None. If there is one, it will be no cost.

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

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

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

Same as PT/PTA

**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?**

\$0

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

Same as PT/PTA. Note that professionals working on a base do not need a state license.

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

Same as PT/PTA.

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

Same as PT/PTA

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

Same as PT/PTA. The Board would also like military licenses to take the jurisprudence exam.

Comparison to other states *(How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)*

Same as PT/PTA.

Surrounding state comparison (LSC)

Temporary Physical Therapy Licenses						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes, for military spouses (<i>R.C. 4755.42, 4755.421, 4755.43, 4755.431, 4755.46, 4755.51, 4755.511, and 4755.53; O.A.C. 4755-23-02, 4755-23-04, 4755-23-06, 4755-23-08, 4755-23-16, 4755-24-03, and 4755-24-04; Occupational Therapy, Physical Therapy, and Athletic Trainers Board, Fees</i>)	Yes (<i>Ind. Code Ann. 25-27-1-5, 25-27-1-6.1, 25-27-1-7, and 25-27-1-8; 842 Ind. Admin. Code 1-2-1, 1-3-1, 1-3-2, 1-3-4, and 1-7-1</i>)	Yes (<i>Ky. Rev. Stat. Ann. 327.020, 327.050, and 327.060; 201 Ky. Admin. Regs. 22:020, 22:070, and 22:135</i>)	Yes, for military spouses (<i>Mich. Comp. Laws 333.16181(5) and (6)</i>)	Yes, for individual waiting on exam results (<i>63 Pa. Cons. Stat. 1306, 1307, 1307.2, 1309, and 1309.1; 49 Pa. Code 40.1, 40.5, 40.11, 40.13, 40.16, 40.17, 40.19, 40.22, 40.61, 40.63, 40.67, 40.163, 40.165, 40.166, 40.191, and 40.192</i>)	Yes, for an individual waiting on exam results (<i>W. Va. Code Ann. 30-20-8, 30-20-10, 30-20-12, 30-20-13, and 30-20-14; W. Va. Code R. 16-1-4, 16-1-7, 16-1-11, and 16-4-2</i>)
Education or training	No	Valid license or certificate from another state, or Approval to take the exam for licensure or certification and	Complete accredited physical therapy program or accredited physical therapy	No	Same as physical therapy or physical therapy assistant license (as applicable)	Same as physical therapy or physical therapy assistant license (as applicable)

Temporary Physical Therapy Licenses

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
		has not previously failed the exam (An applicant who receives a temporary permit through exam approval must have either graduated from a school or program of physical therapy or from a two-year college program for assistants that meets board standards)	assistant program (as applicable)			
Experience	Valid unrestricted license to practice as a physical therapist or physical therapist assistant in another jurisdiction of the U.S.	No	None for temporary physical therapist license 520 hours of clinical experience for temporary physical therapist assistant license	The individual is: 1. Married to a member of the armed forces on active duty; 2. Licensed or registered in good standing as a physical therapist with	No	No

Temporary Physical Therapy Licenses

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
				an equivalent licensing department in another state, U.S. territory, or foreign country; and 3. Assigned to a duty station in Michigan under the individual's spouse's permanent charge of station orders		
Exam	No	No	Yes	No	No	No
Continuing education	N/A	No	N/A	No	N/A	N/A
Initial licensure fee	\$100	\$50	\$225	No	\$15	\$35 for physical therapist \$20 for physical therapist assistant

Temporary Physical Therapy Licenses						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License duration	Six months	90 days, or when licensure/ approval is granted or denied, may be renewed one time	Six months	Six months, may be renewed one time	Valid for six months or until individual receives exam results	90 days, cannot be renewed
Renewal fee	N/A	\$50	N/A	No	N/A	N/A

Athletic trainer license (AT)

Survey responses (PYT)

Description
<p>(A) “Athletic training” means the practice of prevention, recognition, and assessment of an athletic injury and the complete management, treatment, disposition, and reconditioning of acute athletic injuries upon the referral of an individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatry, a dentist licensed under Chapter 4715. of the Revised Code, a physical therapist licensed under this chapter, or a chiropractor licensed under Chapter 4734. of the Revised Code. Athletic training includes the administration of topical drugs that have been prescribed by a licensed health professional authorized to prescribe drugs, as defined in section 4729.01 of the Revised Code. Athletic training also includes the organization and administration of educational programs and athletic facilities, and the education of and consulting with the public as it pertains to athletic training.</p> <p>(B) “Athletic trainer” means a person who meets the qualifications of this chapter for licensure and who is employed by an educational institution, professional or amateur organization, athletic facility, or health care facility to practice athletic training.</p>

Type (See R.C. 4798.01 for relevant definitions.)

License

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

Number issued annually	177
Number renewed annually	Licenses run a two-year renewal cycle. Typically 95% of the total renew – give or take a few percentage points. Currently there are 3,219 active ATs.
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	Slight increase.
Education or training requirements	An AT must have an education from an athletic training program accredited by the Commission on Accreditation of Athletic Training Education (CAATE). This is currently a master’s level program and it includes required clinical work.
Experience requirements	Clinical training as a part of the educational program.

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

<p>Examination requirements (<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>The Board of Certification in Athletic Training (BOC) administers the exam. This is the only exam available for athletic training, except for Texas, which offers its own state only exam. BOC charges \$330 for the exam. The Ohio Board does not receive proceeds.</p>
<p>Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)</p>	<p>The Board requires OTs to take 20 hours of continuing education over the course of a two-year renewal period. At least one hour must be in ethics and two hours in evidence based practices. Many different activities can qualify for continuing education. http://codes.ohio.gov/oac/4755-45</p> <p>The Board offers CE approval review for a fee of \$25 per application.</p>
<p>Initial fee</p>	<p>\$100</p>
<p>Duration</p>	<p>Two years</p>
<p>Renewal fee (<i>If different from initial fee, please explain why.</i>)</p>	<p>\$70 for renewal. It has been this way for years. Renewal fees are the primary source of revenue for the Board, and the fees were set based on budget projections.</p>
<p>Does the Board recognize uniform licensure requirements or allow for reciprocity?</p>	<p>Yes, the Board allows reciprocity. ATs are regulated in 49 of 50 states and the requirements are quite similar in all states.</p>
<p>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</p>	<p>The Board of Certification for Athletic Training provides certification. Maintenance of certification requires on-going continuing education. But BOC does not conduct enforcement and discipline to the degree of Ohio's laws and rules, so it is not a good substitute for state regulation.</p>

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

Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?

4755.65 Exemptions.

(A) Nothing in sections 4755.61 to 4755.64 of the Revised Code shall be construed to prevent or restrict the practice, services, or activities of any person who:

(1) Is an individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatry, a dentist licensed under Chapter 4715. of the Revised Code, a chiropractor licensed under Chapter 4734. of the Revised Code, a dietitian licensed under Chapter 4759. of the Revised Code, a physical therapist licensed under this chapter, or a qualified member of any other occupation or profession practicing within the scope of the person's license or profession and who does not claim to the public to be an athletic trainer;

(2) Is employed as an athletic trainer by an agency of the United States government and provides athletic training solely under the direction or control of the agency by which the person is employed;

(3) Is a student in an athletic training education program approved by the athletic trainers section leading to a baccalaureate or higher degree from an accredited college or university and is performing duties that are a part of a supervised course of study;

(4) Is not an individual licensed as an athletic trainer in this state who practices or offers to practice athletic training while traveling with a visiting team or organization from outside the state or an event approved by the section for the purpose of providing athletic training to the visiting team, organization, or event;

(5) Provides athletic training only to relatives or in medical emergencies;

(6) Provides gratuitous care to friends or members of the person's family;

(7) Provides only self-care.

(B) Nothing in this chapter shall be construed to prevent any person licensed under Chapter 4723. of the Revised Code and whose license is in good standing, any person authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery and whose certificate to practice is in good standing, any person authorized under Chapter 4731. of the Revised Code to practice podiatry and whose certificate to practice is in

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

	<p>good standing, any person licensed under Chapter 4734. of the Revised Code to practice chiropractic and whose license is in good standing, any person licensed as a dietitian under Chapter 4759. of the Revised Code to practice dietetics and whose license is in good standing, any person licensed as a physical therapist under this chapter to practice physical therapy and whose license is in good standing, or any association, corporation, or partnership from advertising, describing, or offering to provide athletic training, or billing for athletic training if the athletic training services are provided by a person licensed under this chapter and practicing within the scope of the person’s license, by a person licensed under Chapter 4723. of the Revised Code and practicing within the scope of the person’s license, by a person authorized under Chapter 4731. of the Revised Code to practice podiatry, by a person authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery, by a person licensed under Chapter 4734. of the Revised Code to practice chiropractic, or by a person licensed under Chapter 4759. of the Revised Code to practice dietetics.</p> <p>(C) Nothing in this chapter shall be construed as authorizing a licensed athletic trainer to practice medicine and surgery, osteopathic medicine and surgery, podiatry, or chiropractic.</p>
<p>Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?</p>	<p>Only insofar as the Board has the discretion to decide whether a person has met the requirements for licensure.</p>
<p>Other information <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i></p>	<p>N/A</p>

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

4755.64 - (A) In accordance with Chapter 119. of the Revised Code, the athletic trainers section of the Ohio occupational therapy, physical therapy, and athletic trainers board may suspend, revoke, or refuse to issue or renew an athletic trainers license, or reprimand, fine, or place a licensee on probation, for any of the following...

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?

FY 19 - \$210,325

FY 20 - \$29,560

A large percentage is renewal revenue, and renewal happens in the odd fiscal years for ATs.

The revenue is used to support the operations of the OTPTAT Board, which is entirely fee-based.

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

As health care providers, HIPAA applies to all athletic trainers. FERPA applies to those who work in the schools. These two federal laws are the ones about which we get the most questions at the Board. Title IX applies as well to the collegiate level.

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

Violations of the Ohio Revised Code and Ohio Administrative Code, particularly the Code of Ethics (OAC 4755-41-01. ORC 4798.02(B)(7) applies.

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 law allows the Board to adequately determine if an individual is qualified to practice AT. It also allows for the investigation of and discipline for violations of the ORC and OAC. Given that 49 of 50 states regulate ATs, a less restrictive regulation would be inappropriate. Given the amount of contact that athletic trainers have with minor students, AT regulation can be especially important to protect the population.

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

The Board is also seeking a couple of changes to its disciplinary statutes, including to give the Board the authority of revoke a license permanently in the most egregious of cases and to make Franklin County the court of jurisdiction for any Board appeals.

Comparison to other states (How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)

43 state license, 2 states certify, 4 states register, and 1 state does not regulate athletic trainers. For the states that license, the requirements are very similar across states, with the exception that Texas offers a state-specific professional exam that is not accepted anywhere else.

Surrounding state comparison (LSC)

Athletic Trainer						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (R.C. 4755.61, 4755.62, and 4755.63; O.A.C. 4755-43-02, 4755-43-04, 4755-43-05, 4755-45-01, 4755-47-04, and 4755-47-06)	Yes (Ind. Code Ann. 25-5.1-2-6, 25-5.1-3-1, 25-5.1-3-4, and 25-5.1-3-8; 898 Ind. Admin. Code 1-2-2, 1-3-1, and 1-6-1)	Yes (Ky. Rev. Stat. Ann. 311.905; 201 Ky. Admin. Regs. 9:305 and 9:307; Kentucky Athletic Trainers' Society, What is an athletic trainer?)	Yes (Mich. Comp. Laws 333.16148, 333.16174(1)(d), 333.16317, 333.16336, 333.17902, 333.17905, and 333.17906; Mich. Admin. Code R. 338.1303, 338.1309, 338.1321a, 338.1325, 338.1349, and 338.7002)	Yes (63 Pa. Cons. Stat. 271.7a and 422.51a; 49 Pa. Code 16.13, 18.505, 18.506, 18.507, 18.508, 18.511, 25.231, 25.705, 25.706, 25.707, 25.708, and 25.711)	Yes (W. Va. Code Ann. 30-20A-4, 30-20A-7, and 30-20A-8; W. Va. Code R. 16-5-7, 16-5-11, and 16-6-2)

Athletic Trainer						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Education or training	An accredited professional (entry-level) program; may be waived for holders of out-of-state license	Bachelor's degree that meets academic standards for athletic trainers (including clinical training experience)	Bachelor's or master's degree from an accredited entry-level program ⁸	Complete athletic training program that satisfies prescribed requirements; Training in first aid, cardiopulmonary resuscitation (CPR), and automated external defibrillator (AED) use for health care professional or emergency service personnel in a program that meets prescribed requirements in the three years prior to licensure;	Complete approved athletic training program or hold a Certified Athletic Trainer credential from an approved credentialing body	Complete athletic training program at an accredited, approved institution

⁸ The Kentucky Revised Statute does not list specific education requirements for the athletic trainer license. However, it requires an individual to be certified with the National Athletic Trainers' Association Board of Certification, which requires an individual to complete an accredited professional (entry-level) program. Also, per the Kentucky Athletic Trainers Society, an individual must receive a bachelor's or master's degree in an accredited entry-level program.

Athletic Trainer						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
				Current certification in first aid and CPR from a program that meets prescribed requirements		
Experience	No	No	No	No	No	No
Exam	National Athletic Trainers' Association Board of Certification (NATABOC) exam plus score at least 90% on the Ohio Athletic Training Jurisprudence Examination	Yes	Yes	Yes	Yes	Yes
Continuing education	25 hours every two years, including one hour of ethics education; does not apply to first renewal period (<i>Occupational Therapy, Physical Therapy, and</i>	50 hours every two years	60 hours of continuing education courses every three years Upon initial licensure or within the first three-year renewal cycle	75 hours every three years, including a minimum of three hours in pain and symptom management Current certification in	50 hours every two years	50 hours every two years

Athletic Trainer						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<i>Athletic Trainers Board, Continuing Education Requirement: Athletic Trainer)</i>		complete an educational course approved by the Cabinet for Health and Family Services on the transmission, control, treatment, and prevention of HIV/AIDS	first aid and CPR from a program that meets prescribed requirements		
Initial licensure fee	\$100 <i>(Occupational Therapy, Physical Therapy, and Athletic Trainers Board, Fees)</i>	\$55	\$100	\$405.55	\$20	\$180
License duration	Two years	Two years	Three years	Three years	Two years	Two years
Renewal fee	\$70	\$50	\$50	\$425.55	\$37	\$80

Temporary military spouse license (athletic trainer)

Survey responses (PYT)

Description	
Same as regular AT license	
Type <i>(See R.C. 4798.01 for relevant definitions.)</i>	
License	
If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	Maybe one
Number renewed annually	Temporary military licenses are now good up to six years nonrenewable

If the regulation is a registration, certification, or license requirement, please complete the following:	
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	No change
Education or training requirements	Same as regular AT license
Experience requirements	Same as regular AT license
Examination requirements (<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>)	Same as regular AT license
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	Same as regular AT license
Initial fee	\$0
Duration	Temporary military licenses are good up to six years
Renewal fee (<i>If different from initial fee, please explain why.</i>)	There is no renewal.

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

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

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

Same as regular AT license

**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?**

\$0

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

Same as regular AT license

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

Same as regular AT license

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

Same as regular AT license

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

Same as regular AT license

Comparison to other states *(How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)*

Same as regular AT license

Surrounding state comparison (LSC)

Temporary Athletic Trainer License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes, for military spouses (<i>R.C. 4755.61, 4755.62, and 4755.63; O.A.C. 4755-43-02, 4755-43-04, 4755-43-05, 4755-45-01, 4755-47-04, and 4755-47-06</i>)	Yes, for individuals whose license application is pending; must practice under supervision of a licensed athletic trainer (<i>Ind. Code Ann. 25-5.1-2-6, 25-5.1-3-1, 25-5.1-3-4, and 25-5.1-3-8; 898 Ind. Admin. Code 1-2-2, 1-3-1, and 1-6-1</i>)	Yes, for individuals whose license application is pending (<i>Ky. Rev. Stat. Ann. 311.905; 201 Ky. Admin. Regs. 9:305 and 9:307; Kentucky Athletic Trainers' Society, What is an athletic trainer?</i>)	Yes, for military spouses (<i>Mich. Comp. Laws 333.16181(5) and (6)</i>)	Yes, for individuals who have applied to take the athletic trainer examination; must practice under supervision of a licensed athletic trainer (<i>63 Pa. Cons. Stat. 271.7a and 422.51a; 49 Pa. Code 16.13, 18.505, 18.506, 18.507, 18.508, 18.511, 25.231, 25.705, 25.706, 25.707, 25.708, and 25.711</i>)	Yes, for individuals who have applied to take the athletic trainer examination; must practice under supervision of a licensed athletic trainer (<i>W. Va. Code Ann. 30-20A-4, 30-20A-7, and 30-20A-8; W. Va. Code R. 16-5-7, 16-5-11, and 16-6-2</i>)
Education or training	No	Licensed in another state, holds a national certification, or meets the same educational	Kentucky Board of Medical Licensure determines that individual is eligible for licensure based on verified	No	Complete approved athletic training program	Graduate from an accredited, approved institution

Temporary Athletic Trainer License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
		requirements as an athletic trainer	information in the individual's application			
Experience	A valid, unrestricted license to practice as an athletic trainer in another jurisdiction of the U.S.	No	Not specified	<p>The individual is:</p> <ol style="list-style-type: none"> 1. Married to a member of the armed forces on active duty; 2. Licensed or registered in good standing as an athletic trainer with an equivalent licensing department in another state, U.S. territory, or foreign county; and 3. Assigned to a duty station in Michigan under the individual's spouse's permanent 	No	No

Temporary Athletic Trainer License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
				change of station orders		
Exam	No	No	N/A	No	No	No
Continuing education	N/A	No	N/A	No	No	N/A
Initial licensure fee	\$100	\$25	Not specified	None	Not specified	\$30
License duration	Six months	90 days (or upon approval or disapproval of athletic trainer license)	Six months	Six months, may be renewed once	One year (or upon obtaining licensure as an athletic trainer)	90 days
Renewal fee	N/A	N/A	N/A	None	N/A	N/A

Orthotist's license (LO)

Survey responses (PYT)

Description	
<p>(D) "Orthotics" means the evaluation, measurement, design, fabrication, assembly, fitting, adjusting, servicing, or training in the use of an orthotic or pedorthic device, or the repair, replacement, adjustment, or service of an existing orthotic or pedorthic device. It does not include upper extremity adaptive equipment used to facilitate the activities of daily living, finger splints, wrist splints, prefabricated elastic or fabric abdominal supports with or without metal or plastic reinforcing stays and other prefabricated soft goods requiring minimal fitting, nontherapeutic accommodative inlays, shoes that are not manufactured or modified for a particular individual, prefabricated foot care products, durable medical equipment, dental appliances, pedorthic devices, or devices implanted into the body by a physician.</p> <p>(E) "Orthotic device" means a custom fabricated or fitted medical device used to support, correct, or alleviate neuromuscular or musculoskeletal dysfunction, disease, injury, or deformity.</p>	
Type <i>(See R.C. 4798.01 for relevant definitions.)</i>	
License	
If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	8
Number renewed annually	Licenses run a two-year renewal cycle. Typically 95% of the total renew – give or take a few percentage points. Currently there are 82 active orthotists.

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

<p>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</p>	<p>No change</p>
<p>Education or training requirements</p>	<p>(1) The applicant holds a bachelor’s degree in orthotics and prosthetics from an accredited college or university whose orthotics and prosthetics program is recognized by the board under section 4779.25 of the Revised Code or an equivalent educational credential from a foreign educational institution recognized by the board.</p> <p>(2) The applicant holds a bachelor’s degree in a subject other than orthotics and prosthetics or an equivalent educational credential from a foreign educational institution recognized by the board and has completed a certificate program in orthotics recognized by the board under section 4779.26 of the Revised Code.</p> <p>(B) The applicant has completed an orthotics residency program approved by the Ohio occupational therapy, physical therapy, and athletic trainers board under section 4779.27 of the Revised Code.</p>
<p>Experience requirements</p>	<p>On the date of application, the applicant has practiced orthotics for not less than eight months under the supervision of an individual licensed under this chapter to practice orthotics.</p>
<p>Examination requirements <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>Must pass the American Board of Certification of Orthotics and Prosthetics written and simulation exams. This is the only entity offering an exam for orthotics and prosthetics. The fee is \$250 per exam and the Board does not receive proceeds.</p>
<p>Continuing education requirements <i>(Including a description of the curriculum and the process of setting it.)</i></p>	<p>The Board requires orthotists to take 25 hours of continuing education over the course of a two-year renewal period. Many different activities can qualify for continuing education. Most people keep up their certification, and any courses that count toward certification CE, also count for the Board.</p>

If the regulation is a registration, certification, or license requirement, please complete the following:	
	The Board offers CE approval review for a fee of \$25 per application.
Initial fee	\$100 – this is for either an initial temp license or a full license. To upgrade from a temp to full is \$50.
Duration	Two years
Renewal fee <i>(If different from initial fee, please explain why.)</i>	\$70 for biennial renewal. Renewal fees are the primary source of revenue for the Board, and the fees were set based on budget projections. When the OTPTAT Board took over OPP licensure, the renewal fees were \$400 annually. The OTPTAT Board reduced them to be equal to the other OTPTAT professions.
Does the Board recognize uniform licensure requirements or allow for reciprocity?	Yes, the Board does allow for reciprocity. However, the Ohio Revised Code requires applicants to have a Board approved residency. This residency was not obtained by many older practitioners who went through an alternate certification route. These individuals cannot get licensed in Ohio. The Board has submitted legislative language to fix this issue.
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	American Board of Certification of Orthotics and Prosthetics and Board of Certification/Accreditation These entities do not conduct enforcement and discipline on Ohio’s laws and rules, so it is not a good substitute for state regulation for a medical profession that deals with patients.
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	(A) Except as provided in division (B) or (C) of this section, no person shall practice or represent that the person is authorized to practice orthotics, prosthetics, or pedorthics unless the person holds a current, valid license issued or renewed under this chapter. (B) Division (A) of this section does not apply to any of the following: (1) 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;

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

	<p>(2) An individual who practices orthotics, prosthetics, or pedorthics as an employee of the federal government and is engaged in the performance of duties prescribed by statutes and regulations of the United States;</p> <p>(3) An individual who provides orthotic, prosthetic, or pedorthic services under the supervision of a licensed orthotist, prosthetist, or pedorthist in accordance with section 4779.04 of the Revised Code;</p> <p>(4) An individual who provides orthotic, prosthetic, or pedorthic services as part of an educational, certification, or residency program approved by the Ohio occupational therapy, physical therapy, and athletic trainers board under sections 4779.25 to 4779.27 of the Revised Code;</p> <p>(5) An individual who provides orthotic, prosthetic, or pedorthic services under the direct supervision of an individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery.</p>
<p>Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?</p>	<p>Only insofar as the Board has the discretion to decide whether a person has met the requirements for licensure.</p>
<p>Other information <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i></p>	<p>N/A</p>

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

4779.28 - (A) The Ohio occupational therapy, physical therapy, and athletic trainers board may, pursuant to an adjudication under Chapter 119. of the Revised Code , limit, revoke, or suspend a license issued under this chapter, refuse to issue a license to an applicant, or reprimand or place on probation a license holder for any of the following reasons...

**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?**

\$26,190 – FY 19

\$965 – FY 20

FY 19 included a renewal period. These totals are for orthotics, prosthetics, orthotics-prosthetics, and pedorthics.

The revenue is used to support the operations of the OTPTAT Board, which is entirely fee-based.

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

As health care providers, HIPAA applies. The Medicaid and Medicare programs require credentials in order to bill these large federal programs. CMS regulations, in addition to other payers, also apply to orthotist practitioners.

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

Violations of the Ohio Revised Code and Ohio Administrative Code, particularly the Code of Ethics. Orthotists provide health care services to patients, including vulnerable populations. The laws of the state protect these patients, and licensure is needed to carry out discipline and enforcement.

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 law allows the Board to adequately determine if an individual is qualified to practice. It also allows for the investigation of and discipline for violations of the ORC and OAC. A less restrictive regulation would be inappropriate, especially given that orthotists interact with patients of all ages – from birth to death – and often work with vulnerable Ohioans who deserve protection from bad actors.

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

The Board has submitted language for consideration to improve the discipline and enforcement section by:

1. Explicitly allows for investigations to be held confidential.
2. Allows the board to discipline a licensee for action taken by another state on a license and clarifies the actions the Board may take to include fines and corrective actions.
3. Allows for the cost of an administrative hearing to be paid by the licensee being sanctioned if there is a sanction.

The other OTPTAT Board professions have similar language.

Comparison to other states *(How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)*

15 states license, two states have certification requirements

Ohio's regulation could be considered more restrictive since it is licensure. But Ohio generally follows the same qualifications that are needed nationally in order to practice orthotics.

Surrounding state comparison (LSC)

Orthotist						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (<i>R.C. 4779.10, 4779.11, 4779.12, 4779.13, 4779.15, 4779.18, 4779.19, and 4779.20; O.A.C. 4779-5-01, 4779-5-02, 4779-5-03, 4779-5-04, 4779-6-01, 4779-9-01, and 4779-12-01; Occupational Therapy, Physical Therapy, and Athletic Trainers Board, Fees</i>)	No clear equivalent	Yes (<i>Ky. Rev. Stat. Ann. 319B.030, 319B.110, and 319B.120; 201 Ky. Admin. Regs. 44:010, 44:060, 44:080, 44:090, and 44:110</i>)	No clear equivalent	Yes (<i>63 Pa. Cons. Stat. 422.13e; 49 Pa. Code 16.13, 18.802, 18.811, 18.813, 18.814, 18.821, 18.823, 18.824, 18.831, 18.833, 18.841, 18.843, 18.861, and 18.862</i>)	No clear equivalent
Education or training	Bachelor's degree Certificate of completion of a postgraduate certificate program in orthotics, unless the individual's postsecondary educational credential is a	N/A	Bachelor's degree Approved program in prosthetics	N/A	Bachelor's degree, postbaccalaureate certificate, or higher degree from an accredited program with a major in orthotics or prosthetics/orthotics	N/A

Orthotist						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	bachelor's or master's degree specifically in orthotics and prosthetics Completion of a residency program in orthotics consisting of 1,900 hours supervised by a practitioner certified in orthotics					
Experience	If the individual did not complete the required residency program under an Ohio-licensed orthotist, eight months of orthotics practice under the supervision of an individual licensed in Ohio to practice orthotics	N/A	One-year accredited residency program in orthotics	N/A	3,800 hours of experience in providing direct patient care services in orthotics or in prosthetics and orthotics over a two-year period	N/A

Orthotist						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Exam	Yes	N/A	Yes	N/A	Yes	N/A
Continuing education	45 hours in a three-year period (unclear how many are required during the two-year license duration)	N/A	Ten hours per year	N/A	24 hours every two years	N/A
Initial licensure fee	\$100	N/A	\$350	N/A	\$50	N/A
License duration	Two years	N/A	One year	N/A	Two years	N/A
Renewal fee	\$70	N/A	\$350	N/A	\$75	N/A

Prosthetist's license (LP)

Survey responses (PYT)

Description
<p>(H) "Prosthetics" means the evaluation, measurement, design, fabrication, assembly, fitting, adjusting, servicing, or training in the use of a prosthesis or pedorthic device, or the repair, replacement, adjustment, or service of a prosthesis or pedorthic device.</p> <p>(I) "Prosthesis" means a custom fabricated or fitted medical device used to replace a missing appendage or other external body part. It includes an artificial limb, hand, or foot, but does not include devices implanted into the body by a physician, artificial eyes, intraocular lenses, dental appliances, ostomy products, cosmetic devices such as breast prostheses, eyelashes, wigs, or other devices that do not have a significant impact on the musculoskeletal functions of the body.</p>

Type (See R.C. 4798.01 for relevant definitions.)

License

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

Number issued annually	5
Number renewed annually	Licenses run a two-year renewal cycle. Typically 95% of the total renew – give or take a few percentage points. Currently there are 71 active prosthetists.
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	Slight increase
Education or training requirements	<p>(B) The applicant has completed a prosthetics residency program approved by the Ohio occupational therapy, physical therapy, and athletic trainers board under section 4779.27 of the Revised Code.</p> <p>(C) One of the following is the case:</p> <p>(1) The applicant holds a bachelor’s degree in orthotics and prosthetics from an accredited college or university whose orthotics and prosthetics program is recognized by the board under section 4779.25 of the Revised Code or an equivalent educational credential from a foreign educational institution recognized by the board.</p> <p>(2) The applicant holds a bachelor’s degree in a subject other than orthotics and prosthetics or an equivalent educational credential from a foreign educational institution recognized by the</p>

If the regulation is a registration, certification, or license requirement, please complete the following:	
	board and has completed a certificate program in prosthetics recognized by the board under section 4779.26 of the Revised Code.
Experience requirements	(A)On the date of application, the applicant has practiced prosthetics for not less than eight months under the supervision of an individual licensed under this chapter to practice prosthetics.
Examination requirements (<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>)	Must pass the American Board of Certification of Orthotics and Prosthetics written and simulation exams. This is the only entity offering an exam for orthotics and prosthetics. The fee is \$250 per exam and the Board does not receive proceeds.
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	The Board requires prosthetists to take 25 hours of continuing education over the course of a two-year renewal period. Many different activities can qualify for continuing education. Most people keep up their certification, and any courses that count toward certification CE, also count for the Board. The Board offers CE approval review for a fee of \$25 per application.
Initial fee	\$100
Duration	Two years.
Renewal fee (<i>If different from initial fee, please explain why.</i>)	\$70 for biennial renewal. Renewal fees are the primary source of revenue for the Board, and the fees were set based on budget projections. When the OTPTAT Board took over OPP licensure, the renewal fees were \$400 annually. The OTPTAT Board reduced them to be equal to the other OTPTAT professions.

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

<p>Does the Board recognize uniform licensure requirements or allow for reciprocity?</p>	<p>Yes, the Board does allow for reciprocity. However, the Ohio Revised Code requires applicants to have a Board approved residency. This residency was not obtained by many older practitioners who went through an alternate certification route. These individuals cannot get licensed in Ohio. The Board has submitted legislative language to fix this issue</p>
<p>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</p>	<p>American Board of Certification of Orthotics and Prosthetics and Board of Certification/Accreditation</p> <p>These entities do not conduct enforcement and discipline to the degree of Ohio’s laws and rules, so it is not a good substitute for state regulation for a medical profession that deals with patients.</p>
<p>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?</p>	<p>(A) Except as provided in division (B) or (C) of this section, no person shall practice or represent that the person is authorized to practice orthotics, prosthetics, or pedorthics unless the person holds a current, valid license issued or renewed under this chapter.</p> <p>(B) Division (A) of this section does not apply to any of the following:</p> <p>(1) 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;</p> <p>(2) An individual who practices orthotics, prosthetics, or pedorthics as an employee of the federal government and is engaged in the performance of duties prescribed by statutes and regulations of the United States;</p> <p>(3) An individual who provides orthotic, prosthetic, or pedorthic services under the supervision of a licensed orthotist, prosthetist, or pedorthist in accordance with section 4779.04 of the Revised Code;</p> <p>(4) An individual who provides orthotic, prosthetic, or pedorthic services as part of an educational, certification, or residency program approved by the Ohio occupational therapy, physical therapy, and athletic trainers board under sections 4779.25 to 4779.27 of the Revised Code;</p>

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

	(5) An individual who provides orthotic, prosthetic, or pedorthic services under the direct supervision of an individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery.
Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?	Only insofar as the Board has the discretion to decide whether a person has met the requirements for licensure.
Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)	N/A

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

4779.28 - (A) The Ohio occupational therapy, physical therapy, and athletic trainers board may, pursuant to an adjudication under Chapter 119. of the Revised Code , limit, revoke, or suspend a license issued under this chapter, refuse to issue a license to an applicant, or reprimand or place on probation a license holder for any of the following reasons...[Click or tap here to enter text.](#)

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?

\$26,190 – FY 19

\$965 – FY 20

FY 19 included a renewal period. These totals are for orthotics, prosthetics, orthotics-prosthetics, and pedorthics.

The revenue is used to support the operations of the OTPTAT Board, which is entirely fee-based.

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

As health care providers, HIPAA applies. The Medicaid and Medicare programs require credentials in order to bill these large federal programs. CMS regulations, in addition to other payers, also apply to orthotist practitioners.

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

Violations of the Ohio Revised Code and Ohio Administrative Code, particularly the Code of Ethics. Orthotists provide health care services to patients, including vulnerable populations. The laws of the state protect these patients, and licensure is needed to carry out discipline and enforcement.

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 law allows the Board to adequately determine if an individual is qualified to practice. It also allows for the investigation of and discipline for violations of the ORC and OAC. A less restrictive regulation would be inappropriate, especially given that orthotists interact with patients of all ages and often work with vulnerable Ohioans who deserve protection from bad actors.

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

The Board has submitted language for consideration to improve the discipline and enforcement section by:

1. Explicitly allows for investigations to be held confidential.
2. Allows the board to discipline a licensee for action taken by another state on a license and clarifies the actions the Board may take to include fines and corrective actions.
3. Allows for the cost of an administrative hearing to be paid by the licensee being sanctioned if there is a sanction.

The other OTPTAT Board professions have similar language.

Comparison to other states (*How many other states regulate the occupation? How do Ohio’s regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?*)

15 states license, two states have certification requirements

Ohio’s regulation could be considered more restrictive since it is licensure. But Ohio generally follows the same qualifications that are needed nationally in order to practice prosthetics.

Surrounding state comparison (LSC)

Prosthetist						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (<i>R.C. 4779.10, 4779.11, 4779.12, 4779.13, 4779.15, 4779.18, 4779.19, and 4779.20; O.A.C. 4779-5-01,</i>	No clear equivalent	Yes (<i>Ky. Rev. Stat. Ann. 319B.030, 319B.110, 319B.120, and 319B.130; 201 Ky. Admin. Regs.</i>	No clear equivalent	Yes (<i>63 Pa. Cons. Stat. 422.13e; 49 Pa. Code 16.13, 18.802, 18.811, 18.813, 18.814, 18.821, 18.823,</i>	No clear equivalent

Prosthetist						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	4779-5-02, 4779-5-03, 4779-5-04, 4779-6-01, 4779-9-01, and 4779-12-01; <i>Occupational Therapy, Physical Therapy, and Athletic Trainers Board, Fees)</i>		44:010, 44:060, 44:080, 44:090, and 44:110)		18.824, 18.831, 18.833, 18.841, 18.843, 18.861, and 18.862)	
Education or training	Bachelor's degree Certificate of completion of a postgraduate certificate program in prosthetics, unless the individual's postsecondary educational credential is a bachelor's or master's degree specifically in orthotics and prosthetics Completion of a residency	N/A	Bachelor's degree Approved program in prosthetics	N/A	Bachelor's degree, postbaccalaureate certificate or higher degree from an accredited program with a major in prosthetics or prosthetics/orthotics	N/A

Prosthetist						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	program in prosthetics consisting of 1,900 hours supervised by a practitioner certified in prosthetics					
Experience	If the individual did not complete the required residency program under an Ohio-licensed prosthetist, eight months of prosthetics practice under the supervision of an individual licensed in Ohio to practice prosthetics	N/A	One-year accredited residency program in prosthetics	N/A	3,800 hours of experience in providing direct patient care services in prosthetics or in prosthetics and orthotics over a two-year period	N/A
Exam	Yes	N/A	Yes	N/A	Yes	N/A
Continuing education	45 hours in a three-year period (unclear how many are required during	N/A	Ten hours per year	N/A	24 hours every two years	N/A

Prosthetist						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	the two-year license duration)					
Initial licensure fee	\$100	N/A	\$350	N/A	\$50	N/A
License duration	Two years	N/A	One year	N/A	Two years	N/A
Renewal fee	\$70	N/A	\$350	N/A	\$75	N/A

Orthotist and prosthetist's license (LPO)

Survey responses (PYT)

Description
<p>(D) "Orthotics" means the evaluation, measurement, design, fabrication, assembly, fitting, adjusting, servicing, or training in the use of an orthotic or pedorthic device, or the repair, replacement, adjustment, or service of an existing orthotic or pedorthic device. It does not include upper extremity adaptive equipment used to facilitate the activities of daily living, finger splints, wrist splints, prefabricated elastic or fabric abdominal supports with or without metal or plastic reinforcing stays and other prefabricated soft goods requiring minimal fitting, nontherapeutic accommodative inlays, shoes that are not manufactured or modified for a particular individual, prefabricated foot care products, durable medical equipment, dental appliances, pedorthic devices, or devices implanted into the body by a physician.</p> <p>(E) "Orthotic device" means a custom fabricated or fitted medical device used to support, correct, or alleviate neuromuscular or musculoskeletal dysfunction, disease, injury, or deformity.</p> <p>(H) "Prosthetics" means the evaluation, measurement, design, fabrication, assembly, fitting, adjusting, servicing, or training in the use of a prosthesis or pedorthic device, or the repair, replacement, adjustment, or service of a prosthesis or pedorthic device.</p> <p>(I) "Prosthesis" means a custom fabricated or fitted medical device used to replace a missing appendage or other external body part. It includes an artificial limb, hand, or foot, but does not include devices implanted into the body by a physician, artificial eyes, intraocular lenses,</p>

Description

dental appliances, ostomy products, cosmetic devices such as breast prostheses, eyelashes, wigs, or other devices that do not have a significant impact on the musculoskeletal functions of the body.

Type (See R.C. 4798.01 for relevant definitions.)

License

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

11

Number renewed annually

Licenses run a two-year renewal cycle. Typically 95% of the total renew – give or take a few percentage points. Currently there are 146 active orthotists.

Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?

Slight increase

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

<p>Education or training requirements</p>	<p>(B) The applicant has completed an orthotics and prosthetics residency program approved by the Ohio occupational therapy, physical therapy, and athletic trainers board under section 4779.27 of the Revised Code.</p> <p>(C) One of the following is the case:</p> <p>(1) The applicant holds a bachelor’s degree in orthotics and prosthetics from an accredited college or university whose orthotics and prosthetics program is recognized by the board under section 4779.25 of the Revised Code or an equivalent educational credential from a foreign educational institution recognized by the board.</p> <p>(2) The applicant holds a bachelor’s degree in a subject other than orthotics and prosthetics or an equivalent educational credential from a foreign educational institution recognized by the board and has completed a certificate program in orthotics and prosthetics recognized by the board under section 4779.26 of the Revised Code.</p>
<p>Experience requirements</p>	<p>(A)</p> <p>On the date of application, the applicant has practiced orthotics and prosthetics for not less than eight months under the supervision of an individual licensed under this chapter to practice orthotics and prosthetics.</p>
<p>Examination requirements <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>Must pass the American Board of Certification of Orthotics and Prosthetics written and simulation exams. This is the only entity offering an exam for orthotics and prosthetics. The fee is \$250 per exam and the Board does not receive proceeds.</p>
<p>Continuing education requirements <i>(Including a description of the curriculum and the process of setting it.)</i></p>	<p>The Board requires orthotists to take 35 hours of continuing education over the course of a two-year renewal period. Many different activities can qualify for continuing education. Most people keep up their certification, and any courses that count toward certification CE, also count for the Board.</p>

If the regulation is a registration, certification, or license requirement, please complete the following:	
	The Board offers CE approval review for a fee of \$25 per application.
Initial fee	\$100
Duration	Two years
Renewal fee <i>(If different from initial fee, please explain why.)</i>	\$70 for biennial renewal. Renewal fees are the primary source of revenue for the Board, and the fees were set based on budget projections. When the OTPTAT Board took over OPP licensure, the renewal fees were \$400 annually. The OTPTAT Board reduced them to be equal to the other OTPTAT professions.
Does the Board recognize uniform licensure requirements or allow for reciprocity?	Yes, the Board does allow for reciprocity. However, the Ohio Revised Code requires applicants to have a Board approved residency. This residency was not obtained by many older practitioners who went through an alternate certification route. These individuals cannot get licensed in Ohio. The Board has submitted legislative language to fix this issue.
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	American Board of Certification of Orthotics and Prosthetics and Board of Certification/Accreditation These entities do not conduct enforcement and discipline to the degree of Ohio's laws and rules, so it is not a good substitute for state regulation for a medical profession that deals with patients.
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	(A) Except as provided in division (B) or (C) of this section, no person shall practice or represent that the person is authorized to practice orthotics, prosthetics, or pedorthics unless the person holds a current, valid license issued or renewed under this chapter. (B) Division (A) of this section does not apply to any of the following:

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

	<p>(1) 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;</p> <p>(2) An individual who practices orthotics, prosthetics, or pedorthics as an employee of the federal government and is engaged in the performance of duties prescribed by statutes and regulations of the United States;</p> <p>(3) An individual who provides orthotic, prosthetic, or pedorthic services under the supervision of a licensed orthotist, prosthetist, or pedorthist in accordance with section 4779.04 of the Revised Code;</p> <p>(4) An individual who provides orthotic, prosthetic, or pedorthic services as part of an educational, certification, or residency program approved by the Ohio occupational therapy, physical therapy, and athletic trainers board under sections 4779.25 to 4779.27 of the Revised Code;</p> <p>(5) An individual who provides orthotic, prosthetic, or pedorthic services under the direct supervision of an individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery.</p>
<p>Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?</p>	<p>Only insofar as the Board has the discretion to decide whether a person has met the requirements for licensure.</p>
<p>Other information <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i></p>	<p>The Board will combine an LP and LO license into a single LPO for a \$50 fee.</p>

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

4779.28 - (A) The Ohio occupational therapy, physical therapy, and athletic trainers board may, pursuant to an adjudication under Chapter 119. of the Revised Code , limit, revoke, or suspend a license issued under this chapter, refuse to issue a license to an applicant, or reprimand or place on probation a license holder for any of the following reasons...

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?

\$26,190 – FY 19

\$965 – FY 20

FY 19 included a renewal period. These totals are for orthotics, prosthetics, orthotics-prosthetics, and pedorthics.

The revenue is used to support the operations of the OTPTAT Board, which is entirely fee-based.

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

As health care providers, HIPAA applies. The Medicaid and Medicare programs require credentials in order to bill these large federal programs. CMS regulations, in addition to other payers, also apply to orthotist practitioners.

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

Violations of the Ohio Revised Code and Ohio Administrative Code, particularly the Code of Ethics. Orthotists provide health care services to patients, including vulnerable populations. The laws of the state protect these patients, and licensure is needed to carry out discipline and enforcement.

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 law allows the Board to adequately determine if an individual is qualified to practice. It also allows for the investigation of and discipline for violations of the ORC and OAC. A less restrictive regulation would be inappropriate, especially given that orthotists interact with patients of all ages – from birth to death – and often work with vulnerable Ohioans who deserve protection from bad actors.

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

The Board has submitted language for consideration to improve the discipline and enforcement section by:

1. Explicitly allows for investigations to be held confidential.
2. Allows the board to discipline a licensee for action taken by another state on a license and clarifies the actions the Board may take to include fines and corrective actions.
3. Allows for the cost of an administrative hearing to be paid by the licensee being sanctioned if there is a sanction.

The other OTPTAT Board professions have similar language.

Comparison to other states (How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)

15 states license, two states have certification requirements

Ohio's regulation could be considered more restrictive since it is licensure. But Ohio generally follows the same qualifications that are needed nationally in order to practice orthotics and prosthetics.

Surrounding state comparison (LSC)

Orthotist and Prosthetist						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (<i>R.C. 4779.10, 4779.11, 4779.12, 4779.13, 4779.15, 4779.18, 4779.19, and 4779.20; O.A.C. 4779-5-01, 4779-5-02, 4779-5-03, 4779-5-04, 4779-6-01, 4779-9-01, and 4779 12-01; Occupational Therapy, Physical Therapy, and Athletic Trainers Board, Fees</i>)	No clear equivalent	Yes (<i>Ky. Rev. Stat. Ann. 319B.030, 319B.110, 319B.120, and 319B.130; 201 Ky. Admin. Regs. 44:010, 44:060, 44:080, 44:090, and 44:110</i>)	No clear equivalent	No clear equivalent	No clear equivalent

Orthotist and Prosthetist

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Education or training	<p>Bachelor’s degree</p> <p>If the individual does not already have an orthotics or prosthetics license, certificate of completion of a postgraduate certificate program in orthotics and prosthetics, unless the individual’s postsecondary educational credential is a bachelor’s or master’s degree specifically in orthotics and prosthetics</p> <p>If the individual does not already have an orthotics or prosthetics license, completion of a residency program in</p>	N/A	<p>Bachelor’s degree</p> <p>Approved program in prosthetics and orthotics</p>	N/A	N/A	N/A

Orthotist and Prosthetist						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<p>orthotics and prosthetics consisting of 1,900 hours supervised by a practitioner certified in orthotics and 1,900 hours supervised by a practitioner certified in prosthetics</p> <p>If the individual already has an Ohio orthotics license, completion of the education and training requirements for a prosthetics license</p> <p>If the individual already has an Ohio prosthetics license, completion of the education and training</p>					

Orthotist and Prosthetist						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	requirements for an orthotics license					
Experience	If the individual does not already have an orthotics or prosthetics license or did not complete the required residency program under an Ohio-licensed orthotist and an Ohio-licensed prosthetist, eight months of orthotics and prosthetics practice under the supervision of an individual licensed in Ohio to practice orthotics and prosthetics	N/A	One-year accredited residency program in orthotics and prosthetics	N/A	N/A	N/A
Exam	Yes	N/A	Yes	N/A	N/A	N/A

Orthotist and Prosthetist						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Continuing education	75 hours in a three-year period (unclear how many are required during the two-year license duration)	N/A	Eight hours per year	N/A	N/A	N/A
Initial licensure fee	\$100	N/A	\$350	N/A	N/A	N/A
License duration	Two years	N/A	One year	N/A	N/A	N/A
Renewal fee	\$70	N/A	\$350	N/A	N/A	N/A

Pedorthist's license (LPed)

Survey responses (PYT)

Description
<p>(F) "Pedorthics" means the evaluation, measurement, design, fabrication, assembly, fitting, adjusting, servicing, or training in the use of a pedorthic device, or the repair, replacement, adjustment, or servicing of a pedorthic device.</p> <p>(G) "Pedorthics device" means a custom fabricated or fitted therapeutic shoe, shoe modification for therapeutic purposes, prosthetic filler of the forefoot, or foot orthosis for use from the apex of the medial malleolus and below. It does not include an arch support, a nontherapeutic accommodative inlay, nontherapeutic accommodative footwear, prefabricated footcare products, or unmodified, over-the-counter shoes.</p>

Type (See R.C. 4798.01 for relevant definitions.)

License

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

Number issued annually	2
Number renewed annually	Licenses run a two-year renewal cycle. Typically 95% of the total renew – give or take a few percentage points. Currently there are 81 active pedorthists.
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	No
Education or training requirements	(B) Holds a high school diploma or certificate of high school equivalence issued by the department of education, or a primary-secondary education or higher education agency of another state; (C) Has completed the education, training, and experience required to take the certification examination developed by the Ohio occupational therapy, physical therapy, and athletic trainers board for certification in pedorthics or an equivalent successor organization recognized by the board.
Experience requirements	To be eligible for a license to practice pedorthics, an applicant must meet all of the following requirements:

If the regulation is a registration, certification, or license requirement, please complete the following:	
	(A) On the date of application, has practiced pedorthics for not less than eight months under the supervision of an individual licensed under this chapter to practice pedorthics;
Examination requirements (<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>)	Must pass the American Board of Certification of Orthotics and Prosthetics exam. The fee is \$250 per exam and the Board does not receive proceeds.
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	The Board requires orthotists to take 18 hours of continuing education over the course of a two-year renewal period. Many different activities can qualify for continuing education. Most people keep up their certification, and any courses that count toward certification CE, also count for the Board. The Board offers CE approval review for a fee of \$25 per application.
Initial fee	\$100
Duration	Two years
Renewal fee (<i>If different from initial fee, please explain why.</i>)	\$70 for biennial renewal. Renewal fees are the primary source of revenue for the Board, and the fees were set based on budget projections. When the OTPTAT Board took over OPP licensure, the renewal fees were \$400 annually. The OTPTAT Board reduced them to be equal to the other OTPTAT professions.
Does the Board recognize uniform licensure requirements or allow for reciprocity?	Yes, the Board does allow for reciprocity.

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

<p>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</p>	<p>American Board of Certification of Orthotics and Prosthetics and Board of Certification/Accreditation</p> <p>These entities do not conduct enforcement and discipline to the degree of Ohio’s laws and rules, so it is not a good substitute for state regulation for a medical profession that deals with patients.</p>
<p>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?</p>	<p>(A) Except as provided in division (B) or (C) of this section, no person shall practice or represent that the person is authorized to practice orthotics, prosthetics, or pedorthics unless the person holds a current, valid license issued or renewed under this chapter.</p> <p>(B) Division (A) of this section does not apply to any of the following:</p> <p>(1) 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;</p> <p>(2) An individual who practices orthotics, prosthetics, or pedorthics as an employee of the federal government and is engaged in the performance of duties prescribed by statutes and regulations of the United States;</p> <p>(3) An individual who provides orthotic, prosthetic, or pedorthic services under the supervision of a licensed orthotist, prosthetist, or pedorthist in accordance with section 4779.04 of the Revised Code;</p> <p>(4) An individual who provides orthotic, prosthetic, or pedorthic services as part of an educational, certification, or residency program approved by the Ohio occupational therapy, physical therapy, and athletic trainers board under sections 4779.25 to 4779.27 of the Revised Code;</p> <p>(5) An individual who provides orthotic, prosthetic, or pedorthic services under the direct supervision of an individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery.</p>

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

<p>Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?</p>	<p>Only insofar as the Board has the discretion to decide whether a person has met the requirements for licensure.</p>
<p>Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)</p>	<p>N/A</p>

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

4779.28 - (A) The Ohio occupational therapy, physical therapy, and athletic trainers board may, pursuant to an adjudication under Chapter 119. of the Revised Code , limit, revoke, or suspend a license issued under this chapter, refuse to issue a license to an applicant, or reprimand or place on probation a license holder for any of the following reasons...

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?

\$26,190 – FY 19

\$965 – FY 20

FY 19 included a renewal period. These totals are for orthotics, prosthetics, orthotics-prosthetics, and pedorthics.

The revenue is used to support the operations of the OTPTAT Board, which is entirely fee-based.

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

As health care providers, HIPAA applies. The Medicaid and Medicare programs require credentials in order to bill these large federal programs. CMS regulations, in addition to other payers, also apply to pedorthist practitioners.

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

Violations of the Ohio Revised Code and Ohio Administrative Code, particularly the Code of Ethics. Orthotists provide health care services to patients, including vulnerable populations. The laws of the state protect these patients, and licensure is needed to carry out discipline and enforcement.

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 law allows the Board to adequately determine if an individual is qualified to practice. It also allows for the investigation of and discipline for violations of the ORC and OAC. A less restrictive regulation would be inappropriate, especially given that pedorthists interact with patients of all ages, including with vulnerable Ohioans who deserve protection from bad actors.

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

The Board has submitted language for consideration to improve the discipline and enforcement section by:

1. Explicitly allows for investigations to be held confidential.
2. Allows the board to discipline a licensee for action taken by another state on a license and clarifies the actions the Board may take to include fines and corrective actions.
3. Allows for the cost of an administrative hearing to be paid by the licensee being sanctioned if there is a sanction.

The other OTPTAT Board professions have similar language.

Comparison to other states (How many other states regulate the occupation? How do Ohio’s regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)

11 states license, one state has certification requirements

Ohio’s regulation could be considered more restrictive since it is licensure. But Ohio generally follows the same qualifications that are needed nationally in order to practice pedothics.

Surrounding state comparison (LSC)

Pedorthist						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (<i>R.C. 4779.10, 4779.11, 4779.12, 4779.13, 4779.15, 4779.18, 4779.19, and 4779.20; O.A.C. 4779-5-01,</i>	No clear equivalent	Yes (<i>Ky. Rev. Stat. Ann. 319B.030, 319B.110, 319B.120, and 319B.130; 201 Ky. Admin. Regs.</i>	No clear equivalent	Yes (<i>63 Pa. Cons. Stat. 422.13e; 49 Pa. Code 16.13, 18.802, 18.811, 18.813, 18.814, 18.821, 18.823,</i>	No clear equivalent

Pedorthist						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	4779-5-02, 4779-5-03, 4779-5-04, 4779-6-01, 4779-9-01, and 4779-12-01; Occupational Therapy, Physical Therapy, and Athletic Trainers Board, Fees)		44:010, 44:060, 44:080, 44:090, and 44:110)		18.824, 18.831, 18.833, 18.841, 18.843, 18.861, and 18.862)	
Education or training	High school diploma Completion of the training, education, and experience requirements necessary to sit for the required certification in pedorthics examination	N/A	High school diploma or equivalent Approved pedorthic program	N/A	Completion of an approved pedorthic precertification program	N/A
Experience	Eight months of pedorthic practice under the supervision of a licensed pedorthist,	N/A	1,000 hours of pedorthic patient care, 500 of which must be completed after	N/A	1,000 hours of supervised patient fitting experience providing direct	N/A

Pedorthist						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	orthotist, prosthetist, or orthotist and prosthetist that requires the completion of 1,000 hours of pedorthic care practice		the approved program		patient care in pedorthics	
Exam	Yes	N/A	Yes	N/A	Yes	N/A
Continuing education	33 hours in a three-year period (unclear how many are required during the two-year license duration)	N/A	Eight hours per year	N/A	13 hours every two years	N/A
Initial licensure fee	\$100	N/A	\$300	N/A	\$25	N/A
License duration	Two years	N/A	One year	N/A	Two years	N/A
Renewal fee	\$70	N/A	\$300	N/A	\$75	N/A

Temporary orthotist license

Survey responses (PYT)

Description	
See orthotist license.	
Type <i>(See R.C. 4798.01 for relevant definitions.)</i>	
License	
If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	Less than five.
Number renewed annually	Very few. A temp license is only good for one year but may be renewed once.

If the regulation is a registration, certification, or license requirement, please complete the following:	
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	No.
Education or training requirements	Same as for a full orthotics license.
Experience requirements	The purpose of the temporary license is so that the person may accrue the eight months of supervision experience needed for a full license.
Examination requirements (<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>)	The purpose of the temporary license is so that the person may accrue the eight months of supervision experience needed for a full license while also sitting for the exam.
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	None. A person with a temp license is already in the process of training.
Initial fee	\$100. There is a subsequent fee of \$50 to upgrade to a full license.
Duration	One year. May be renewed once.
Renewal fee (<i>If different from initial fee, please explain why.</i>)	\$70

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?	A person only needs a temp license during training when seeking a license for the first time.
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	Not for a temp license.
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	<p>(A) Except as provided in division (B) or (C) of this section, no person shall practice or represent that the person is authorized to practice orthotics, prosthetics, or pedorthics unless the person holds a current, valid license issued or renewed under this chapter.</p> <p>(B) Division (A) of this section does not apply to any of the following:</p> <p>(1) 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;</p> <p>(2) An individual who practices orthotics, prosthetics, or pedorthics as an employee of the federal government and is engaged in the performance of duties prescribed by statutes and regulations of the United States;</p> <p>(3) An individual who provides orthotic, prosthetic, or pedorthic services under the supervision of a licensed orthotist, prosthetist, or pedorthist in accordance with section 4779.04 of the Revised Code;</p> <p>(4) An individual who provides orthotic, prosthetic, or pedorthic services as part of an educational, certification, or residency program approved by the Ohio occupational therapy, physical therapy, and athletic trainers board under sections 4779.25 to 4779.27 of the Revised Code;</p> <p>(5) An individual who provides orthotic, prosthetic, or pedorthic services under the direct supervision of an individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery.</p>

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

<p>Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?</p>	<p>Only insofar as the Board has the discretion to decide whether a person has met the requirements for licensure.</p>
<p>Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)</p>	<p>N/A</p>

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

4779.28 - (A) The Ohio occupational therapy, physical therapy, and athletic trainers board may, pursuant to an adjudication under Chapter 119. of the Revised Code , limit, revoke, or suspend a license issued under this chapter, refuse to issue a license to an applicant, or reprimand or place on probation a license holder for any of the following reasons...

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?

\$26,190 – FY 19

\$965 – FY 20

FY 19 included a renewal period. These totals are for orthotics, prosthetics, orthotics-prosthetics, and pedorthics.

The revenue is used to support the operations of the OTPTAT Board, which is entirely fee-based.

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

As health care providers, HIPAA applies. The Medicaid and Medicare programs require credentials in order to bill these large federal programs. CMS regulations, in addition to other payers, also apply to orthotist practitioners.

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

Violations of the Ohio Revised Code and Ohio Administrative Code, particularly the Code of Ethics. Orthotists provide health care services to patients, including vulnerable populations. The laws of the state protect these patients, and licensure is needed to carry out discipline and enforcement.

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

Same as for regular orthotist license.

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

Same as for regular orthotist license.

Comparison to other states (How many other states regulate the occupation? How do Ohio’s regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)

Same as for regular orthotist license.

Surrounding state comparison (LSC)

Temporary Orthotist						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (R.C. 4779.10, 4779.11, 4779.12, 4779.13, 4779.15, 4779.18, 4779.19, and 4779.20; O.A.C. 4779-5-01, 4779-5-02, 4779-	No clear equivalent	No clear equivalent	No clear equivalent	Yes – provisional orthoptist license or graduate orthoptist permit (63 Pa. Cons. Stat. 422.13e; 49 Pa. Code 16.13,	No clear equivalent

Temporary Orthotist						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	5-03, 4779-5-04, 4779-6-01, 4779-9-01, and 4779-12-01; <i>Occupational Therapy, Physical Therapy, and Athletic Trainers Board, Fees)</i>				18.802, 18.811, 18.813, 18.814, 18.821, 18.823, 18.824, 18.831, 18.833, 18.841, 18.843, 18.861, and 18.862)	
Education or training	Bachelor's degree Completion of a postgraduate certificate program in orthotics, unless the individual's postsecondary educational credential is a bachelor's or master's degree specifically in orthotics and prosthetics Completion of a residency program in orthotics consisting of	N/A	N/A	N/A	Provisional license: bachelor's degree, postbaccalaureate certificate, or higher degree from an accredited program with a major in prosthetics or prosthetics/orthotics Graduate permit: bachelor's degree, postbaccalaureate certificate, or higher degree from an accredited	N/A

Temporary Orthotist						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	1,900 hours supervised by a practitioner certified in orthotics				program with a major in orthotics or prosthetics/orthotics	
Experience	No	N/A	N/A	N/A	Provisional license: accredited clinical residency in orthotics or prosthetics/orthotics Graduate permit: registration as an orthotist or prosthetist/orthotist resident	N/A
Exam	No	N/A	N/A	N/A	No	N/A
Continuing education	N/A	N/A	N/A	N/A	N/A	N/A
Initial licensure fee	\$100	N/A	N/A	N/A	\$50	N/A
License duration	One year	N/A	N/A	N/A	Provisional license: two years	N/A

Temporary Orthotist						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
					Graduate permit: valid during clinical residency and for up to 90 days after successful completion of the clinical residency or until a provisional license is issued, whichever occurs first	
Renewal fee	N/A	N/A	N/A	N/A	N/A	N/A

Temporary prosthetist license
Survey responses (PYT)

Description
Same as for regular prosthetist license.

Type (See R.C. 4798.01 for relevant definitions.)

License

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

Number issued annually

Less than five

Number renewed annually

Very few. A temp license is only good for one year, but may be renewed once.

Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?

No.

Education or training requirements

Same as for regular prosthetist license.

Experience requirements

The purpose of the temporary license is so that the person may accrue the eight months of supervision experience needed for a full license.

Examination requirements (*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?*)

The purpose of the temporary license is so that the person may accrue the eight months of supervision experience needed for a full license while also sitting for the exam.

If the regulation is a registration, certification, or license requirement, please complete the following:	
Continuing education requirements <i>(Including a description of the curriculum and the process of setting it.)</i>	None. A person with a temp license is already in the process of training.
Initial fee	\$100. There is a subsequent fee of \$50 to upgrade to a full license.
Duration	One year. May be renewed once.
Renewal fee <i>(If different from initial fee, please explain why.)</i>	\$70
Does the Board recognize uniform licensure requirements or allow for reciprocity?	A person only needs a temp license during training when seeking a license for the first time.
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	Not for a temp license.
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	Same as for regular prosthetist license.
Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?	Same as for regular prosthetist license.

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

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

N/A

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

Same as for regular prosthetist license.

**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?**

Same as for regular prosthetist license.

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

Same as for regular prosthetist license.

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

Same as for regular prosthetist license.

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

Same as for regular prosthetist license.

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

Same as for regular prosthetist license.

Comparison to other states (How many other states regulate the occupation? How do Ohio’s regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)

Same as for regular prosthetist license.

Surrounding state comparison (LSC)

Temporary Prosthetist						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (R.C. 4779.10, 4779.11, 4779.12, 4779.13, 4779.15, 4779.18, 4779.19, and 4779.20; O.A.C. 4779-5-01, 4779-5-02, 4779-	No clear equivalent	No clear equivalent	No clear equivalent	Yes – provisional prosthetist license or graduate prosthetist permit (63 Pa. Cons. Stat. 422.13e; 49 Pa. Code 16.13,	No clear equivalent

Temporary Prosthetist						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	5-03, 4779-5-04, 4779-6-01, 4779-9-01, and 4779 12-01; Occupational Therapy, Physical Therapy, and Athletic Trainers Board, Fees)				18.802, 18.811, 18.813, 18.814, 18.821, 18.823, 18.824, 18.831, 18.833, 18.841, 18.843, 18.861, and 18.862)	
Education or training	Bachelor's degree Completion of a postgraduate certificate program in prosthetics, unless the individual's postsecondary educational credential is a bachelor's or master's degree specifically in orthotics and prosthetics Completion of a residency program in prosthetics	N/A	N/A	N/A	Provisional license: bachelor's degree, postbaccalaureate certificate, or higher degree from an accredited program with a major in prosthetics or prosthetics/orthotics Graduate permit: bachelor's degree, postbaccalaureate certificate, or higher degree from an accredited	N/A

Temporary Prosthetist						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	consisting of 1,900 hours supervised by a practitioner certified in prosthetics				program with a major in prosthetics or prosthetics/orthotics	
Experience	No	N/A	N/A	N/A	Provisional license: accredited clinical residency in prosthetics or prosthetics/orthotics Graduate permit: registration as a prosthetist or prosthetist/orthotist resident	N/A
Exam	No	N/A	N/A	N/A	No	N/A
Continuing education	N/A	N/A	N/A	N/A	N/A	N/A
Initial licensure fee	\$100	N/A	N/A	N/A	\$50	N/A
License duration	One year	N/A	N/A	N/A	Provisional license: two years	N/A

Temporary Prosthetist						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
					Graduate permit: valid during the clinical residency and for up to 90 days after successful completion of the clinical residency or until a provisional license is issued, whichever occurs first	
Renewal fee	N/A	N/A	N/A	N/A	N/A	N/A

Temporary orthotist and prosthetist license
Survey responses (PYT)

Description
Same as for regular orthotist prosthetist license.

Type (See R.C. 4798.01 for relevant definitions.)

License

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

Number issued annually

Less than five

Number renewed annually

Very few. A temp license is only good for one year but may be renewed once.

Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?

No.

Education or training requirements

Same as for regular orthotist prosthetist license.

Experience requirements

The purpose of the temporary license is so that the person may accrue the eight months of supervision experience needed for a full license.

Examination requirements (*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?*)

The purpose of the temporary license is so that the person may accrue the eight months of supervision experience needed for a full license while also sitting for the exam.

If the regulation is a registration, certification, or license requirement, please complete the following:	
Continuing education requirements <i>(Including a description of the curriculum and the process of setting it.)</i>	None. A person with a temp license is already in the process of training.
Initial fee	\$100. There is a subsequent fee of \$50 to upgrade to a full license.
Duration	One year. May be renewed once.
Renewal fee <i>(If different from initial fee, please explain why.)</i>	\$70
Does the Board recognize uniform licensure requirements or allow for reciprocity?	A person only needs a temp license during training when seeking a license for the first time.
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	Not for a temp license.
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	Same as for regular orthotist prosthetist license.
Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?	Same as for regular orthotist prosthetist license.

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

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

N/A

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

Same as for regular orthotist prosthetist license.

**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?**

Same as for regular orthotist prosthetist license.

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

Same as for regular orthotist prosthetist license.

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

Same as for regular orthotist prosthetist license.

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

Same as for regular orthotist prosthetist license.

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

Same as for regular orthotist prosthetist license.

Comparison to other states *(How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)*

Same as for regular orthotist prosthetist license.

Surrounding state comparison (LSC)

Temporary Orthoptist And Prosthetist						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes <i>(R.C. 4779.10, 4779.11, 4779.12, 4779.13, 4779.15, 4779.18, 4779.19, and 4779.20; O.A.C. 4779-5-01, 4779-5-02, 4779-</i>	No clear equivalent	No clear equivalent	No clear equivalent	No clear equivalent	No clear equivalent

Temporary Orthoptist And Prosthetist

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	5-03, 4779-5-04, 4779-6-01, 4779-9-01, and 4779 12-01; <i>Occupational Therapy, Physical Therapy, and Athletic Trainers Board, Fees)</i>					
Education or training	Bachelor's degree Completion of a postgraduate certificate program in orthotics and prosthetics, unless the individual's postsecondary educational credential is a bachelor's or master's degree specifically in orthotics and prosthetics Completion of a residency program in	N/A	N/A	N/A	N/A	N/A

Temporary Orthoptist And Prosthetist

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	orthotics and prosthetics consisting of 1,900 hours supervised by a practitioner certified in orthotics and 1,900 hours supervised by a practitioner certified in prosthetics					
Experience	No	N/A	N/A	N/A	N/A	N/A
Exam	No	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	\$100	N/A	N/A	N/A	N/A	N/A
License duration	One year	N/A	N/A	N/A	N/A	N/A
Renewal fee	N/A	N/A	N/A	N/A	N/A	N/A

Temporary pedorthist license

Survey responses (PYT)

Description	
Same as for regular pedorthist license.	
Type <i>(See R.C. 4798.01 for relevant definitions.)</i>	
License	
If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	Less than five
Number renewed annually	Very few. A temp license is only good for one year, but may be renewed once.

If the regulation is a registration, certification, or license requirement, please complete the following:	
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	No.
Education or training requirements	Same as for regular pedorthist license.
Experience requirements	The purpose of the temporary license is so that the person may accrue the eight months of supervision experience needed for a full license.
Examination requirements (<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>)	The purpose of the temporary license is so that the person may accrue the eight months of supervision experience needed for a full license while also sitting for the exam.
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	None. A person with a temp license is already in the process of training.
Initial fee	\$100. There is a subsequent fee of \$50 to upgrade to a full license.
Duration	One year. May be renewed once.
Renewal fee (<i>If different from initial fee, please explain why.</i>)	\$70

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

<p>Does the Board recognize uniform licensure requirements or allow for reciprocity?</p>	<p>A person only needs a temp license during training when seeking a license for the first time.</p>
<p>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</p>	<p>Not for a temp license.</p>
<p>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?</p>	<p>Same as the full pedorthist license.</p>
<p>Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?</p>	<p>Same as the full pedorthist license.</p>
<p>Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)</p>	<p>N/A</p>

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

Same as the full pedorthist license.

**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?**

Same as the full pedorthist license.

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

Same as the full pedorthist license.

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

Same as the full pedorthist license.

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

Same as the full pedorthist license.

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

Same as the full pedorthist license.

Comparison to other states *(How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)*

Same as the full pedorthist license.

Surrounding state comparison (LSC)

Temporary Pedorthist						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (<i>R.C. 4779.10, 4779.11, 4779.12, 4779.13, 4779.15, 4779.18, 4779.19, and 4779.20; O.A.C. 4779-5-01, 4779-5-02, 4779-5-03, 4779-5-04, 4779-6-01, 4779-9-01, and 4779-12-01; Occupational Therapy, Physical Therapy, and Athletic Trainers Board, Fees</i>)	No clear equivalent	No clear equivalent	No clear equivalent	Yes – pedorthist temporary permit (<i>63 Pa. Cons. Stat. 422.13e; 49 Pa. Code 16.13, 18.802, 18.811, 18.813, 18.814, 18.821, 18.823, 18.824, 18.831, 18.833, 18.841, 18.843, 18.861, and 18.862</i>)	No clear equivalent
Education or training	Bachelor’s degree Completion of a postgraduate certificate program in orthotics and prosthetics, unless the individual’s postsecondary educational	N/A	N/A	N/A	Complete approved pedorthic precertification program	N/A

Temporary Pedorthist						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<p>credential is a bachelor's or master's degree specifically in orthotics and prosthetics</p> <p>Completion of a residency program in orthotics and prosthetics consisting of 1,900 hours supervised by a practitioner certified in orthotics and 1,900 hours supervised by a practitioner certified in prosthetics</p>					
Experience	No	N/A	N/A	N/A	No	N/A
Exam	No	N/A	N/A	N/A	No	N/A
Continuing education	N/A	N/A	N/A	N/A	N/A	N/A

Temporary Pedorthist						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Initial licensure fee	\$100	N/A	N/A	N/A	\$25	N/A
License duration	One year	N/A	N/A	N/A	One year	N/A
Renewal fee	N/A	N/A	N/A	N/A	N/A	N/A

3-D Printing of Open Source Prosthetic Kits

Survey responses (PYT)

Description
(B) "3-D printing of open-source prosthetic kits" includes the fabrication of upper limb prostheses using a 3-D printer with designs originating from open-sources. The board will not grant authority to 3-D print open-source lower limb prostheses.
Type (See R.C. 4798.01 for relevant definitions.)
Not sure. Statute says "authority to engage"

If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	Unknown. This is the first year.
Number renewed annually	Unknown. This is the first year.
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	Unknown. This is the first year.
Education or training requirements	<p>(1) The applicant demonstrates proficiency in the use of 3-D printing applications.</p> <p>Examples of ways an applicant can demonstrate proficiency include:</p> <ul style="list-style-type: none"> (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.
Experience requirements	<p>(1) The applicant demonstrates proficiency in the use of 3-D printing applications.</p> <p>Examples of ways an applicant can demonstrate proficiency include:</p> <ul style="list-style-type: none"> (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.

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

<p>Examination requirements (<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>None</p>
<p>Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)</p>	<p>None</p>
<p>Initial fee</p>	<p>\$25</p>
<p>Duration</p>	<p>Two years</p>
<p>Renewal fee (<i>If different from initial fee, please explain why.</i>)</p>	<p>\$25</p>
<p>Does the Board recognize uniform licensure requirements or allow for reciprocity?</p>	<p>No other state has this authority</p>
<p>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</p>	<p>No</p>

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

<p>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?</p>	<p>If they are a licensed prosthetist</p>
<p>Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?</p>	<p>Insofar as the rule allows</p>
<p>Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)</p>	

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

ORC 4779.28 - (A) The Ohio occupational therapy, physical therapy, and athletic trainers board may, pursuant to an adjudication under Chapter 119. of the Revised Code, limit, revoke, or suspend a license issued under this chapter, refuse to issue a license to an applicant, or reprimand or place on probation a license holder for any of the following reasons...

**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?**

Unknown

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).)

This authority was created to accommodate evolving technology in which non-licensed individuals with technology knowledge are printing 3-D limbs for people with limb differences. It was created to ensure a connection to licensed health care because these individuals do not have health care training.

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

Unknown – too early to tell

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

No

Comparison to other states *(How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)*

Ohio is the only state with this authority.

OHIO PEACE OFFICER TRAINING COMMISSION (AGO)

General information (AGO)

Duties

To fulfill its statutory responsibility and improve law enforcement training in Ohio, the commission may recommend to the Attorney General:

- Rules for approving peace officer, private security, corrections, public defender investigator, bailiff, canine and firearms training and certification.
- The curriculum, minimum attendance, equipment and facility requirements necessary for approval of training programs.
- Minimum qualifications required for instructors at approved sites.
- Categories or classifications of advanced in-service training programs for peace officers.
- Minimum requirements for the certification of canines used by law enforcement agencies.

The commission is also authorized to:

- Recommend studies, surveys, and reports designed to evaluate its own effectiveness.
- Visit and inspect any peace officer training school with the state.
- Establish fees for the services the commission provides.
- Make recommendations to the Attorney General or the General Assembly with respect to the fulfillment of its statutory responsibilities.
- Report progress to the Attorney General throughout the year and to the governor and the General Assembly annually.

Membership *(Current members, chairperson and other officers, and selection process.)*

Vernon P. Stanforth, Chairperson – Sheriff Fayette County, Washington Court House, Ohio.

Clayton A. Harris, Vice-Chair – Chief Cuyahoga Community College Police Department, Cleveland, Ohio.

Leah Amstutz – Ohio Department of Education, Richwood, Ohio

Wynette Carter-Smith – Representative of the Public, Springboro, Ohio

Richard Fambro – Superintendent, Ohio State Highway Patrol, Columbus, Ohio

James J. Fitsko – Lt, Representative of a Law Enforcement Fraternal Organization, Marion Police Department, Marion, Ohio

Michael Heldman, Sheriff – Sheriff, Hancock County, Findlay, Ohio.

George R. Kral – Chief, Toledo Police Department, Toledo, Ohio

Carol O'Brien – Representative of Ohio Bureau of Criminal Investigation, Columbus, Ohio

Eric Smith – Special Agent in Charge, FBI, Cleveland, Ohio

Members: The Commission Members are selected by the Governor of Ohio to 3-year terms. At the end of their 3-year term, the member can apply for reappointment. The decision is the Governor's if they are reappointed.

Chair and Vice-Chair Positions: Each November the House Committee meets prior to the full Commission meeting to discuss and make recommendations for the position of Chair, Vice-Chair and the meeting dates for the upcoming year. They then make those recommendations during the Commission meeting, where it is discussed. At that time anyone on the commission may express an interest to be considered. A motion is made, seconded and voted on by the commission. Any member who is being considered abstains from the vote. The motion passes by vote.

Budget *(Current budget, description of budgeting process, sources of funding, and expected increases or decreases in budget or funding in future years.)*

ORC 109.73(C)(5) provides a provision for the Commission to establish fees for services the commission offers under 109.71 to 109.79, including, but not limited, to fees for training, certification, and testing. If the commission accepts a fee structure this could increase funding for continued operations.

Workload *(Assess current, past, and anticipated workload. Has the workload increased or decreased significantly in the preceding six years?)*

Workload has increased for OPOTC staff supporting the OPOTC. Administrative oversight, documentation of academy applications, inspections, student enrollment, curriculum review and revisions, and testing have all increased as enrollments increase. Potential increase in enforcement oversight will increase the demand for staff to conduct established objectives.

Staffing *(How many staff are currently employed by the board? What are their roles? Are staffing levels proportionate to the board's current and anticipated workload?)*

Staff assigned under the commission side include: one Director of Professional Standards and Education; one administrative assistant; four certification officers (administrative review of submitted academy, instructor, commander certifications); five compliance officers (perform field inspections of approved academies); four administrative professionals (provide clerical support to certification); three (one vacant position) curriculum design specialists (review, revise, design, develop basic training curriculum for the following: basic peace officer, basic corrections, basic private security; humane agent, peace officer refresher); two administrative professionals (assist curriculum design, address CCW data compilation, assist state certification exam administration); one state certification exam coordinator. Total 21 staff assigned under the commission side.

Administrative hearings and public complaints *(Describe the Board's processes for administering discipline and addressing complaints. Assess the efficiency of the processes.)*

Administrative hearings are conducted as provided in ORC section 119.01 to 119.13.

Public complaints are addressed individually. Ohio Administrative Code section 109:2-1 through 109:2-18 contain language regarding administrative action related to individual and school certification

Peace officer certification

Survey responses (AGO)

Description

OAC 109:2-1-03 identifies who is required to complete the approved basic course to be eligible to participate in the state certification exam (OAC 109:2-1-11) for peace officer certification.

ORC 109.77 requires a certificate of completion of a basic training program to be necessary for appointment as a peace officer in Ohio.

Type *(See R.C. 4798.01 for relevant definitions.)*

Government certification

If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	2019: 1,340
Number renewed annually	2019: 372
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	Yearly number of certificates issued annually has been consistent since 2016
Education or training requirements	Those persons set out in division (A) of ORC 109.71 are required to complete a basic training program; OAC 109:2-1-03
Experience requirements	Not applicable
Examination requirements (<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>)	OAC 109:2-1-11 – The Ohio peace officer training commission will prepare, conduct and score a final examination for each person completing the basic course. No fees are currently assessed to participate in the state certification exam. In 2021, students participating in the state certification exam will pay a fee of \$95 to the approved testing center. The testing center will remunerate \$40 of this fee to the commission. The received funds will provide for services the commission offers under sections 109.71 to 109.79 of the Revised Code.
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	OAC 109:2-18-01 addresses continuing professional training requirements for peace officers and troopers. 109:2-1-02 identifies when this requirement is mandated. The commission shall set the required minimum of hours based on the availability of funding for reimbursement. If no funding is available for reimbursement, continuous professional training shall not be required for the year(s) in which sufficient funding was not available.

If the regulation is a registration, certification, or license requirement, please complete the following:	
Initial fee	Not applicable
Duration	OAC 109:2-1-12 addresses specifics to certification before service and breaks in service re-entry. If a peace officer is not appointed with an agency for more than four years, the person must successfully complete an entire basic training program. If the break in service is more than one year but less than four years, the person must complete a peace officer refresher course within one year of receiving an appointment with an agency.
Renewal fee <i>(If different from initial fee, please explain why.)</i>	Not applicable
Does the Board recognize uniform licensure requirements or allow for reciprocity?	The commission does provide an avenue for limited reciprocity under OAC 109:2-1-12(B).
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	No
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	No
Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?	

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

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.

ORC 109.73 and OAC 109:2-1

**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?**

No fees are assessed for this program.

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).)

Reduce “harm” by certifying individuals to perform the function after successful completion of identified training requirements.

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

Yes

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

The office is working to develop a proposal to increase regulatory oversight of certified individuals, including additional language related to acceptable standards of conduct.

Comparison to other states (How many other states regulate the occupation? How do Ohio’s regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)

Ohio is consistent, overall, with other states regulation of occupation.

Surrounding state comparison (LSC)

Peace Officer						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes – Ohio Peace Officer Training Commission (OPOTC) certification (<i>R.C. 109.75, 109.77, 109.803, and</i>	Yes – certification by the Indiana Law Enforcement Training Board (ILETB) (<i>Ind. Code Ann. 5-2-19; 250 Ind. Admin. Code</i>	Yes – Kentucky Law Enforcement Council (KLEC) peace officer certification (<i>Ky. Rev. Stat. Ann. 15.380, 15.382,</i>	Yes – Michigan Commission on Law Enforcement Standards (MCOLES) certification (<i>Mich. Comp.</i>	Yes – certification by the Municipal Police Officers Education and Training Commission (MPOETC) (<i>53 Pa.</i>	Yes – certification by the Law Enforcement Professional Standards Subcommittee of the Governor’s

Peace Officer						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<i>109.804; O.A.C. 109:2-1-03, 109:2-1-07, 109:2-1-10, 109:2-1-11, 109:2-1-12, 109:2-18-02, 109:2-18-03, and 109:2-18-04)</i>	<i>2-2-1, 2-2-4, 2-3-3, 2-7-1)</i>	<i>and 15.404; 503 Ky. Admin. Regs. 1:110, 1:120, and 1:140)</i>	<i>Laws 28.609, 28.611; Mich. Admin. Code R. 28.14314, 28.14315, 28.14316; Michigan Commission on Law Enforcement Standards, Policies and Procedures Manual)</i>	<i>Cons. Stat. 2164 and 2167; 37 Pa. Code 203.11, 203.13, and 203.52)</i>	<i>Committee on Crime, Delinquency, and Correction (LEPSS) (W. Va. Code Ann. 30-29-03 to 30-29-06; W. Va. Code R. 149-2-6, 149-2-7, 149-2-10, 149-2-11, 149-2-13, 8-14-6, et seq., and 7-14-1, et seq.; also West Virginia Department of Military Affairs & Public Safety, Division of Justice & Community Services, Commonly Asked Questions)</i>
Education or training	Basic training required	High school and basic training required	High school or GED and basic training required	Basic training required	Must meet specified qualifications	Must meet minimum entry-level law enforcement qualification and training program requirements

Peace Officer						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
						(minimum of 850 hours) promulgated (apparently by LEPSS) or approved equivalent training
Experience	No	No	No	No	None specified	Unclear – none specified, but see above
Exam	Yes	Yes	No	Yes	Yes	Yes – also express mandate for municipal police and for deputy sheriffs
Continuing education	Yes – up to 24 hours per year required, based on funding	Yes – 24 hours per year required	Yes – 40 hours per year required	In-service training available but not required	Yes – mandatory in-service training consisting of continuous in-service requirements and academic in-service requirements Hours not specified for continuous in-service	Yes, in-service approved law-enforcement training program 16 hours needed; if supervisor, additional eight hours also needed Frequency of reporting generally is one year, but is two years if officer has

Peace Officer						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
					training; at least 12 hours of annual academic training	achieved exempt rank Professional responsibility or ethics expressly required – no
Initial licensure fee	None specified	None specified	None specified	Established by MCOLES, but amount not readily attainable	None specified	Not set by statute or rule – apparently training entity decides whether to charge fee and amount West Virginia State Police Academy sets its fees But special \$12 court cost and bond add-ons charged in criminal cases, money collected put in special state fund, and fund used for funding of law enforcement

Peace Officer						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
						entry level training programs, professional development programs, and certification of law enforcement officers
License duration	Not specified	Not specified	Not specified	Not specified	Two years; renewal only to police officers who satisfy mandatory in-service training requirements	One year – annual review of certification
Renewal fee	None specified	None specified	None specified	None specified	None specified	Unclear – see initial licensure fee, above

Commander of peace officer training school certification

Survey responses (AGO)

Description	
Commander means the director or other head of a peace officer training school. OAC 109:2-1-02 (B)	
Type <i>(See R.C. 4798.01 for relevant definitions.)</i>	
Government certification	
If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	2019: 13
Number renewed annually	Renewal period is every five years, depending on when certificate issued. OAC 109:2-1-05(C)

If the regulation is a registration, certification, or license requirement, please complete the following:	
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	No significant changes
Education or training requirements	Requirements identified in OAC 109:2-1-05
Experience requirements	Requirements identified in OAC 109:2-1-05. Minimum 7 years full-time law enforcement experience plus additional requirements
Examination requirements (<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>)	No exam required for certification.
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	At least 24 hours of training relevant to conducting and overseeing a peace officer basic training academy. OAC 109:2-1-05(C)(1-2)
Initial fee	No applicable
Duration	Five years, subject to meeting requirements. OAC 109:2-1-05(D)
Renewal fee (<i>If different from initial fee, please explain why.</i>)	Not applicable

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

<p>Does the Board recognize uniform licensure requirements or allow for reciprocity?</p>	<p>No</p>
<p>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</p>	<p>Not applicable</p>
<p>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?</p>	<p>No</p>
<p>Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?</p>	<p>Yes. OAC 109:2-1-05 (D)</p>
<p>Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)</p>	<p>N/A</p>

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

ORC 109.73 and OAC 109:2-1

**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?**

Not applicable.

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).)

Prevents unqualified persons from delivering peace officer training.

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

Yes.

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

Implement fee schedule applicable to function and processing of applications, oversight.

Comparison to other states *(How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)*

Not applicable.

Surrounding state comparison (LSC)

Commander of Peace Officer Training School						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes – OPOTC certification (<i>R.C. 109.75; O.A.C. 109:2-1-05</i>)	No comparable position under statute or rule	Yes – KLEC certification (<i>Ky. Rev. Stat. Ann. 15.360 and 15.370; 503 Ky. Admin. Regs. 1:100</i>)	None specified; training director appointed by Training School Administrator (<i>Mich. Comp. Laws 28.221; Mich. Admin. Code R. 14302 to 14306; Michigan Commission on Law Enforcement Standards, Policies and Procedures Manual</i>)	Yes – approval by MPOETC (<i>53 Pa. Cons. Stat. 2164; 37 Pa. Code 203.37</i>)	Yes – approval by LEPSS (<i>W. Va. Code R. 149-2-4</i>)
Education or training	High school or GED and 90 quarter hours at college or university	N/A	High school or GED and instructors' course required	None specified; qualifications determined by basic law enforcement training academy	Possess an associate's or higher degree in criminal justice, public administration, education, or related field or be a graduate of one of the following:	Assessed in determining approval, but details not specified

Commander of Peace Officer Training School						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
					<ol style="list-style-type: none"> 1. The FBI National Academy; 2. The Southern Police Institute Administration Officers Course; 3. The Northwestern University Staff and Command School; or 4. Other law enforcement training program approved by MPOETC 	
Experience	Seven years law enforcement experience	N/A	Three years law enforcement experience or experience in the subject matter to be taught required	None specified	Ten years in law enforcement, including five years at an administrative level or 15 years increasingly	Assessed in determining approval, but details not specified

Commander of Peace Officer Training School

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
					responsible full-time experience as a federal, state, or municipal police officer with general police powers At least two years of experience as police or adult education instructor	
Exam	Required	N/A	None specified	None specified	None specified	None specified
Continuing education	24 hours every five years	N/A	Required	None specified	None specified	None specified
Initial licensure fee	None specified	N/A	No	None specified	None specified	None specified
License duration	Five years	N/A	Five years	None specified	None specified	None specified
Renewal fee	None specified	N/A	No	None specified	None specified	None specified

Unit instructor of a peace officer training school certification

Survey responses (AGO)

Description	
A person approved to present basic training curriculum in an OPOTC-approved basic peace officer academy.	
Type <i>(See R.C. 4798.01 for relevant definitions.)</i>	
Government certification	
If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	2019: 307
Number renewed annually	Renewals required every three years pursuant to OAC 109:2-1-06(C)(1)

If the regulation is a registration, certification, or license requirement, please complete the following:	
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	Consistent from year to year.
Education or training requirements	Identified in OAC 109:2-1-06, HS grad or GED, completion of minimum 40 instructional skills training program, recommendation of current basic training school commander.
Experience requirements	Minimum of five years full-time law enforcement experience,
Examination requirements (<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>)	No exam required. Must submit OPOTC-approved application.
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	Minimum 24 hours of training in topics related to the basic training curriculum. OAC 109:2-1-06(C)(1)(a)
Initial fee	Not applicable
Duration	Certification valid for three years
Renewal fee (<i>If different from initial fee, please explain why.</i>)	Not applicable

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

<p>Does the Board recognize uniform licensure requirements or allow for reciprocity?</p>	<p>Within Ohio subject to instructor training program taught by the department of education, the state highway patrol, a college or educational institution or other programs which in the opinion of the executive director are equivalent to those set out. OAC 109:2-1-06(A)(3-4).</p>
<p>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</p>	<p>Yes. Pursuant to OAC 109:2-1-06(A)(3-4).</p>
<p>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?</p>	<p>No</p>
<p>Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?</p>	<p>Yes. Applicable to OAC 109:2-1</p>
<p>Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)</p>	<p>N/A</p>

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

ORC 109.73 and OAC 109:2-1

**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?**

No fees assessed per application or renewal.

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).)

Having unapproved instructors providing instruction to potential Ohio peace officers.

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

Yes.

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

Fee assessment for application and renewal.

Comparison to other states *(How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)*

Consistent.

Surrounding state comparison (LSC)

Unit Instructor of a Peace Officer Training School						
	Ohio	Indiana	Kentucky (Police Instructor)	Michigan	Pennsylvania	West Virginia
License required?	Yes – OPOTC certificate (<i>R.C. 109.75; O.A.C. 109:2-1-06</i>)	Yes – ILETB certification (<i>Ind. Code Ann. 5-2-1-12; 250 Ind. Admin. Code 2-10-2(3), 2-10-5, and 2-10-6</i>)	Yes – KLEC certification (<i>Ky. Rev. Stat. Ann. 15.360 and 15.370; 503 Ky. Admin. Regs. 1:100</i>)	Registration of instructors upon identification of qualifications by basic training academies; Commissioner of Public Safety appoints instructors at Michigan Training School (<i>Mich. Comp. Laws 28.222; Mich. Admin. Code R. 28.14513; Michigan Commission on Law Enforcement Standards, Policies and Procedures Manual</i>)	Yes – no designation used, but certifications are approved by MPOETC and issued by the Executive Director (<i>53 Pa. Cons. Stat. 2164; 37 Pa. Code 203.72</i>)	Yes – no designation used, but certification for different types of instructors by LEPSS (<i>W. Va. Code R. 149-2-5</i>)
Education or training	High school or GED and	High school or GED and associate’s degree	High School or GED and	Qualifications determined by	For general instructor, must successfully	For Law Enforcement Level 1, must

Unit Instructor of a Peace Officer Training School						
	Ohio	Indiana	Kentucky (Police Instructor)	Michigan	Pennsylvania	West Virginia
	instructor training programs	or more than 60 hours of credit toward a bachelor's degree	instructors' course required	basic training academies	complete MPOETC-approved instructor development course, or possess a teaching certificate issued by Department of Education, or have full-time employment with academic rank at an accredited college or university	have certification as law enforcement officer if applicable; high school diploma or equivalent; minimum of six hours of verified training in each academic subject area within the five years preceding the application for which certification is desired (with possible additional training required by LEPS); 40 hours of instructor development training approved by the LEPS For Firearms Level 1, must satisfy qualifications

Unit Instructor of a Peace Officer Training School						
	Ohio	Indiana	Kentucky (Police Instructor)	Michigan	Pennsylvania	West Virginia
						<p>required for Law Enforcement Level 1; and complete law enforcement handgun firearms instructor school, of not less than 40 hours, approved by LEPSS</p> <p>For Law Enforcement Level 2 (instructor of instructors), must have current certification as law enforcement officer; high school diploma or equivalent; and successful completion of approved instructor/trainer course in the subject matter requested within previous five years</p>

Unit Instructor of a Peace Officer Training School						
	Ohio	Indiana	Kentucky (Police Instructor)	Michigan	Pennsylvania	West Virginia
Experience	Five years of law enforcement experience	Five years of law enforcement experience	Three years law enforcement experience or experience in the subject matter to be taught	None specified	Five years police experience, or have an associate of arts degree and four years police experience, or have a Bachelor of Arts degree and three years police experience	For Law Enforcement Level 1, must have three years of experience as police officer, including specified amount of direct work experience in the occupation or area in which certification is desired For Firearms Level 1, must have experience in use, care, and maintenance of a firearm For Law Enforcement Level 2, must have seven years' experience as certified police officer; and four years' experience

Unit Instructor of a Peace Officer Training School						
	Ohio	Indiana	Kentucky (Police Instructor)	Michigan	Pennsylvania	West Virginia
						as Level 1 instructor within the previous five years
Exam	No	No	No	None specified	None specified	None specified
Continuing education	24 hours every three years	Board approved instructor training course required every three years	Required	None specified	Required	For Law Enforcement Level 1, eight hours needed every 24 months For Firearms Level 1, four hours (possibly 12 hours) needed every 24 months For Law Enforcement Level 2, unclear, but probably required Professional responsibility or ethics expressly required – no

Unit Instructor of a Peace Officer Training School						
	Ohio	Indiana	Kentucky (Police Instructor)	Michigan	Pennsylvania	West Virginia
Initial licensure fee	None specified	None specified	None specified	None specified	None specified	None specified
License duration	Three years	Three years	Five years	None specified	Two years	Four years
Renewal fee	None specified	None specified	None specified	None specified	None specified	None specified

Special subject instructor of a peace officer training school certification
Survey responses (AGO)

Description
Possession of a license in a particular discipline such as medical doctors, attorneys, nurses, judges, teachers of special subjects related to the basic course. OAC 109:2-1-06(B)

Type (See R.C. 4798.01 for relevant definitions.)

Government certification

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

Number issued annually

2019: 43

Number renewed annually

Renewals required every three years pursuant to OAC 109:2-1-06(C)(1)

Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?

No significant change.

Education or training requirements

Minimum 24 hours of training in topics related to the basic training curriculum. OAC 109:2-1-06(C)(1)(a)

Experience requirements

Five years full-time experience and training in the subject area to be taught. OAC 109:2-1-06(B)(1)(b)

Examination requirements (*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?*)

Not applicable

If the regulation is a registration, certification, or license requirement, please complete the following:	
Continuing education requirements <i>(Including a description of the curriculum and the process of setting it.)</i>	Minimum 24 clock hours of training in topics related to the basic training curriculum. OAC 109:2-1-06(C)(a).
Initial fee	Not applicable
Duration	Valid for three years
Renewal fee <i>(If different from initial fee, please explain why.)</i>	Not applicable
Does the Board recognize uniform licensure requirements or allow for reciprocity?	Yes
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	Yes, if applicable to license of respective field.
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	No
Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?	Yes. OAC 109:2-1-06€

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

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

N/A

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

ORC 109.73 and OAC 109:2-1

**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?**

No fees assessed for administration of certification.

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).)

Having unapproved instructors providing instruction to potential Ohio peace officers.

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

Yes.

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

Implement fee schedule to address administrative cost of processing applications/program.

Comparison to other states (How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)

Consistent.

Surrounding state comparison (LSC)

Special Subject Instructor of a Peace Officer Training School						
	Ohio	Indiana	Kentucky (Police Instructor)	Michigan	Pennsylvania	West Virginia
License required?	Yes – OPOTC certificate(R.C. 109.75; O.A.C. 109:2-1-06)	Yes – ILETB certification (Ind. Code Ann. 5-2-1-12; 250 Ind. Admin. Code 2-10-2(4))	Yes – KLEC certification (Ky. Rev. Stat. Ann. 15.360 and 15.370; 503 Ky.	Registration of instructors upon identification of qualifications by basic training academies;	Yes – certifications are approved by MPOETC and issued by the Executive Director	Yes – this designation not used, but certification for different types of instructors by

Special Subject Instructor of a Peace Officer Training School						
	Ohio	Indiana	Kentucky (Police Instructor)	Michigan	Pennsylvania	West Virginia
			<i>Admin. Regs. 1:100)</i>	Commissioner of Public Safety appoints instructors at Michigan Training School (<i>Mich. Comp. Laws 28.222; Mich. Admin. Code R. 28.14513)</i>)	<i>(53 Pa. Cons. Stat. 2164; 37 Pa. Code 203.72)</i>	LEPSS (<i>W. Va. Code R. 149-2-5)</i>)
Education or training	High school or GED and professional license or competency in law enforcement related area	High school or GED and bachelor's degree or board-approved equivalent	High school or GED and instructors' course required	Qualifications determined by basic training academies	For special instructor, applicant must provide documentation evidencing special requirements for each course: 1. First aid and CPR – possess a current instructor certification issued by American Red Cross, American Heart	For Law Enforcement Level 1, must have certification as law enforcement officer if applicable; high school diploma or equivalent; minimum of six hours of verified training in each academic subject area within the five years preceding the application for

Special Subject Instructor of a Peace Officer Training School						
	Ohio	Indiana	Kentucky (Police Instructor)	Michigan	Pennsylvania	West Virginia
					<p>Association, Department of Health, or other agency-approved by Department of Health (40-hour curriculum)</p> <p>2. Firearms – possess a current police firearms instructor rating from the National Rifle Association (NRA), the state police, the FBI, Smith and Wesson Academy, the Philadelphia Police Academy, United States Secret Service, or</p>	<p>which certification is desired (with possible additional training required by LEPS); 40 hours of instructor development training approved by the LEPS</p> <p>For Firearms Level 1, must satisfy qualifications required for Law Enforcement Level 1; and complete law enforcement handgun firearms instructor school, of not less than 40 hours, approved by LEPS</p> <p>For Law Enforcement Level 2 (instructor of instructors), must have current</p>

Special Subject Instructor of a Peace Officer Training School

	Ohio	Indiana	Kentucky (Police Instructor)	Michigan	Pennsylvania	West Virginia
					other certification approved by MPOETC 3. Physical conditioning – provide documentation of successful completion of an instructor development course and training or education which evidences expertise as a physical conditioning instructor 4. Application of force – provide documentation of successful completion of an instructor development	certification as law enforcement officer; high school diploma or equivalent; and successful completion of approved instructor/trainer course in the subject matter requested within previous five years

Special Subject Instructor of a Peace Officer Training School

	Ohio	Indiana	Kentucky (Police Instructor)	Michigan	Pennsylvania	West Virginia
					course and training or education which evidences expertise as a defense tactics instructor 5. Patrol vehicle operations – provide documentation of successful completion of an instructor development course and an instructor’s course in emergency vehicle operation or police driver proficiency	
Experience	Competency as alternative to professional	Seven years of law enforcement experience with	Three years law enforcement experience or	None specified	Five years police experience, or have an	For Law Enforcement Level 1, must

Special Subject Instructor of a Peace Officer Training School

	Ohio	Indiana	Kentucky (Police Instructor)	Michigan	Pennsylvania	West Virginia
	license must include three years of full-time experience	two or more years of experience spent as instructor	experience in the subject matter to be taught required		associate's degree and four years police experience, or have a bachelor's degree and three years police experience	<p>have three years of experience as police officer, including specified amount of direct work experience in the occupation or area in which certification is desired</p> <p>For Firearms Level 1, must have experience in use, care, and maintenance of a firearm</p> <p>For Law Enforcement Level 2, must have seven years' experience as certified police officer; and four years' experience as Level 1 instructor within</p>

Special Subject Instructor of a Peace Officer Training School						
	Ohio	Indiana	Kentucky (Police Instructor)	Michigan	Pennsylvania	West Virginia
						the previous five years
Exam	No	No	No	None specified	None specified	None specified
Continuing education	24 hours every three years	Not specified	Required	None specified	Yes	For Law Enforcement Level 1, eight hours needed every 24 months For Firearms Level 1, four hours (possibly 12 hours) needed every 24 months For Law Enforcement Level 2 (instructor of instructors), unclear, but probably required Professional responsibility or ethics expressly required – no
Initial licensure fee	None specified	None specified	None specified	None specified	None specified	None specified

Special Subject Instructor of a Peace Officer Training School						
	Ohio	Indiana	Kentucky (Police Instructor)	Michigan	Pennsylvania	West Virginia
License duration	Three years	None specified	Five years	None specified	Two years	Four years
Renewal fee	None specified	None specified	None specified	None specified	None specified	None specified

Sheriff

Surrounding state comparison (LSC)

Sheriff or Qualified Candidate for Sheriff						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Peace officer certificate or alternative qualification (<i>R.C. 311.01; O.A.C. 109:2-1-12</i>)	No certification required but permitted to attend sessions of a training school for sheriffs (<i>Ind. Code Ann. 36-2-13-9</i>)	No – expressly exempted from peace officer certification provisions, but may receive KLEC peace officer certification upon request (<i>Ky. Rev. Stat. Ann. 15.380, 15.382, and 15.404; 503 Ky. Admin. Regs. 1:110, 1:120, and 1:140</i>)	Sheriff's license granted upon appointment or election and MCOLES review of executed oath of office (<i>Mich. Comp. Laws 28.609a and 28.611; Mich. Admin. Code R. 28.14314, 28.14315, 28.14316, 28.14317, and 28.14512</i>)	Yes – issued by Sheriff and Deputy Sheriff Education and Training Board (SDSETB) (<i>71 Pa. Cons. Stat. 2103, 2104, 2105, and 2106</i>)	No – expressly exempted from peace officer certification provisions and no specific provision applies But separate statutes authorize the West Virginia Sheriffs' Bureau of Professional Standards to require and provide for sheriff training

Sheriff or Qualified Candidate for Sheriff						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
						<i>(W. Va. Code Ann. 7-26-4, 30-29-1, and 7-14-1)</i>
Education or training	High school or GED; bachelor's degree or alternative experience; and upon election, must complete basic training course	None specified	High school or GED and basic training required	Basic training required	Training for not less than 160 hours	None specified
Experience	Alternative qualification: if no peace officer certificate, recent employment by law enforcement agency; if no bachelor's degree, supervisory law enforcement experience	No	No	No	None specified	None specified
Exam	No	No	No	Yes	None specified	None specified

Sheriff or Qualified Candidate for Sheriff						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Continuing education	16 hours per year	None specified	40 hours per year	In-service training available but not required	20 hours every two years	None specified
Initial licensure fee	None specified	None specified	None specified	Permitted by MCOLES but amount not readily attainable	None specified	If license required, unclear if fee for licensee – but special \$12 court cost and bond add-ons charged in criminal cases, money collected put in special state fund, and fund used for funding of law enforcement entry level training programs, professional development programs, and certification of law enforcement officers
License duration	None specified	None specified	None specified	None specified but presumed duration is	None specified	None specified

Sheriff or Qualified Candidate for Sheriff						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
				termination of tenure		
Renewal fee	None specified	None specified	None specified	None specified	None specified	Unclear – see initial licensure fee, above

Firearms requalification program instructor certification
Survey responses (AGO)

Description
A person who instructs in law enforcement firearms requalification programs and who has been approved to do so by the executive director.

Type (See R.C. 4798.01 for relevant definitions.)
Government certification

If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	2019: 285
Number renewed annually	2019: 776
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	No significant changes.
Education or training requirements	Completion of a firearms instructor training course for each weapon instructor will be conducting a requalification program for OAC 109:2-13-04(B)(1)
Experience requirements	Completion of three years relevant law enforcement experience OAC 109:2-13-04(B)(2)
Examination requirements (<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>)	Successful completion of firearms instructor training course for each weapon conducting a requalification for. Achieved prior to this application process. No fee assessed for this application.
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	Not applicable.
Initial fee	Not applicable.

If the regulation is a registration, certification, or license requirement, please complete the following:	
Duration	Valid for three years. OAC 109:2-13-04(D)
Renewal fee <i>(If different from initial fee, please explain why.)</i>	Not applicable
Does the Board recognize uniform licensure requirements or allow for reciprocity?	No.
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	No.
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	No.
Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?	Yes. OAC 109:2-13-04€
Other information <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i>	N/A

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

ORC 109.73 and OAC 109:2-13

**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?**

Not applicable

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

Not applicable.

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

Having unapproved instructors providing instruction to potential Ohio peace officers.

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

Yes.

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

Assess fee schedule for administration processing of applicant documentation.

Comparison to other states (How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)

Consistent.

Surrounding state comparison (LSC)

Firearms Requalification Program Instructor						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes – OPOTC certification (O.A.C. 109:2-13-04)	Yes – certification as a psychomotor skills instructor (Ind. Code Ann. 5-2-1-9; 250 Ind. Admin. Code 2-10-1, 2-10-2, 2-10-5, and 2-10-6; Indiana Law Enforcement Academy, Instructor Certification)	Yes – KLEC certification for firearms instructor (Ky. Rev. Stat. Ann. 237.140; 503 Ky. Admin. Regs. 1:180)	Not required by statute or rule	Certifications are approved by MPOETC and issued by the Executive Director (53 Pa. Cons. Stat. 2164; 37 Pa. Code 203.72)	Firearms Level 1 Instructor certification plus Law Enforcement Level 1 instructor certification by LEPSS (W. Va. Code R. 149-2-5 and 7-14-1)

Firearms Requalification Program Instructor

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Education or training	Firearms instructor training course	ILETB instructor training course and high school diploma or GED	KLEC firearms instructor course required	None specified	Possess a current police firearms instructor rating from the NRA, the state police, the FBI, Smith and Wesson Academy, the Philadelphia Police Academy, United States Secret Service, or other certification approved by MPOETC	For Firearms Level 1, must satisfy qualifications required for Law Enforcement Level 1; and complete law enforcement handgun firearms instructor school, of not less than 40 hours, approved by LEPSS For Law Enforcement Level 1, must have certification as law enforcement officer if applicable; high school diploma or equivalent; minimum of six hours of verified training in each academic subject area within the five years preceding the

Firearms Requalification Program Instructor

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
						application for which certification is desired (with possible additional training required by LEPS); 40 hours of instructor development training approved by the LEPS
Experience	Three years of relevant law enforcement experience	Three years of law enforcement or relevant experience	No	None specified	Five years police experience, or have an Associate of Arts degree and four years police experience, or have a Bachelor of Arts degree and three years police experience	For Firearms Level 1, must have experience in use, care, and maintenance of a firearm For Law Enforcement Level 1, must have three years of experience as police officer, including specified amount of direct work experience in the occupation or

Firearms Requalification Program Instructor

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
						area in which certification is desired
Exam	No	No	No	None specified	None specified	None specified
Continuing education	None specified	None specified	None specified	None specified	Yes (unspecified number of hours)	Four hours (possibly 12 hours) needed Frequency of reporting – every 24 months Professional responsibility or ethics expressly required – no

Firearms Requalification Program Instructor

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Initial licensure fee	None specified	None specified	None specified	None specified	None specified	Unclear if fee for licensee – but special \$12 court cost and bond add-ons charged in criminal cases, money collected put in special state fund, and fund used for funding of law enforcement entry level training programs, professional development programs, and certification of law enforcement officers
License duration	Three years	Three years	None specified	None specified	Two years	Four years
Renewal fee	None specified	None specified	None specified	None specified	None specified	Unclear – see initial licensure fee, above

Certification for special police

Survey responses (AGO)

Description

Certain peace officer positions are classified under ORC 109.71 as “special police”. These positions are required to complete all basic peace officer training as previously identified in ORC 109.73 and OAC 109:21, and for all purposes are defined as “peace officers”.

This classification is not tracked separately from basic peace officer.

Type *(See R.C. 4798.01 for relevant definitions.)*

Government certification

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

Number issued annually

Falls under basic peace officer.

Number renewed annually

Falls under basic peace officer.

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

Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	
Education or training requirements	Subject to OAC 109:2-1
Experience requirements	Subject to OAC 109:2-1
Examination requirements (<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>)	Subject to OAC 109:2-1
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	Subject to OAC 109:2-1
Initial fee	Not applicable
Duration	Subject to OAC 109:2-1
Renewal fee (<i>If different from initial fee, please explain why.</i>)	Not applicable

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

<p>Does the Board recognize uniform licensure requirements or allow for reciprocity?</p>	<p>Subject to OAC 109:2-1</p>
<p>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</p>	
<p>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?</p>	
<p>Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?</p>	
<p>Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)</p>	

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

ORC 109.73 and OAC 109:2-1

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).)*

Prevents untrained persons from performing function of peace officer.

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

Yes.

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

N/A

Comparison to other states *(How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)*

Surrounding state comparison (LSC)

Special Police, Security Guard, or Person Otherwise Privately Employed in a Police Capacity						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes – OPOTC certification (<i>R.C. 109.78; O.A.C. 109:2-3-02, 109:2-3-07, 109:2-3-08, 109:2-3-09, 109:2-3-10, 109:2-3-11, and 109:2-3-12</i>)	Yes – each private security agency must be licensed by the private investigator and security guard licensing board (<i>Ind. Code Ann. 25-30-1-8, 25-30-1-16, 25-30-1.3-7; 874 Ind. Admin. Code 1-1-3, 1-2-1, and 1-3-1; Indiana Professional Licensing Agency, Security Guard Agency License</i>)	No license required for private security officers, but may receive KLEC peace officer certification upon request (<i>Ky. Rev. Stat. Ann. 15.380, 15.382, and 15.404; 503 Ky. Admin. Regs. 1:110, 1:120, and 1:140</i>)	Yes – Department of State Police license of special police or security guard business and employee (<i>Mich. Comp. Laws 338.1053, 338.1054, 338.1055, 338.1056, 338.1056a, 338.1059, 338.1075, and 338.1081</i>)	Yes – certificate for privately employed agents providing watch guard, protective patrol, detective or criminal investigative services, issued by Commissioner of Pennsylvania State Police (<i>22 Pa. Cons. Stat. 43, 44, 46, 47, 48.1, and 50.1</i>)	Yes – license from Secretary of State for security guard firm (which could be individual) Persons acting as security guards for a licensed firm do not need a license, but must satisfy same criteria required for firm except for training or experience requirement (<i>W. Va. Code Ann. 30-18-5 to 30-18-10</i>)
Education or training	Basic peace officer training or alternative experience	Bachelor’s degree or higher in criminal justice or related field from an accredited university, or meet experience	High school or GED and basic training required	Training as prescribed by the Department of State Police	Education and training program in the handling of lethal weapons, law enforcement and protection of rights of citizens	For security guard firm, must have one year of training substantially equivalent to experience described below,

Special Police, Security Guard, or Person Otherwise Privately Employed in a Police Capacity

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
		requirements below			If active duty police officer who did basic training with MPOETC, granted waiver of training requirements upon presentation to Commissioner of successful completion of training requirements and successful completion of a biennial firearms qualification exam administered by officer's police agency	or the experience described below For persons acting as security guard, provided by firm licensee
Experience	Alternative to training/ education: 20 years active duty as peace officer	Alternative to training/ education: two years of specified security or investigative experience verified by a	No	Three years as a business in another state, four years as a business employee or supervisory guard, four years as	Alternative to training/education: retired police officer of a Pennsylvania Municipality or the Pennsylvania State Police after	For security guard firm, must have had at least one year verified, full-time employment conducting security guard

Special Police, Security Guard, or Person Otherwise Privately Employed in a Police Capacity

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
		minimum of 4,000 hours of employment		full-time police officer, or two years as military police officer	full-time for 20 years and retired in good standing and has assumed the duties of a privately employed agent on or before three years from the date of retirement If a retired police officer commences their duties as a privately employed agent after three years from the date of retirement, must meet the physical and psychological requirements for certification	business or conducting the private investigation business working for a licensed firm, substantially equivalent experience, or training described above
Exam	Yes	None specified	No	None specified	None specified	None specified
Continuing education	Annual firearm recertification	None specified	40 hours per year	None specified	None specified	None specified

Special Police, Security Guard, or Person Otherwise Privately Employed in a Police Capacity

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Initial licensure fee	\$15	\$150	None specified	\$200 for individual or sole proprietorship business, \$300 for other business entity	Not more than \$15	\$50 service charge plus license fee of \$100 for individual and \$200 for firm; also liability insurance or bond of \$5,000
License duration	None specified	Four years	None specified	Two years for license of business	Five years	Two years for initial license and one year for each subsequent renewal
Renewal fee	None specified	\$150 or \$300 if filed one year or more from the renewal date	None specified	\$100 for sole proprietorship; \$150 or \$250 for business entity	Discretionary, not to exceed \$15	Discretionary, not to exceed \$50

Certification for commander or chief administrator of a private security training course

Survey responses (AGO)

Description	
Commander means the individual, appointed or employed by a training institution and certified by the executive director, as chief administrator of a private security training program. OAC 109:2-3-01(B)	
Type <i>(See R.C. 4798.01 for relevant definitions.)</i>	
Government certification	
If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	2019: 19
Number renewed annually	2019: 8

If the regulation is a registration, certification, or license requirement, please complete the following:	
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	No significant changes.
Education or training requirements	Minimum qualification identified in OAC 109:2-3-04 (B). HS/GED; 90 quarter hours or 60 semester hours at an accredited college or university; completion of commander training program approved by the executive director.
Experience requirements	Three years full time experience in the private security field, a security-related field or equivalent, as determined by the executive director.
Examination requirements (<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>)	Not applicable
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	24 hours of training relevant to conducting and overseeing a basic training academy.
Initial fee	Not applicable
Duration	Valid for five years.
Renewal fee (<i>If different from initial fee, please explain why.</i>)	Not applicable.

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

<p>Does the Board recognize uniform licensure requirements or allow for reciprocity?</p>	<p>No</p>
<p>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</p>	<p>No</p>
<p>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?</p>	<p>No</p>
<p>Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?</p>	<p>Yes. OAC 109:2-3-04(G)</p>
<p>Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)</p>	<p>N/A</p>

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

ORC 109.73 and OAC 109:2-3

**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?**

Ne fees assessed at this time.

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).)

Having unapproved commanders providing instruction/oversight of academies to potential Ohio private security officers.

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

Yes.

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

Increase fees established with private security OPOTC mandated administration.

Comparison to other states *(How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)*

Unknown

Surrounding state comparison (LSC)

Commander of a Private Security Training Program						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes – OPOTC certification (<i>O.A.C. 109:2-3-04</i>)	No comparable position under statute or rule	No comparable position under statute or rule	No comparable position under statute or rule	No comparable position under statute or rule	No comparable position under statute or rule
Education or training	High school or GED; commander training program; 90 quarter hours or 60 semester hours in lieu of management experience	N/A	N/A	N/A	N/A	N/A
Experience	Three years in private security or similar field and two years in management	N/A	N/A	N/A	N/A	N/A
Exam	No	N/A	N/A	N/A	N/A	N/A
Continuing education	24 hours every five years and commander conference, if offered	N/A	N/A	N/A	N/A	N/A

Commander of a Private Security Training Program						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Initial licensure fee	None specified	N/A	N/A	N/A	N/A	N/A
License duration	Five years	N/A	N/A	N/A	N/A	N/A
Renewal fee	None specified	N/A	N/A	N/A	N/A	N/A

Certification for instructor of private security training program
Survey responses (AGO)

Description
Persons delivering instruction in OPOTC-approved private security basic training academies. OAC 109:2-3-05

Type (See R.C. 4798.01 for relevant definitions.)
Government certification

If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	2019: 62
Number renewed annually	2019: 46
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	No significant changes.
Education or training requirements	Hs graduate/GED; completion of course of instruction approved by executive director designed to prepare the individual to teach; completion of an instructor-level training program approved by the executive director. OAC 109:2—05(B)
Experience requirements	Five years full time experience in private security or a related field, as determined by the executive director. OAC 109:2-3-05(B)(2)
Examination requirements (<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>)	Not applicable.
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	Written evidence from commander that instructor has taught in at least two commission-approved courses during the most recent certification period; attend at least fifteen clock hours of professional development or continuing education relative to at least one of the areas for which the individual is certified. OAC 109:2-3-05(D)

If the regulation is a registration, certification, or license requirement, please complete the following:	
Initial fee	Not applicable
Duration	Valid for three years
Renewal fee <i>(If different from initial fee, please explain why.)</i>	Not applicable
Does the Board recognize uniform licensure requirements or allow for reciprocity?	No
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	Unknown
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	Yes. Not a requirement to complete private security training for all private security positions.
Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?	Yes. OAC 109:2-3-05€
Other information <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i>	N/A

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

ORC 109.78 and OAC 109:2-3

**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?**

Not available at this time. Fees generated for some administrative duties assigned by ORC 109.78.

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

Not applicable

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

Reduces “harm” by providing consistent and approved training for persons completing training.

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

Yes.

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

Review and adjust fee schedule through legislation to meet ORC 109.73(C)(5) language. Fees have not been adjusted for 30+ years.

Comparison to other states (How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)

Unknown.

Surrounding state comparison (LSC)

Instructor of Private Security Training Program						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes – OPOTC certification (O.A.C. 109:2-3-05)	No comparable position under statute or rule	No comparable position under statute or rule	No comparable position under statute or rule	No comparable position under statute or rule	No comparable position under statute or rule
Education or training	High school or GED; completion of preparation course	N/A	N/A	N/A	N/A	N/A
Experience	Five years in security or related field	N/A	N/A	N/A	N/A	N/A
Exam	No	N/A	N/A	N/A	N/A	N/A

Instructor of Private Security Training Program						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Continuing education	15 hours every three years	N/A	N/A	N/A	N/A	N/A
Initial licensure fee	None specified	N/A	N/A	N/A	N/A	N/A
License duration	Three years	N/A	N/A	N/A	N/A	N/A
Renewal fee	None specified	N/A	N/A	N/A	N/A	N/A

Certification for court bailiff or deputy bailiff authorized to be armed while on duty

Survey responses (AGO)

Description
<p>Means any person employed by a court of record and designated by a judge of that court of record as a bailiff or deputy bailiff who is authorized to carry a firearm while on duty.</p> <p>OAC 109:2-5-01</p>

Type (See R.C. 4798.01 for relevant definitions.)

Government certification

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

Number issued annually

2019: 228

Number renewed annually

Not applicable

Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?

Fluctuates based on changeover in court systems. As judges are elected several bring their own staff in. Election years see an increase in attendees.

Education or training requirements

Any court officer required to complete training unless meet exceptions identified in OAC 109:2-5-02 (A)(1-3).

Experience requirements

Not applicable

Examination requirements (*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?*)

Successful completion of approved basic course based on recommendation of academy commander.

If the regulation is a registration, certification, or license requirement, please complete the following:	
Continuing education requirements <i>(Including a description of the curriculum and the process of setting it.)</i>	Annual firearms requalification per ORC 109.801
Initial fee	Not applicable
Duration	One-time completion of training program.
Renewal fee <i>(If different from initial fee, please explain why.)</i>	Not applicable
Does the Board recognize uniform licensure requirements or allow for reciprocity?	No
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	No
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	Yes. OAC 109:2-5-02 provides exceptions to required training
Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?	Yes. If it is determined the bailiff or deputy bailiff did not successfully complete the basic training program certification could be denied.

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

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

N/A

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

ORC 109.73(A)(9)(a-b) and OAC 109:2-5

**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?**

Fees assessed for attendance in training allocated to OPOTA for advanced training.

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

Not applicable

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

Permitting untrained persons with firearms to provide court security services.

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

Yes

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

Asses administrative fees to generate revenue in support of ORC 109.73(C)(5).

Comparison to other states (How many other states regulate the occupation? How do Ohio’s regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)

Unknown

Surrounding state comparison (LSC)

Court Bailiff or Deputy Bailiff Who Carries a Firearm While on Duty						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes – OPOTC certification (<i>R.C. 109.77; O.A.C. 109:2-5-02, 109:2-5-07, 109:2-5-08, and 109:2-5-10</i>)	Certification required as part of basic training for law enforcement (<i>Ind. Code Ann. 5-2-1-9(g) and 33-35-3-</i>	Yes – KLEC certification for court security officers (<i>Kentucky Department of Criminal Justice Training, Certified</i>	No specific statute or rule found	Yes – nothing specified for bailiffs but certification for county probation officers from County Probation	Yes – certification (same as required for deputy sheriff) for person employed by sheriff to serve civil process,

Court Bailiff or Deputy Bailiff Who Carries a Firearm While on Duty

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
		3; 250 Ind. Admin. Code 2-2-1 and 2-2-4; Indiana Law Enforcement Academy, <i>Basic Training – Tier 1</i>)	<i>Court Security Officer</i>)		Officers' Firearm Education and Training Commission (CPOFETC) (61 Pa. Cons. Stat. 6305 and 6306)	while armed; so, in effect, same as basic firearms training certification for any peace officer (W. Va. Code Ann. 50-1-14 and 7-14-1; W. Va. Code R. 149-2-10)
Education or training	Basic training for court officers	Basic training	High school or GED and basic training	N/A	Yes	Training with officer's primary duty weapon (generally, the officer's handgun); must be separated by a minimum period of three months; and must satisfy minimum passing score set by LEPSS
Experience	No	No	No	N/A	None specified	None specified
Exam	No	No	No	N/A	None specified	None specified
Continuing education	No	Two hours in-service training in firearms	40 hours every two years	N/A	None specified	Hours needed not specified, but minimum score

Court Bailiff or Deputy Bailiff Who Carries a Firearm While on Duty

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
		required every year				set by LEPSS must be satisfied Frequency of reporting – semi-annual, separated by at least three months Professional responsibility or ethics not expressly required
Initial licensure fee	None specified	None specified	None specified	N/A	None specified	Unclear if fee for licensee – but special \$12 court cost and bond add-ons charged in criminal cases, money collected put in special state Fund, and Fund used for funding of law enforcement entry level training programs, professional development programs, and certification of

Court Bailiff or Deputy Bailiff Who Carries a Firearm While on Duty						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
						law enforcement officers
License duration	None specified	None specified	None specified	N/A	None specified	None specified, but semi-annual qualification required (same as applicable to deputy sheriff)
Renewal fee	None specified	None specified	None specified	N/A	None specified	None specified

**Certification for commander, director, or head of basic school for bailiff or deputy bailiff
Survey responses (AGO)**

Description
Director or head of a basic school for court officers. OAC 109:2-5-01(C)

Type (See R.C. 4798.01 for relevant definitions.)

Government certification

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

Number issued annually

2019: 5

Number renewed annually

Not tracked in current record management system

Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?

Numbers consistently low

Education or training requirements

Identified in OAC 109:2-5-05
HS grad/GED

Experience requirements

Five years relevant law enforcement experience; 5 years as court officer, or five years' experience as corrections officer authorized to carry a firearm OAC 109:2-5-05

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

<p>Examination requirements (<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>Completion of a commander conference OAC 109:2-5-05(6)</p>
<p>Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)</p>	<p>At least 24-hours of training relevant to conducting and overseeing a basic training school</p>
<p>Initial fee</p>	<p>Not applicable</p>
<p>Duration</p>	<p>Certification valid for five years. OAC 109:2-5-05(C)</p>
<p>Renewal fee (<i>If different from initial fee, please explain why.</i>)</p>	<p>Not applicable</p>
<p>Does the Board recognize uniform licensure requirements or allow for reciprocity?</p>	<p>No</p>
<p>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</p>	<p>No</p>

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

Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	No
Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?	Yes, under OAC 109:2-5-05(D)
Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)	N/A

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

ORC 109.73 and OAC 109:2-5

**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?**

No fees assessed at this time.

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

Not applicable

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

Reduces potential for harm by reducing untrained professionals from providing training.

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

Yes

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

Implement fee schedule to address administrative costs of certification process.

Comparison to other states *(How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)*

Not applicable

Surrounding state comparison (LSC)

Commander, Director, or Head of Basic School for Court Officers						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes – OPOTC certification (<i>O.A.C. 109:2-5-05</i>)	No comparable position under statute or rule	No comparable position under statute or rule	No comparable position under statute or rule	None specified (<i>61 Pa. Cons. Stat. 6305</i>)	Probably – LEPSS certification, since person employed by sheriff to serve civil process, while armed, has same training as deputy sheriff; so, in effect, same as certification for Commander of Peace Officer Training School (<i>W. Va. Code Ann. 50-1-14; W. Va. Code R. 149-2-4</i>)
Education or training	High school or GED	N/A	N/A	N/A	None specified but CPOFETC does establish minimum qualifications for instructors	Assessed in determining approval, but details not specified

Commander, Director, or Head of Basic School for Court Officers

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Experience	Five years relevant law enforcement experience; five years as court officer or five years as corrections officer authorized to carry a firearm; and two years of supervisory experience	N/A	N/A	N/A	None specified	Assessed in determining approval, but details not specified
Exam	No	N/A	N/A	N/A	None specified	Unclear – nothing else specified or provided
Continuing education	24 hours every five years	N/A	N/A	N/A	None specified	Unclear – nothing else specified or provided
Initial licensure fee	None specified	N/A	N/A	N/A	None specified	Unclear – nothing else specified or provided
License duration	Five years	N/A	N/A	N/A	None specified	Unclear – nothing else specified or provided

Commander, Director, or Head of Basic School for Court Officers						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Renewal fee	None specified	N/A	N/A	N/A	None specified	Unclear – nothing else specified or provided

Certification for unit instructor of basic school for bailiff and deputy bailiff
Survey responses (AGO)

Description
An OPOTC-approved person to deliver training in the program.
Type <i>(See R.C. 4798.01 for relevant definitions.)</i>
Government certification

If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	2019: 3
Number renewed annually	2019: 8
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	No significant change.
Education or training requirements	HS grad or GED; successful completion of eighty-hour instructional skills course or equivalent as approved by the executive director. OAC 109:2-5-06
Experience requirements	Five years of relevant experience as a court officer, law enforcement officer, or a corrections officer authorized to carry a firearm while on duty and required to complete annual firearms requalification. OAC 109:2-5-06
Examination requirements (<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>)	No exam required. Successful documentation of requirements required for certification. OAC 109:2-5-06
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	Not applicable

If the regulation is a registration, certification, or license requirement, please complete the following:	
Initial fee	Not applicable
Duration	Certification valid for three years.
Renewal fee <i>(If different from initial fee, please explain why.)</i>	Not applicable
Does the Board recognize uniform licensure requirements or allow for reciprocity?	No
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	No
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	No
Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?	Yes, OAC 109:2-05-06 (D)
Other information <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i>	N/A

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

ORC 109.73 and OAC 109:2-5

**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?**

No fees assessed for administrative processing.

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

Not applicable

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

Reduces potential for untrained persons to deliver training.

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

Yes.

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

Assess fee schedule to generate revenue relative to administrative processing supported by ORC 109.73(C)

Comparison to other states (How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)

Unknown

Surrounding state comparison (LSC)

Unit Instructor of Basic School for Court Officers						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes – OPOTC certification (O.A.C. 109:2-5-06)	No comparable position under statute or rule	No comparable position under statute or rule	No comparable position under statute or rule	None specified (61 Pa. Cons. Stat. 6305)	Yes – LEPSS certification, since person employed by sheriff to serve civil process, while armed, has same training as deputy sheriff; so, in effect, same as certification for Unit Instructor of a Peace Officer Training School (W. Va. Code Ann. 50-1-14; W. Code R. 149-2-5)

Unit Instructor of Basic School for Court Officers						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Education or training	High school or GED	N/A	N/A	N/A	None specified but CPOFETC does establish minimum qualifications for instructors	For Law Enforcement Level 1, must have certification as law enforcement officer if applicable; high school diploma or equivalent; minimum of six hours of verified training in each academic subject area within the five years preceding the application for which certification is desired (with possible additional training required by LEPS); 40 hours of instructor development training approved by the LEPS For Firearms Level 1, must satisfy qualifications required for Law

Unit Instructor of Basic School for Court Officers						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
						<p>Enforcement Level 1; and complete law enforcement handgun firearms instructor school, of not less than 40 hours, approved by LEPSS</p> <p>For Law Enforcement Level 2 (instructor of instructors), must have current certification as law enforcement officer; high school diploma or equivalent; and successful completion of approved instructor/trainer course in the subject matter requested within previous five years</p>

Unit Instructor of Basic School for Court Officers						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Experience	Five years relevant law enforcement experience; five years as court officer, or five years as corrections officer authorized to carry a firearm; and two years of supervisory experience	N/A	N/A	N/A	None specified	<p>For Law Enforcement Level 1, must have three years of experience as police officer, including specified amount of direct work experience in the occupation or area in which certification is desired</p> <p>For Firearms Level 1, must have experience in use, care, and maintenance of a firearm</p> <p>For Law Enforcement Level 2, must have seven years' experience as certified police officer; and four years' experience as Level 1</p>

Unit Instructor of Basic School for Court Officers						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
						instructor within the previous five years
Exam	No	N/A	N/A	N/A	None specified	None specified
Continuing education	24 hours every five years	N/A	N/A	N/A	None specified	If Law Enforcement Level 1, eight hours needed every 24 months If Firearms Level 1, four hours (possibly 12 hours) needed every 24 months If Law Enforcement Level 2, unclear, but probably required Professional responsibility or ethics not expressly required
Initial licensure fee	None specified	N/A	N/A	N/A	None specified	None specified

Unit Instructor of Basic School for Court Officers						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License duration	Five years	N/A	N/A	N/A	None specified	Four years
Renewal fee	None specified	N/A	N/A	N/A	None specified	None specified

**Certification for state public defender criminal investigator who carries a firearm on duty
Survey responses (AGO)**

Description
Criminal investigator means any person employed and designated by the state public defender as a criminal investigator who carries a firearm while on duty. OAC 109:2-6
Type (See R.C. 4798.01 for relevant definitions.)
Government certification

If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	Not tracked
Number renewed annually	Not tracked
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	Unknown
Education or training requirements	
Experience requirements	
Examination requirements (<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>)	Final written examination administered at end of course work. Must receive a minimum score of 70% to successfully complete program. Administered by course commander. OAC 109:2-6-08
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	Not applicable
Initial fee	Not applicable
Duration	Not applicable

If the regulation is a registration, certification, or license requirement, please complete the following:	
Renewal fee <i>(If different from initial fee, please explain why.)</i>	Not applicable
Does the Board recognize uniform licensure requirements or allow for reciprocity?	No
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	Unknnonwn
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	Yes, if not carrying a firearm while on duty, this program is not required. OAC 109:2-6-02(A)
Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?	Yes, if executive director deems student did not successfully complete program, under ORC 109.75 could revoke certificate of completion, if one was awarded.
Other information <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i>	N/A

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

ORC 109.73 (A)(9)(a-b) and OAC 109:2-6

**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?**

No fees assessed to commission.

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

Not applicable

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

Reduces untrained persons from performing work and carrying a firearm.

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

Yes.

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

Implement fee schedule to generate revenue to cover administrative processing under ORC 109.73(C).

Comparison to other states (How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)

Unknown.

Surrounding state comparison (LSC)

State Public Defender Criminal Investigator Who Carries a Firearm While on Duty						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes – certification (<i>R.C. 109.77;</i> <i>O.A.C. 109:2-6-02</i> <i>and 109:2-6-05 to</i> <i>109:2-6-10</i>)	No comparable position under statute or rule	No comparable position under statute or rule	Yes – if professional investigator is required – licensed by the Michigan Department of Labor and Economic Growth and additionally licensed to carry a deadly weapon (<i>Mich. Comp.</i> <i>Laws 780.991</i> <i>Sec.11(5),</i> <i>338.823,</i>	No comparable position under statute or rule	No comparable position under statute or rule

State Public Defender Criminal Investigator Who Carries a Firearm While on Duty

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
				<i>338.825-827, and 338.839)</i>		
Education or training	Basic training program	N/A	N/A	High school or equivalent	N/A	N/A
Experience	No	N/A	N/A	Three years	N/A	N/A
Exam	Yes	N/A	N/A	None specified	N/A	N/A
Continuing education	No	N/A	N/A	None specified	N/A	N/A
Initial licensure fee	None specified	N/A	N/A	\$600	N/A	N/A
License duration	None specified	N/A	N/A	Three years	N/A	N/A
Renewal fee	None specified	N/A	N/A	None specified	N/A	N/A

Approval for instructor of school for basic course for state public defender criminal investigator who carries a firearm while on duty

Survey responses (AGO)

Description
Addressed under OAC 109:2-6-04

Type <i>(See R.C. 4798.01 for relevant definitions.)</i>
Government certification

If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	Not tracked
Number renewed annually	Not tracked

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

Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	Not tracked
Education or training requirements	Each instructor required to have the approval of the executive director. Approval based on recommendation of the commander and submission of statement of qualifications as prescribed by the executive director for each subject or subjects the instructor will teach. OAC 109:2-6-04
Experience requirements	Not applicable
Examination requirements (<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>)	Not applicable
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	Not applicable
Initial fee	Not applicable
Duration	Not applicable
Renewal fee (<i>If different from initial fee, please explain why.</i>)	Not applicable

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?	No
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	Unknown
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	No
Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?	Yes, under ORC 109.75 and OAC 109:2-6
Other information (Significant attributes or prerequisites to licensure not addressed in this chart.)	N/A

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

ORC 109.73 and OAC 109:2-06

**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?**

No fees assessed.

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).)

Prevents untrained individuals from delivering instruction in the program.

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

Yes.

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

Implement fee schedule to generate revenue for administrative processing in accordance with ORC 109.73(C)

Comparison to other states *(How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)*

Unknown

Surrounding state comparison (LSC)

Instructor of School for Basic Training Course for Criminal Investigators Employed by the State Public Defender						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes – OPOTC certification (<i>O.A.C. 109:2-6-04</i>)	No comparable position under statute or rule	No comparable position under statute or rule	No comparable position under statute or rule	No comparable position under statute or rule	No comparable position under statute or rule
Education or training	Qualifications as prescribed by the Director of the Ohio Peace Officer Training Commission	N/A	N/A	N/A	N/A	N/A
Experience	As prescribed by the Director	N/A	N/A	N/A	N/A	N/A
Exam	No	N/A	N/A	N/A	N/A	N/A
Continuing education	No	N/A	N/A	N/A	N/A	N/A
Initial licensure fee	None specified	N/A	N/A	N/A	N/A	N/A
License duration	None specified	N/A	N/A	N/A	N/A	N/A
Renewal fee	None specified	N/A	N/A	N/A	N/A	N/A

Certification for canine evaluator who conducts examinations for law enforcement canine units

Survey responses (AGO)

Description
Means a person who has been certified by the executive director to conduct examinations to determine the ability of a canine unit to perform at the minimum proficiency standards established by the commission

Type <i>(See R.C. 4798.01 for relevant definitions.)</i>
Government certification

If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	
Number renewed annually	Canine units are required to be evaluated annually

If the regulation is a registration, certification, or license requirement, please complete the following:	
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	
Education or training requirements	Minimum standards for certification of law enforcement canine units addressed in OAC 109:2-7-03
Experience requirements	Qualifications for evaluators addressed in OAC 109:2-7-04
Examination requirements (<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>)	Persons seeking canine evaluator instructor certification must complete a 24 hour training program administered by the OPOTA. Course topics are addressed in OAC 109:2-7-02.
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	Not applicable, unless mandated and funding provided OAC 109:2-18
Initial fee	The OPOTA (Academy) charges a fee of \$300 per student. These funds are directed to the OPOTA, not commission.
Duration	24-hour training program
Renewal fee (<i>If different from initial fee, please explain why.</i>)	Not applicable

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

<p>Does the Board recognize uniform licensure requirements or allow for reciprocity?</p>	<p>Not for this program.</p>
<p>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</p>	<p>A similar certification exists under the North American Police Work Dog Association and many persons obtain dual certification.</p>
<p>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?</p>	<p>No. Under OAC 109:2-7-03 a canine unit must have successfully completed a training program approved by the executive director designed to prepare canine units to perform law enforcement duties.</p>
<p>Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?</p>	<p>Yes</p>
<p>Other information <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i></p>	

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

Applicable under ORC 109.73(A)(10) and OAC 109:2-7

**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?**

No fees assessed by the commission for this.

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).)

Malfeasant application of canines in law enforcement duties.

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

Yes

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

None identified at this time but program is under a constant state of review.

Comparison to other states *(How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)*

Unknown

Surrounding state comparison (LSC)

Canine Evaluator Who Conducts Examinations for Law Enforcement Canine Units						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes – OPOTC certification (<i>R.C. 109.73; O.A.C. 109:2-7-02 and 109:2-7-04</i>)	No comparable position under statute or rule	No comparable position under statute or rule	No comparable position under statute or rule	No comparable position under statute or rule	No comparable position under statute or rule
Education or training	Completion of patrol-related canine training program, core course for evaluators, and evaluator course for patrol-related canine evaluators	N/A	N/A	N/A	N/A	N/A
Experience	Five years as law enforcement officer; three years as canine handler or trainer	N/A	N/A	N/A	N/A	N/A
Exam	No	N/A	N/A	N/A	N/A	N/A
Continuing education	18 hours training in canine-related topics	N/A	N/A	N/A	N/A	N/A

Canine Evaluator Who Conducts Examinations for Law Enforcement Canine Units						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Initial licensure fee	None specified	N/A	N/A	N/A	N/A	N/A
License duration	Three years	N/A	N/A	N/A	N/A	N/A
Renewal fee	None specified	N/A	N/A	N/A	N/A	N/A

Certification for law enforcement canine unit
Survey responses (AGO)

Description
Means a canine handler, who shall be a sworn law enforcement officer and a canine OAC 109:2-7-01(F)
Type (See R.C. 4798.01 for relevant definitions.)
Government certification

If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	2019: 1,389: Unit Special Purpose-759 Unit Patrol Related-630
Number renewed annually	Canine units required to complete annual evaluation treated a new certification.
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	Data has remained consistent over years.
Education or training requirements	Successful completion of annual certification under OAC 109:2-7-05 meeting minimum standards identified under OAC 109:2-7-03
Experience requirements	Not an OPOTC requirement.
Examination requirements (<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>)	Practical examination based on minimum standards established by the commission. Exam administered OPOTC-approved by law enforcement canine evaluator. No fees assessed for exam collected by commission.
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	Not established by commission.
Initial fee	Not applicable
Duration	Certification is valid for one year from date of successful completion of evaluation.

If the regulation is a registration, certification, or license requirement, please complete the following:	
Renewal fee <i>(If different from initial fee, please explain why.)</i>	Not applicable
Does the Board recognize uniform licensure requirements or allow for reciprocity?	No
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	North American Police Work Dog Association offers a similar certification. Many units seek dual certification. This does not substitute for commission mandated certification.
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	No
Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?	Yes
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.

Applicable under ORC 109.73 and OAC 109:2-7

**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?**

Not applicable.

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?

Comparison to other states (How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)

Surrounding state comparison (LSC)

Law Enforcement Canine Unit, a Canine Handler Who is a Sworn Law Enforcement Officer and a Canine						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes – certification (<i>R.C. 109.73;</i> <i>O.A.C. 109:2-7-03</i> <i>and 109:2-7-05</i>)	No comparable position under statute or rule	No comparable position under statute or rule	No, but training required in training schools according to policy of employer law enforcement agency; also training of canine unit of Michigan State Police (MSP) (<i>Mich. Comp. Laws 750.50c;</i> <i>Michigan State Police, Canine Unit</i>)	No comparable position under statute or rule	No comparable position under statute or rule

Law Enforcement Canine Unit, a Canine Handler Who is a Sworn Law Enforcement Officer and a Canine

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Education or training	Approved training program	N/A	N/A	Basic training as a dog handler; 14-week basic training of MSP canine unit	N/A	N/A
Experience	No	N/A	N/A	None specified	N/A	N/A
Exam	Yes	N/A	N/A	None specified	N/A	N/A
Continuing education	No	N/A	N/A	None specified	N/A	N/A
Initial licensure fee	None specified	N/A	N/A	Not readily attainable	N/A	N/A
License duration	One year	N/A	N/A	None specified	N/A	N/A
Renewal fee	None specified	N/A	N/A	None specified	N/A	N/A

Certification for corrections officers or jail staff of full-service jail

Survey responses (AGO)

Description	
Those persons whose positions consist primarily of duties that require prisoner supervision, direct interaction with prisoners and responsibility for the safety and security of prisoners and the facility. OAC 109:2-9-01	
Type <i>(See R.C. 4798.01 for relevant definitions.)</i>	
Government certification	
If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	2019: 544
Number renewed annually	Not applicable

If the regulation is a registration, certification, or license requirement, please complete the following:	
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	No significant change
Education or training requirements	Function of employer
Experience requirements	Not applicable
Examination requirements (<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>)	Successful completion of an approved full-service corrections officer training school will result in certificate of completion being issued to student.
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	Function of employer
Initial fee	Fee assessed allocated to OPOTA Tuition \$545
Duration	No expiration of certificate
Renewal fee (<i>If different from initial fee, please explain why.</i>)	Not applicable

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

<p>Does the Board recognize uniform licensure requirements or allow for reciprocity?</p>	<p>No</p>
<p>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</p>	<p>Ohio Department of Rehabilitation and Corrections New Employee Orientation recognized as similar/reciprocal training.</p>
<p>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?</p>	<p>Yes, employer could not send employee to training and OPOTC not aware,</p>
<p>Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?</p>	<p>Yes, students required to successfully complete state certification exam. OAC 109:2-9-10</p>
<p>Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)</p>	

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

ORC 109.73(A)(11) and OAC 109:2-9

**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?**

Fees collected from tuition for delivery of program allocated to OPOTA.

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

Unknown

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

Reduces untrained persons from performing function of corrections officer.

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

Effective at reducing the potential of harm and providing awareness to student in function of corrections.

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

Allocate fees to generate revenue for administrative processing of corrections academy under ORC 109.73(C)(5).

Comparison to other states *(How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)*

ODRC operated under OAC 5120:1-7 and ORC 5120.01

Surrounding state comparison (LSC)

Corrections Officer or Jail Staff of Full-service Jail						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes – OPOTC certification (<i>R.C. 109.75; O.A.C. 109:2-9-02, 109:2-9-06, 109:2-9-10, and 5120:1-8-18</i>)	None specified (<i>Indiana Department of Correction, Correctional Officer</i>)	Yes, required for jail personnel (<i>Ky. Rev. Stat. Ann. 441.115; 501 Ky. Admin. Regs. 3:160</i>)	Yes for local corrections officer – certification by Sheriffs’ Coordinating and Training Council (<i>Mich. Comp. Laws 791.538 and 791.541-543</i>)	None specified (<i>37 Pa. Code 95.221</i>)	Yes – does not have “full-service jail” category, but has category of facility that can hold person pending trial or after sentence, designated a “jail” Regional Jail and Correctional Facility Authority (RJCF A) approval for correctional officers (<i>W.Va. Code R. 95-1-5 and 95-1-24; W. Va. Code Ann. 7-14B-1, et seq.</i>)
Education or training	24 hours of training in first year of assignment	High school diploma or GED	40 hours if duties are related to direct supervision required	High school or equivalent; training required	Training for all corrections personnel	For all new correctional officers, at least 120 hours of RJCF A-approved orientation and training during first year of

Corrections Officer or Jail Staff of Full-service Jail						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
						employment, with at least 40 of the hours completed prior to being independently assigned to a particular post
Experience	No	No	No	Yes, depending on the date of previous employment as corrections officer	None specified	None specified
Exam	Yes	No	No	Not readily attainable	None specified	Yes – civil service for full-time corrections officer appointed by sheriff for jail in county of 25,000 population or more; apparently, discretionary for county of less than 25,000 population
Continuing education	Eight hours per year	None specified	24 hours per year	Yes – annually	None specified	40 hours per year

Corrections Officer or Jail Staff of Full-service Jail						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Initial licensure fee	None specified	N/A	None specified	Not readily attainable	None specified	None specified
License duration	One year	N/A	None specified	One year	None specified	None specified, but annual continuing education required
Renewal fee	None specified	N/A	None specified	Not readily attainable	None specified	None specified

Administrator or supervisor of full-service jail
Surrounding state survey (LSC)

Administrator or Supervisor of Full-service Jail						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes – OPOTC certification (<i>R.C. 109.75; O.A.C. 109:2-9-02, 109:2-9-06, and 5120:1-8-18</i>)	No comparable position under statute or rule	No – exempted from peace officer certification provisions, but may receive KLEC peace officer certification upon request	Sheriff as administrator of jails – license granted upon appointment or election and MCOLES review of executed oath of office (<i>Mich. Comp. Laws</i>)	No comparable position under statute or rule	Yes – does not have “full service jail” category, but has category of facility that can hold person pending trial or after sentence, designated a “jail”

Administrator or Supervisor of Full-service Jail

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
				<i>51.75, 28.609a, and 28.611; Mich. Admin. Code R. 28.14314, 28.14315, 28.14316, 28.14317, and 28.14512)</i>		RJCFA approval for administrative and managerial staff (<i>W.Va. Code R. 95-1-5 and 95-1-24</i>)
Education or training	40 hours of training in first year of assignment	N/A	New jailer training program required	Basic training required	N/A	At least 40 hours of orientation if new to the facility
Experience	No	N/A	No	No	N/A	None specified
Exam	Yes	N/A	No	Yes	N/A	None specified
Continuing education	16 hours per year	N/A	40 hours per year	In-service training available but not required	N/A	Eight hours per year of management training for administrative and managerial staff
Initial licensure fee	None specified	N/A	None specified	Permitted by MCOLES but amount not readily attainable	N/A	None specified

Administrator or Supervisor of Full-service Jail						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License duration	One year	N/A	None specified	None specified, but presumed duration is termination of tenure	N/A	None specified, but annual continuing education required
Renewal fee	None specified	N/A	None specified	None specified	N/A	None specified

Certification for full-service jail support staff

Survey responses (AGO)

Description
Not applicable under OPOTC.

Type (See R.C. 4798.01 for relevant definitions.)

Government certification

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

Number issued annually

Number renewed annually

Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?

Education or training requirements

Experience requirements

Examination requirements (*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?*)

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

<p>Continuing education requirements <i>(Including a description of the curriculum and the process of setting it.)</i></p>	
<p>Initial fee</p>	
<p>Duration</p>	
<p>Renewal fee <i>(If different from initial fee, please explain why.)</i></p>	
<p>Does the Board recognize uniform licensure requirements or allow for reciprocity?</p>	
<p>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</p>	
<p>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?</p>	
<p>Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?</p>	

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

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.

**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?

Comparison to other states (How many other states regulate the occupation? How do Ohio’s regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)

Surrounding state comparison (LSC)

Full-service Jail Support Staff						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes – OPOTC certification (R.C. 109.75; O.A.C. 109:2-9-02, 109:2-9-06, and 5120:1-8-18)	No comparable position under statute or rule	N/A	No, but firearms training required, possibly other aspects of staffing according to facility policy or procedure (Mich.	No comparable position under statute or rule	Yes – does not have “full-service jail” category, but has category of facility that can hold person pending trial or

Full-service Jail Support Staff

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
				<i>Admin. Code R. 791.701 to 791.736)</i>		after sentence, designated a "jail" RJCFJA approval for clerical/support employees (<i>W. Va. Code R. 95-1-5 and 95-1-24</i>)
Education or training	24 hours of training in first year of assignment	N/A	N/A	Firearms, chemical agents training, possibly other aspects of staffing facility	N/A	For all new clerical/support employees, at least 40 hours of orientation and RJCFJA-approved training during first year of employment, with 24 of those hours completed prior to being independently assigned to a particular job
Experience	No	N/A	N/A	Not readily attainable	N/A	None specified
Exam	Yes	N/A	N/A	Not readily attainable	N/A	None specified

Full-service Jail Support Staff

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Continuing education	Two hours per year	N/A	N/A	Not readily attainable	N/A	Eight hours per year for clerical/support employees with minimal inmate contact, and 16 hours per year for clerical/support employees with regular daily inmate contact
Initial licensure fee	None specified	N/A	N/A	Not readily attainable	N/A	None specified
License duration	One year	N/A	N/A	Not readily attainable	N/A	Not specified, but annual continuing education required
Renewal fee	None specified	N/A	N/A	Not readily attainable	N/A	None specified

Certification for commander, director, or head of corrections training school

Survey responses (AGO)

Description	
Means the director or other head of a corrections training school which has been approved by the executive director. OAC 109:2-901 (C)	
Type (See R.C. 4798.01 for relevant definitions.)	
Government certification	
If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	2019: 5
Number renewed annually	Not tracked

If the regulation is a registration, certification, or license requirement, please complete the following:	
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	No significant change
Education or training requirements	HS grad or GED, completion of OPOTC corrections school commander's conference. OAC 109:2-9-04(A)
Experience requirements	Written approval from sheriff or designee or a criminal justice agency administrator who is the executive head of a full-service jail. OAC 109:2-9-04(A)(2)
Examination requirements <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>	No written exam.
Continuing education requirements <i>(Including a description of the curriculum and the process of setting it.)</i>	Completion of minimum 24-hours of training relevant to conducting and overseeing corrections training school. OAC 109:2-9-04(C)
Initial fee	Not applicable
Duration	Certificate valid for five years
Renewal fee <i>(If different from initial fee, please explain why.)</i>	Not applicable

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?	No
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	No
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	No
Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?	Yes, under OAC 109:2-9-04(D)
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.

ORC 109.73 and OAC 109:2-9

**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?**

Fees assessed for training allocated to OPOTA. No administrative processing fees assessed by OPOTC.

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

State regulates Ohio department of Corrections and Rehabilitation under ORC 5120.

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

Reduces untrained persons from oversight of corrections academy training.

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

Reduces harm.

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

Allocate fees to generate revenue under ORC 109.73 for administrative processing of required documentation.

Comparison to other states *(How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)*

Not applicable.

Surrounding state comparison (LSC)

Commander of Corrections Training School						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes – OPOTC certification (<i>O.A.C. 109:2-9-04</i>)	No comparable position under statute or rule	No comparable position under statute or rule	No comparable position under statute or rule	No comparable position under statute or rule	Yes – this designation not used, but individual coordinating the training and staff development in correctional facility, and person at supervisory level who plans, coordinates, and supervises training program for employees at jail facility of over 100 employees must receive specialized training for that purpose (<i>W. Va. Code R. 95-1-5, 95-1-24, 95-2-5, 95-2-28, 95-3-5, and 95-3-36</i>)

Commander of Corrections Training School						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Education or training	High school or GED, instructor training program, OPOTC corrections school commander's conference, and commander training program	N/A	N/A	N/A	N/A	See above
Experience	No	N/A	N/A	N/A	N/A	None specified
Exam	No	N/A	N/A	N/A	N/A	None specified
Continuing education	24 hours every five years	N/A	N/A	N/A	N/A	None specified
Initial licensure fee	None specified	N/A	N/A	N/A	N/A	None specified
License duration	Five years	N/A	N/A	N/A	N/A	None specified
Renewal fee	None specified	N/A	N/A	N/A	N/A	None specified

Certification for unit instructor of corrections training school

Survey responses (AGO)

Description	
OPOTC-approved persons who deliver corrections training in a corrections training academy. OAC 109:2-9-05	
Type <i>(See R.C. 4798.01 for relevant definitions.)</i>	
Government certification	
If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	2019: 58
Number renewed annually	2019: 44

If the regulation is a registration, certification, or license requirement, please complete the following:	
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	No significant change
Education or training requirements	HS grad or GED. OAC 109:2-9-05(B)
Experience requirements	Three years combined experience and training in the subject area to be taught; or recognition of occupational competency.
Examination requirements (<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>)	Not applicable
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	Minimum of 12 clock hours of training in topics related to commission-approved corrections curriculum or to improve instructional abilities. OAC 109:2-9-04(D)(1)(a)
Initial fee	Not applicable
Duration	Certificate valid for three years
Renewal fee (<i>If different from initial fee, please explain why.</i>)	Not applicable

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

<p>Does the Board recognize uniform licensure requirements or allow for reciprocity?</p>	<p>No</p>
<p>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</p>	<p>No</p>
<p>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?</p>	<p>No</p>
<p>Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?</p>	<p>Yes, OAC 109:2-9-04(E)</p>
<p>Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)</p>	

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

ORC 109.73 and OAC 109:2-9

**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?**

No fees assessed for application process.

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

State regulates corrections occupation under ORC 5120

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

Reduce untrained persons from teaching in OPOTC-approved corrections basic training academies

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

Reduces potential for harm

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

Assess fees for administrative processing of required application documents under ORC 109.73.

Comparison to other states *(How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)*

Not applicable

Surrounding state comparison (LSC)

Instructor of Corrections Training School						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes – OPOTC certification (<i>O.A.C. 109:2-9-05</i>)	No comparable position under statute or rule	No comparable position under statute or rule	Not required by statute or rule, but the Michigan Sheriffs' Coordinating and Training Council (MSCTC) has training policies described below (<i>Michigan Sheriffs' Coordinating and Training Council, Academy Trainer Requirements</i>)	No comparable position under statute or rule	Yes – this designation not used, but certification by RJCFA as “correctional trainer” for any individual providing pre-service, in-service, or basic training for correctional staff (<i>W. Va. Code R. 95-1-5, 95-1-24, 95-2-5, 95-2-28, 95-3-23, and 95-3-36</i>)
Education or training	High school or GED; Instructor training; specific unit training	N/A	N/A	High school diploma or equivalent; Instructor training	N/A	None specified
Experience	Three years institutional corrections experience	N/A	N/A	Two years in position directly involved with specified types of offenders	N/A	None specified

Instructor of Corrections Training School						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Exam	No	N/A	N/A	None specified	N/A	None specified
Continuing education	12 hours every three years	N/A	N/A	None specified	N/A	None specified
Initial licensure fee	None specified	N/A	N/A	Not readily attainable	N/A	None specified
License duration	Three years	N/A	N/A	None specified	N/A	None specified
Renewal fee	None specified	N/A	N/A	None specified	N/A	None specified

Certification for special subject instructor of corrections training school

Survey responses (AGO)

Description
<p>OPOTC-approved persons who deliver corrections training in a corrections training academy.</p> <p>OAC 109:2-9-05</p>

Type (See R.C. 4798.01 for relevant definitions.)

Government certification

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

Number issued annually

2019: 29

Number renewed annually

2019: 44

Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?

No significant change

Education or training requirements

Same as unit instructor. OAC 109:2-9-05

Experience requirements

Same as unit instructor

Examination requirements (*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?*)

Same as unit instructor

If the regulation is a registration, certification, or license requirement, please complete the following:	
Continuing education requirements <i>(Including a description of the curriculum and the process of setting it.)</i>	Successfully complete over three years, minimum 8-hours of training in topics related to the commission-approved corrections curriculum. OAC 109:2-9-04((D)(2)(a))
Initial fee	No application fee
Duration	Certification valid for three years
Renewal fee <i>(If different from initial fee, please explain why.)</i>	Not applicable
Does the Board recognize uniform licensure requirements or allow for reciprocity?	No
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	No
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	No
Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?	Yes, same as unit instructor OAC 109:2-9-04(E)

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

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.

ORC 109.73 and OAC 109:2-9

**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?**

No fees assessed for application

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

Corrections occupation regulated under ORC 5120

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

Reduce untrained persons from teaching in OPOTC-approved corrections training academy

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

Reduces potential for harm.

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

Implement fees for administrative processing of required documentation under ORC 109.73.

Comparison to other states (*How many other states regulate the occupation? How do Ohio’s regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?*)

Not applicable

Surrounding state comparison (LSC)

Special Subject Instructor of Corrections Training School						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes – OPOTC certificate(<i>O.A.C. 109:2-9-05</i>)	No comparable position under statute or rule	No comparable position under statute or rule	Not required by statute or rule, but MSCTC has training policies (<i>Michigan Sheriffs’ Coordinating and</i>	No comparable position under statute or rule	Yes – this designation not used, but certification by RJCFA as “correctional trainer” for any

Special Subject Instructor of Corrections Training School						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
				<i>Training Council, Academy Trainer Requirements)</i>		individual providing pre-service, in-service, or basic training for correctional staff (<i>W. Va. Code R. 95-1-5, 95-1-24, 95-2-5, 95-2-28, 95-3-23, and 95-3-36</i>)
Education or training	High school or GED	N/A	N/A	High school diploma or equivalent; Instructor training	N/A	None specified
Experience	Three years combined subject experience and training	N/A	N/A	Two years in position directly involved with specified types of offenders	N/A	None specified
Exam	No	N/A	N/A	None specified	N/A	None specified
Continuing education	Eight hours every three years	N/A	N/A	None specified	N/A	None specified
Initial licensure fee	None specified	N/A	N/A	Not readily attainable	N/A	None specified

Special Subject Instructor of Corrections Training School						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License duration	Three years	N/A	N/A	None specified	N/A	None specified
Renewal fee	None specified	N/A	N/A	None specified	N/A	None specified

Certification for full-time corrections officer in 12-day jail facility
Survey responses (AGO)

Description
Program discontinued, no longer applicable. Working to update OAC.

Surrounding state comparison (LSC)

Full-time Corrections Officer in 12-day Jail Facility						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes – OPOTC certification (<i>R.C. 109.75; O.A.C. 109:2-11-02, 109:2-11-06, 109:2-11-10, and 5120:1-10-18</i>)	Yes – ILETB certification required for all jail officers (<i>Ind. Code Ann. 11-12-4-4</i>)	No comparable position under statute or rule	Yes – certification by MSCTC as local corrections officer in county jail, not local lock ups (<i>Mich. Comp. Laws 791.538, 791.541-791.543; Michigan Sheriffs' Coordinating and Training Council, Minimum Standards</i>)	No comparable position under statute or rule	Yes – does not have “12-day facility” category, but has category of facility that can hold person pending trial or after sentence, designated a “jail” RJCFA approval for correctional officers (<i>W.Va. Code R. 95-1-5 and 95-1-24</i>)
Education or training	Training in jail policies and procedures; Jailer basic training	Completion of 40-hour training program developed by ILETB	N/A	High school or equivalent; and 160-hour training or higher education graduate or military veteran with corrections experience	N/A	For all new correctional officers, at least 120 hours of RJCFA-approved orientation and training during first year of employment, with at least 40 of the hours completed prior to being independently

Full-time Corrections Officer in 12-day Jail Facility						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
						assigned to a particular post
Experience	No	No	N/A	No	N/A	None specified
Exam	No	None specified	N/A	Yes	N/A	None specified
Continuing education	Eight hours each year	None specified	N/A	20 hours annual in-service training	N/A	40 hours each year
Initial licensure fee	None specified	None specified	N/A	Not readily attainable	N/A	None specified
License duration	None specified	None specified	N/A	One year	N/A	None specified, but annual continuing education required
Renewal fee	None specified	None specified	N/A	None specified	N/A	None specified

Certification for jail administrator or supervisor in 12-day jail facility

Survey response (AGO)

Description
Program merged in corrections training.

Surrounding state comparison (LSC)

Jail Administrator or Supervisor in 12-day Facility						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes – OPOTC certification (<i>R.C. 109.75; O.A.C. 109:2-11-02, 109:2-11-06, 109:2-11-10, and 5120:1-10-18</i>)	No comparable position under statute or rule	No comparable position under statute or rule	Sheriff as administrator of jails – license granted upon appointment or election and MCOLES review of executed oath of office (<i>Mich. Comp. Laws 51.75 – Sheriff has charge and custody of jails in the county. Mich.</i>)	No comparable position under statute or rule	Yes – does not have “12-day facility” category, but has category of facility that can hold person pending trial or after sentence, designated a “jail” Approval (probably by RJCFA) for administrative and managerial

Jail Administrator or Supervisor in 12-day Facility						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
				<i>Comp. Laws 51.75, 28.609a, and 28.611; Mich. Admin. Code R. 28.14314, 28.14315, 28.14316, 28.14317, and 28.14512)</i>		staff (<i>W. Va. Code R. 95-1-5 and 95-1-24</i>)
Education or training	Training in jail policies and procedures and 40 hours of additional basic training	N/A	N/A	Basic training required	N/A	At least 40 hours of orientation if new to the facility
Experience	No	N/A	N/A	No	N/A	None specified
Exam	No	N/A	N/A	Yes	N/A	None specified
Continuing education	Eight hours every year	N/A	N/A	In-service training available but not required	N/A	For administrative and managerial staff, eight hours of management training per year
Initial licensure fee	None specified	N/A	N/A	Permitted by MCOLES but	N/A	None specified

Jail Administrator or Supervisor in 12-day Facility						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
				amount not readily attainable		
License duration	None specified	N/A	N/A	None specified, but presumed duration is termination of tenure	N/A	None specified, but annual continuing education required
Renewal fee	None specified	N/A	N/A	None specified	N/A	None specified

Certification for jail support staff in 12-day facility
Survey responses (AGO)

Description
Not applicable.

Surrounding state comparison (LSC)

Jail Support Staff in 12-day Facility						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes – OPOTC certification (<i>R.C. 109.75; O.A.C. 109:2-11-02, 109:2-11-06, 109:2-11-10, and 5120:1-10-18</i>)	No comparable position under statute or rule	No comparable position under statute or rule	No, but firearms training required, possibly other aspects of staffing according to facility policy or procedure (<i>Mich. Admin. Code R. 791.701 to 791.736</i>)	No comparable position under statute or rule	Yes – does not have “12-day facility” category, but has category of facility that can hold person pending trial or after sentence, designated a “jail” RJCFA approval for clerical/support employees (<i>W. Va. Code R. 95-1-5 and 95-1-24</i>)
Education or training	Policies and procedures training	N/A	N/A	Firearms, chemical agents training, possibly other aspects of staffing facility	N/A	For all new clerical/support employees, at least 40 hours of orientation and RJCFA-approved training during first year of employment, with 24 of those hours completed prior to being

Jail Support Staff in 12-day Facility						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
						independently assigned to a particular job
Experience	No	N/A	N/A	Not readily attainable	N/A	None specified
Exam	No	N/A	N/A	Not readily attainable	N/A	None specified
Continuing education	Two hours per year	N/A	N/A	Not readily attainable	N/A	Eight hours per year for clerical/support employees with minimal inmate contact, and 16 hours per year for clerical/support employees with regular daily inmate contact
Initial licensure fee	None specified	N/A	N/A	Not readily attainable	N/A	None specified
License duration	None specified	N/A	N/A	Not readily attainable	N/A	None specified, but annual continuing education required

Jail Support Staff in 12-day Facility						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Renewal fee	None specified	N/A	N/A	Not readily attainable	N/A	None specified

Certification for staff in 12-hour facility
Survey responses (AGO)

Description
Not applicable; Program discontinued, no longer applicable. Working to update OAC.

Surrounding state comparison (LSC)

Staff in 12-hour Jail Facility						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes – OPOTC certification (<i>O.A.C. 109:2-11-02, 109:2-11-06, 109:2-11-10, and 5120:1-12-18</i>)	No comparable position under statute or rule	No comparable position under statute or rule	Not required by statute or rule, but the MSCTC has training policies described below (<i>Michigan</i>)	No comparable position under statute or rule	Yes – does not have “12-hour facility” category, but has category of facility that can hold person

Staff in 12-hour Jail Facility						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
				<i>Sheriffs' Coordinating and Training Council, Academy Trainer Requirements)</i>		for not more than 72 hours, designated a "holding facility" Approval (probably by RJCFA) for clerical/support employees with minimal inmate contact, support employees with regular daily inmate contact, correctional officers, and administrative and managerial staff (<i>W. Va. Code R. 95-3-5 and 95-3-36</i>)
Education or training	Training in jail policies and procedures and 16 hours of first year training	N/A	N/A	Firearms, chemical agents training, possibly other aspects of staffing facility	N/A	Yes, for all categories listed above For new clerical/support employees with minimal inmate contact, at least

Staff in 12-hour Jail Facility

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
						<p>40 hours of orientation and approved training during first year of employment, with 24 of those hours being completed prior to being independently assigned to a particular job</p> <p>For new support employees with daily inmate contact, at least 40 hours during first year of employment, with 24 of those hours being completed prior to being independently assigned to a particular job</p> <p>For new correctional officer, at least 120 hours of approved orientation and</p>

Staff in 12-hour Jail Facility						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
						<p>training during first year of employment, with 40 of those hours being completed prior to being independently assigned to a particular post</p> <p>For administrative and managerial staff, at least 40 hours of orientation if new to the facility</p>
Experience	No	N/A	N/A	Not readily attainable	N/A	None specified
Exam	No	N/A	N/A	Not readily attainable	N/A	None specified
Continuing education	Two hours per year	N/A	N/A	Not readily attainable	N/A	<p>Yes, for all categories listed above</p> <p>Eight hours per year for no contact clerical/support employees, 16</p>

Staff in 12-hour Jail Facility

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
						hours per year for regular contact support employees, 40 hours per year for correctional officers, and eight hours of managerial training per year for administrative and managerial staff
Initial licensure fee	None specified	N/A	N/A	Not readily attainable	N/A	None specified
License duration	None specified	N/A	N/A	Not readily attainable	N/A	None specified, but annual continuing education required
Renewal fee	None specified	N/A	N/A	Not readily attainable	N/A	None specified

Certification for commander, director, or head of jailer training school

Survey responses (AGO)

Description	
Still applicable but phasing out. OAC 109:2-9-04	
Type <i>(See R.C. 4798.01 for relevant definitions.)</i>	
Government certification	
If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	2019: 5
Number renewed annually	Not tracked

If the regulation is a registration, certification, or license requirement, please complete the following:	
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	No significant change
Education or training requirements	HS grad or GED
Experience requirements	Identified in OAC 109:2-9-04
Examination requirements <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>	Not applicable
Continuing education requirements <i>(Including a description of the curriculum and the process of setting it.)</i>	Minimum 24-hours training relevant to conducting and overseeing a corrections training school. OAC 109:2-9-04(C)(1-3)
Initial fee	Not applicable
Duration	Certification valid for five years. OAC 109:2-9-04(C)
Renewal fee <i>(If different from initial fee, please explain why.)</i>	Not applicable

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

<p>Does the Board recognize uniform licensure requirements or allow for reciprocity?</p>	<p>No</p>
<p>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</p>	<p>No</p>
<p>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?</p>	<p>No</p>
<p>Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?</p>	<p>Yes, OAC 109:2-9-04 (D)</p>
<p>Other information <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i></p>	

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

ORC 109.73(A)(11) and OAC 109:2-9

**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?**

No fees assessed.

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

Unknown

What is the “harm” that the regulation seeks to prevent? (*See, R.C. 4798.02(B).*)

Prevent untrained persons from delivering instruction in program.

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

Yes

Are there any changes the Board would like to see implemented?

No

Comparison to other states *(How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)*

Unknown

Surrounding state comparison (LSC)

Commander, Director, or Head of Jailer Training School						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes – OPOTC certification (<i>O.A.C. 109:2-11-04</i>)	No comparable position under statute or rule	No comparable position under statute or rule	No comparable position under statute or rule	No comparable position under statute or rule	Yes – individual coordinating the training and staff development in jail or correctional facility, and person at supervisory level who plans, coordinates, and supervises training program for employees at jail facility of over 100 employees, must receive specialized training for that purpose (<i>W. Va. Code R. 95-1-5, 95-1-24, 95-2-5, and 95-2-28</i>)
Education or training	High school or GED, OPOTC commander conference, OPOTC instructor	N/A	N/A	N/A	N/A	See above

Commander, Director, or Head of Jailer Training School						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	training program, and OPOTC commander training program					
Experience	No	N/A	N/A	N/A	N/A	None specified
Exam	No	N/A	N/A	N/A	N/A	None specified
Continuing education	24 hours every five years	N/A	N/A	N/A	N/A	None specified
Initial licensure fee	None specified	N/A	N/A	N/A	N/A	None specified
License duration	Five years	N/A	N/A	N/A	N/A	None specified
Renewal fee	None specified	N/A	N/A	N/A	N/A	None specified

Certification for unit instructor of jailer training school

Survey responses (AGO)

Description	
Program discontinued, no longer applicable. Working to update OAC.	
Type <i>(See R.C. 4798.01 for relevant definitions.)</i>	
Government certification	
If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	0
Number renewed annually	0

If the regulation is a registration, certification, or license requirement, please complete the following:

Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?

No programs delivery since 2015

Surrounding state comparison (LSC)

Unit Instructor of Jailer Training School						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes – OPOTC certification (O.A.C. 109:2-11-05)	No comparable position under statute or rule	No comparable position under statute or rule	Not required by statute or rule, but the MSCTC has training policies described below (<i>Michigan Sheriffs' Coordinating and Training Council, Academy Trainer Requirements</i>)	No comparable position under statute or rule	Yes – does not have this category, but certification by RJCFA as “correctional trainer” for any individual providing pre-service, in-service, or basic training for correctional staff at jail or holding facility, and training for training personnel for correctional facility staff (<i>W. Va. Code R. 95-1-</i>

Unit Instructor of Jailer Training School						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
						<i>5, 95-1-24, 95-2-5, 95-2-28, 95-3-5, and 95-3-36)</i>
Education or training	High school or GED, unit training program, and instructor training program	N/A	N/A	High school or equivalent; Instructor training	N/A	None specified
Experience	Five years relevant full-time law enforcement experience or three years full-time corrections officer experience	N/A	N/A	Two years in position directly involved with specified types of offenders	N/A	None specified
Exam	No	N/A	N/A	None specified	N/A	None specified
Continuing education	Eight hours every three years	N/A	N/A	None specified	N/A	None specified
Initial licensure fee	None specified	N/A	N/A	Not readily attainable	N/A	None specified
License duration	Three years	N/A	N/A	None specified	N/A	None specified
Renewal fee	None specified	N/A	N/A	None specified	N/A	None specified

Certification for special subject instructor of jailer training school

Survey responses (AGO)

Description	
Program discontinued, no longer applicable. Working to update OAC.	
Type <i>(See R.C. 4798.01 for relevant definitions.)</i>	
Government certification	
If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	0
Number renewed annually	0

If the regulation is a registration, certification, or license requirement, please complete the following:

Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?

No delivery of program since 2015

Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.

ORC 109.73 and OAC 109:2-11

**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?**

No fees assessed

Are there any changes the Board would like to see implemented?

Update OAC to reflect discontinuation of program delivery.

Surrounding state comparison (LSC)

Special Subject Instructor of Jailer Training School						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes – OPOTC certification <i>(O.A.C. 109:2-11-05)</i>	No comparable position under statute or rule	No comparable position under statute or rule	Not required by statute or rule, but the MSCTC has training policies described below <i>(Michigan Sheriffs' Coordinating and Training Council, Academy Trainer Requirements)</i>	No comparable position under statute or rule	Yes – does not have this category, but certification by RJCFA as “correctional trainer” for any individual providing pre-service, in-service, or basic training for correctional staff at jail or holding facility, and training for training personnel for correctional

Special Subject Instructor of Jailer Training School

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
						facility staff (<i>W. Va. Code R. 95-1-5, 95-1-24, 95-2-5, 95-2-28, 95-3-5, and 95-3-36</i>)
Education or training	High school or GED	N/A	N/A	High school or equivalent; Instructor training	N/A	None specified
Experience	Three years of experience in subject area to be taught	N/A	N/A	Two years in position directly involved with specified types of offenders	N/A	None specified
Exam	No	N/A	N/A	None specified	N/A	None specified
Continuing education	Four hours every three years	N/A	N/A	None specified	N/A	None specified
Initial licensure fee	None specified	N/A	N/A	Not readily attainable	N/A	None specified
License duration	Three years	N/A	N/A	None specified	N/A	None specified
Renewal fee	None specified	N/A	N/A	None specified	N/A	None specified

Appointment as agent of a county humane society

Surrounding state comparison (LSC)

Agent of County Humane Society						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes – OPOTC certification (<i>R.C. 1717.06; O.A.C. 109:2-15-02</i>)	Yes – as police officer, humane officer must be certified by the ILETB (<i>Ind. Code Ann. 36-8-3-18 and 5-2-19; 250 Ind. Admin. Code 2-2-1, 2-2-4, 2-3-3, and 2-7-1</i>)	Yes – animal control officer (<i>Ky. Rev. Stat. Ann. 258.119; 302 Ky. Admin. Regs. 101:010; Kentucky Animal Control Advisory Board, Animal Control Officer Training Manual</i>)	Not required by statute or rule	None specified, but appointment required (<i>Pa. Cons. Stat. 3703, 3705, 3712, and 3713</i>)	No comparable position under statute or rule
Education or training	20 hours of humane agent basic training	High school and basic training	High school and basic training	None specified	80 hours minimum of instruction	N/A
Experience	No	No	No	None specified	None specified	N/A
Exam	No	Yes	No	None specified	Yes	N/A
Continuing education	None specified	24 hours per year required	24 hours every two years	None specified	16 hours every two years	N/A
Initial licensure fee	None specified	None specified	None specified	None specified	None specified	N/A

Agent of County Humane Society						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License duration	None specified	None specified	None specified	None specified	None specified	N/A
Renewal fee	None specified	None specified	None specified	None specified	None specified	N/A

Certification for a tactical medical professional to carry a firearm while on duty
Survey responses (AGO)

Description
Any tactical medical professional that carries a firearm while on duty is required to complete a basic firearms course. OAC 109:2-2-02
Type <i>(See R.C. 4798.01 for relevant definitions.)</i>
Government certification

If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	Not tracked
Number renewed annually	Not tracked
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	Not tracked
Education or training requirements	In addition to basic firearms course training, person required to complete a scenario training course approved by the executive director. OAC 109:2-2-02(C)
Experience requirements	Not applicable
Examination requirements (<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>)	Successful completion of both an approved basic firearms course and a scenario training course approved by the executive director.
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	Annual firearms requalification required. ORC 109.801
Initial fee	Not applicable
Duration	Annual firearms requalification required

If the regulation is a registration, certification, or license requirement, please complete the following:	
Renewal fee <i>(If different from initial fee, please explain why.)</i>	Not applicable
Does the Board recognize uniform licensure requirements or allow for reciprocity?	No
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	No
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	No
Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?	Yes. If person does not successfully complete required training no certificate of completion will be provided. OAC 109:2-2-03
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.

ORC 109.73 and OAC 109:2-2

**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?**

No fee assessed to commission.

Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?

Not applicable

What is the “harm” that the regulation seeks to prevent? (See, R.C. 4798.02(B).)

Prevent untrained persons from carrying firearm in the performance of duty.

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

Yes.

Are there any changes the Board would like to see implemented?

Assess fees for completion of training to commission to generate revenue under ORC 109.73(C)

Comparison to other states (How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)

Not applicable

Surrounding state comparison (LSC)

Tactical Medical Professional						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes – OPOTC certification (<i>R.C. 109.748, 109.75, and 109.771; O.A.C. 109:2-2-02 and 109-2-2-03</i>)	Agency supervising the tactical emergency medicine provider must be certified by the Indiana Medical Services Commission (<i>Ind. Code Ann. 16-31-3-25</i>)	No comparable position under statute or rule	Yes – license of medical first responder and medical first response service by Department of Public Health (DPH) (<i>Mich. Comp. Laws 333.20906, 333.20910, 333.20912, 333.20941, 333.20950, and 333.20954</i>)	No comparable position under statute or rule	No comparable position under statute or rule

Tactical Medical Professional						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Education or training	Basic firearms training course, scenario training if carrying a firearm while on duty, and additional training if carrying a rifle or carbine	Must be currently employed as an EMT, advanced EMT, or paramedic and have completed an accredited educational training program in tactical emergency medicine	N/A	Education program sponsors for medical first responders approved by DPH	N/A	N/A
Experience	No	No	N/A	No	N/A	N/A
Exam	No	No	N/A	Yes	N/A	N/A
Continuing education	None specified	None	N/A	Ongoing education requirements	N/A	N/A
Initial licensure fee	None specified	None specified	N/A	No fee required	N/A	N/A
License duration	None specified	None specified	N/A	Three years	N/A	N/A
Renewal fee	None specified	None specified	N/A	No fee for timely renewal, but \$50 for renewal after license expires	N/A	N/A

Basic firearms training

Surrounding state comparison (LSC)

Basic Firearms Training ⁹						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes – OPOTC certification (<i>R.C. 109.79, 109.801, and 2923.126; O.A.C. 109:2-13-01, 109:2-13-02, 109:2-13-03, 109:2-13-04, and 109:2-13-05</i>)	Certification required as part of basic training for law enforcement (<i>Ind. Code Ann. 5-2-1-9(g); 250 Ind. Admin. Code 2-2-1, 2-2-4; Indiana Law Enforcement Academy, Basic Training – Tier 1</i>)	Yes – marksmanship qualification for certified peace officers (<i>Ky. Rev. Stat. Ann. 15.383 and 237.140; 503 Ky. Admin. Regs. 1:180</i>)	Yes – certification by MCOLES of qualifying under the “active duty firearms standard” (no statute or rule was found for an occupation similar to Department of Youth Services employee authorized to carry a firearm) (<i>Mich. Comp. Laws 28.221 and 28.512; Mich.</i>	Yes (<i>53 Pa. Cons. Stat. 2164 and 2167; 37 Pa. Code 203.11 and 203.52</i>)	Yes – agency determines qualifications under standards set by LEPSS and rules Express mandates for approval or certification (by Commissioner of Corrections and Rehabilitation) to go armed for deputy sheriff reserves, corrections

⁹ For any peace officer, sheriff, chief of police of an organized police department of a municipal corporation or township, chief of police of a township police district or joint police district police force, Superintendent of the State Highway Patrol, State Highway Patrol trooper, chief of police of a university or college police department, parole or probation officer who carries a firearm in the course of official duties, multicounty, municipal-county, or multicounty-municipal correctional center corrections officer who carries a firearm in the course of official duties; House of Representatives Sergeant-at-Arms if the person has specified arrest authority, assistant House of Representatives Sergeant-at-Arms, Senate Sergeant-at-Arms, assistant Senate Sergeant-at-Arms, tactical medical professional, or employee of the Department of Youth Services designated pursuant to Ohio law as being authorized to carry a firearm while on duty.

Basic Firearms Training ⁹						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
				<i>Admin. Code R. 791.702, 18.14903, and 18.14906; Michigan Commission on Law Enforcement Standards, MCOLES Active Duty Firearms Standard: Mandatory Reporting)</i>		officers, parole officers, retired officers, and probation officers (<i>W. Va. Code R. 149-2-10, 6-3-1, 15A-3-10, 15A-7-5, 30-29-12, 62-12-6, and 7-14-1</i>)
Education or training	Basic training required	Basic training required	Basic training required	Basic training required	Training required and must achieve minimum qualifying score of 75%	Training with officer's primary duty weapon (generally, the officer's handgun); must be separated by a minimum period of three months; and must satisfy minimum passing score set by LEPSS Express mandates for deputy sheriff reserves, retired officers,

Basic Firearms Training⁹

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
						corrections officers, parole officers, and probation officers, under provisions described above
Experience	None specified	None specified	None specified	None specified	None specified	None specified
Exam	None specified	None specified	None specified	None specified	None specified	None specified
Continuing education	Yes – requalification every year	Two hours in-service training in firearms required every year	Yes – marksmanship qualification required every year	None specified	Yes – annual qualification on a police firearms course with any firearms, shotguns, or rifles authorized for use, including personal weapons carried in lieu of issued weapons or as a second weapon	Hours needed not specified, but minimum score set by LEPS must be satisfied Frequency of reporting – semi-annual, separated by at least three months Professional responsibility or ethics expressly required – no
Initial licensure fee	None specified	None specified	Possible fee of not more than \$20	Not readily attainable	None specified	Unclear if fee for licensee – but special \$12 court cost and bond

Basic Firearms Training ⁹						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
						<p>add-ons charged in criminal cases, money collected put in special state fund, and fund used for funding of law enforcement entry level training programs, professional development programs, and certification of law enforcement officers</p> <p>Retired officers may be charged a fee not to exceed \$25 for one category of officers or \$50 for another category</p>
License duration	One year	None specified	One year	One year	One year	Semiannual qualification required

Basic Firearms Training ⁹						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Renewal fee	None specified	None specified	Possible fee of not more than \$20	None specified	None specified	None specified

STATE BOARD OF EMERGENCY MEDICAL, FIRE, AND TRANSPORTATION SERVICES (DPS)

General information (DPS)

Duties

The Division of Emergency Medical Services (EMS), in conjunction with the State Board of Emergency Medical, Fire, and Transportation Services (EMFTS) and the Firefighter and Fire Safety Inspector Training Committee, is responsible for:

- Establishing training and certification standards for fire and emergency medical services personnel;
- Accreditation of EMS and chartering of fire training programs;
- Coordination of Trauma Committee and Ohio's trauma data collection system;
- EMS grant program administration, providing funding for training, equipment, and research;
- Emergency Medical Services for Children (EMSC) program coordination;
- Licensing of Ohio's medical transportation services;
- Coordination of the Regional Physician Advisory Boards;
- Collection and analysis of data submitted to the EMS Incident Reporting System and the Ohio Trauma Registry;
- Conducting administrative investigations involving possible violations of Ohio Revised Code Chapters 4765 and 4766; and
- Provide EMS support in the State of Ohio Emergency Operations Center (SEOC) during declared emergencies or natural disasters.

A physician active in the practice of emergency medicine and selected by the EMFTS Board serves as the state medical director, advising the division and the EMFTS Board with regard to adult and pediatric trauma, and emergency medical services issues.

Membership *(Current members, chairperson and other officers, and selection process.)*

Current Members

Seat #	Emergency Medical, Fire, and Transportation Services Board Members	Nominating Organization
#1 – ER Physician	Dr. Amy Raubenolt	Ohio Osteopathic Assoc. & Ohio Chapter of the American College of Emergency Physicians
#2 – Trauma Surgeon	Dr. Richard George	Ohio Chapter, American College of Surgeons
#3 – ER Pediatrician	Dr. Hamilton P. Schwartz	Ohio Chapter of the American Academy of Pediatrics
#4 – Hospital Administrator	Dr. Glen Tinkoff	Ohio Children’s Hospital Association
#5 – Trauma Program Manager	Stacey Martin	Ohio Society of Nurse Leaders
#6 – Paid Fire Chief	Dudley Wright II - Chair	Ohio Fire Chiefs Assoc.
#7 – Volunteer Fire Chief	George B. Snyder	Ohio Fire Chiefs Assoc.

Membership *(Current members, chairperson and other officers, and selection process.)*

#8 – EMS Instructor	Susan Kearns	Ohio EMS Instructor Coordinator Society
#9 – EMS Provider	Patrick Ferguson	Ohio Assoc.of Professional Firefighters
#10 – EMS Provider	Kevin Uhl	Ohio Assoc. of Professional Firefighters
#11 – EMS Provider	Mark Marchetta	Ohio State Firefighters Assoc.
#12 – EMS Provider	Mark Resanovich	Ohio State Firefighters Assoc.
#13 – EMS Provider	Karen Beavers	Ohio Assoc. of Emergency Medical Services
#14 – EMS Provider	Herb de la Porte	Ohio Ambulance and Medical Transportation Assoc.
#15 – EMS Provider	David DeVore	Ohio Ambulance and Medical Transportation Assoc.
#16 – Private EMS Service/Owner Operator	Kent Appelhans – Vice Chair	Ohio Ambulance and Medical Transportation Assoc.
#17 – Third Service EMS	Jeffery Jackson	Ohio EMS Chiefs Assoc.
#18 – Mobile Intensive Care Unit Provider	Ruda Jenkins	Ohio Assoc. of Critical Care Transport
#19 – Air-Medical EMS Provider	Thomas Allenstein	Ohio Assoc. of Critical Care Transport
#20 – Ambulette	Julie Rose	Ohio Ambulance and Medical Transportation Assoc.

Membership *(Current members, chairperson and other officers, and selection process.)*

#21 – Public Safety	Geoff Dutton	Appointed by the Director of Public Safety	
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The selection process for members of the State Board of Emergency Medical, Fire, and Transportation Services (herein after the Board) is set forth in R.C. 4765.02. The Board has rule making authority and issues discipline related to EMS matters authorized by law. The executive director of the Division of EMS, with advice and counsel of the Firefighter and Fire Safety Inspector Training Committee, has rule making authority and issues discipline related to fire service matters authorized by law. The membership of the Firefighter and Fire Safety Inspector Training Committee is set forth in R.C. 4765.04.

4765.02 State board of emergency medical, fire, and transportation services.

(A)

(1) There is hereby created the state board of emergency medical, fire, and transportation services within the division of emergency medical services of the department of public safety. The board shall consist of the members specified in this section who are residents of this state. The governor, with the advice and consent of the senate, shall appoint all members of the board, except the employee of the department of public safety designated by the director of public safety under this section to be a member of the board. In making the appointments, the governor shall appoint only members with background or experience in emergency medical services or trauma care and shall attempt to include members representing urban and rural areas, various geographical regions of the state, and various schools of training.

(2) One member of the board shall be a physician certified by the American board of emergency medicine or the American osteopathic board of emergency medicine who is active in the practice of emergency medicine and is actively involved with an emergency medical service organization. The governor shall appoint this member from among three persons nominated by the Ohio chapter of the American college of emergency physicians and three persons nominated by the Ohio osteopathic association. One member shall be a physician certified by the American board of surgery or the American osteopathic board of surgery who is active in the practice of trauma surgery and is actively involved with emergency medical services. The governor shall appoint this member from among three persons nominated by the Ohio chapter of the American college of surgeons and three persons nominated by the Ohio osteopathic association. One member shall be a physician certified by the American academy of pediatrics or American osteopathic board of pediatrics who is active in the practice of pediatric emergency medicine and actively involved with an emergency medical service organization. The governor shall appoint this member from among three persons nominated by the Ohio chapter of the American academy of pediatrics and three persons nominated by the Ohio osteopathic association. One member shall be the administrator of a hospital located in this state. The governor shall appoint this member from among three persons nominated by OHA: the association for hospitals and health systems, three persons nominated by the Ohio osteopathic association, and three persons nominated by the association of Ohio children's hospitals. One member shall be an adult or pediatric trauma program manager or

Membership (*Current members, chairperson and other officers, and selection process.*)

trauma program director who is involved in the daily management of a verified trauma center. The governor shall appoint this member from among three persons nominated by the Ohio nurses association, three persons nominated by the Ohio society of trauma nurse leaders, and three persons nominated by the Ohio state council of the emergency nurses association. One member shall be the chief of a fire department that is also an emergency medical service organization in which more than fifty per cent of the persons who provide emergency medical services are full-time paid employees. The governor shall appoint this member from among three persons nominated by the Ohio fire chiefs' association. One member shall be the chief of a fire department that is also an emergency medical service organization in which more than fifty per cent of the persons who provide emergency medical services are volunteers. The governor shall appoint this member from among three persons nominated by the Ohio fire chiefs' association. One member shall be a person who is certified to teach under section 4765.23 of the Revised Code and holds a valid certificate to practice as an EMT, AEMT, or paramedic. The governor shall appoint this member from among three persons nominated by the Ohio emergency medical technician instructors association and the Ohio instructor/coordinators' society. One member shall be an EMT, AEMT, or paramedic, and one member shall be a paramedic. The governor shall appoint these members from among three EMTs or AEMTs and three paramedics nominated by the Ohio association of professional fire fighters and three EMTs, three AEMTs, and three paramedics nominated by the northern Ohio fire fighters. One member shall be an EMT, AEMT, or paramedic, and one member shall be a paramedic. The governor shall appoint these members from among three EMTs or AEMTs and three paramedics nominated by the Ohio state fire fighter's association. One member shall be a person whom the governor shall appoint from among an EMT, AEMT, or a paramedic nominated by the Ohio association of emergency medical services or the Ohio ambulance and medical transportation association. One member shall be an EMT, AEMT, or a paramedic, whom the governor shall appoint from among three persons nominated by the Ohio ambulance and medical transportation association. One member shall be a paramedic, whom the governor shall appoint from among three persons nominated by the Ohio ambulance and medical transportation association. One member shall be the owner or operator of a private emergency medical service organization whom the governor shall appoint from among three persons nominated by the Ohio ambulance and medical transportation association. One member shall be a member of a third-service emergency medical service agency or organization whom the governor shall appoint from among three persons nominated by the Ohio EMS chiefs association. One member shall be a provider of mobile intensive care unit transportation in this state whom the governor shall appoint from among three persons nominated by the Ohio association of critical care transport. One member shall be a provider of air-medical transportation in this state whom the governor shall appoint from among three persons nominated by the Ohio association of critical care transport. One member shall be the owner or operator of a nonemergency medical service organization in this state that provides ambulette services whom the governor shall appoint from among three persons nominated by the Ohio ambulance and medical transportation association.

The governor may refuse to appoint any of the persons nominated by one or more organizations under division (A)(2) of this section, except the employee of the department of public safety designated by the director of public safety under this section to be a member of the board. In

Membership *(Current members, chairperson and other officers, and selection process.)*

that event, the organization or organizations shall continue to nominate the required number of persons until the governor appoints to the board one or more of the persons nominated by the organization or organizations.

The director of public safety shall designate an employee of the department of public safety to serve as a member of the board at the director's pleasure. This member shall serve as a liaison between the department and the division of emergency medical services in cooperation with the executive director of the board.

(B) Terms of office of all members appointed by the governor shall be for three years, each term ending on the same day of the same month as did the term it succeeds. Each member shall hold office from the date of appointment until the end of the term for which the member was appointed. A member shall continue in office subsequent to the expiration date of the member's term until the member's successor takes office, or until a period of sixty days has elapsed, whichever occurs first.

Each vacancy shall be filled in the same manner as the original appointment. A member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of the unexpired term.

The term of a member shall expire if the member ceases to meet any of the requirements to be appointed as that member. The governor may remove any member from office for neglect of duty, malfeasance, misfeasance, or nonfeasance, after an adjudication hearing held in accordance with Chapter 119. of the Revised Code.

(C) The members of the board shall serve without compensation but shall be reimbursed for their actual and necessary expenses incurred in carrying out their duties as board members.

(D) The board shall organize by annually selecting a chair and vice-chair from among its members. The board may adopt bylaws to regulate its affairs. A majority of all members of the board shall constitute a quorum. No action shall be taken without the concurrence of a majority of all members of the board. The board shall meet at least four times annually and at the call of the chair. The chair shall call a meeting on the request of the executive director or the medical director of the board or on the written request of five members. The board shall maintain written or electronic records of its meetings.

(E) Upon twenty-four hours' notice from a member of the board, the member's employer shall release the member from the member's employment duties to attend meetings of the full board. Nothing in this division requires the employer of a member of the board to compensate the member for time the member is released from employment duties under this paragraph, but any civil immunity, workers' compensation,

Membership *(Current members, chairperson and other officers, and selection process.)*

disability, or similar coverage that applies to a member of the board as a result of the member's employment shall continue to apply while the member is released from employment duties under this paragraph.

4765.04 Firefighter and fire safety inspector training committee - trauma committee - other committees and subcommittees.

(A) The fire fighter and fire safety inspector training committee of the state board of emergency medical, fire, and transportation services is hereby created and shall consist of the members of the board who are chiefs of fire departments, and the members of the board who are emergency medical technicians-basic, emergency medical technicians-intermediate, and emergency medical technicians-paramedic appointed from among persons nominated by the Ohio association of professional fire fighters or the northern Ohio fire fighters and from among persons nominated by the Ohio state fire fighter's association. Each member of the committee, except the chairperson, may designate a person with fire experience to serve in that member's place. The members of the committee or their designees shall select a chairperson from among the members or their designees.

The committee may conduct investigations in the course of discharging its duties under this chapter. In the course of an investigation, the committee may issue subpoenas. If a person subpoenaed fails to comply with the subpoena, the committee may authorize its chairperson to apply to the court of common pleas in the county where the person to be subpoenaed resides for an order compelling compliance in the same manner as compliance with a subpoena issued by the court is compelled.

Budget *(Current budget, description of budgeting process, sources of funding, and expected increases or decreases in budget or funding in future years.)*

The State Board of Emergency Medical, Fire, and Transportation Services does not have its own independent budget, but rather is a part of the Department of Public Safety's (DPS) Emergency Medical Services (EMS) division budget. The EMS FY 2021 operating budget appropriation is \$5,020,843 for operating expenses and \$2,900,000 in appropriation for state funded grants, as was approved through the normal budget process as part of Ohio's Transportation bill.

Revenue to support appropriations comes from fines for noncompliance with the mandatory seat belt law (subject to certain exceptions, fine is \$30 for an operator and \$20 for a passenger); 5% of fines and forfeited bail bonds related to Ohio State Highway Patrol apprehensions and

Budget *(Current budget, description of budgeting process, sources of funding, and expected increases or decreases in budget or funding in future years.)*

arrests; \$20 of the \$475 fee collected for the reinstatement of a driver's license that was suspended for operating a motor vehicle under the influence of alcohol or other drugs; and licensing fees for medical transportation providers (from ORC 4513.263).

Funding for future years is expected to remain relatively flat with cost of living growth as long as revenue collections are sufficient to support approved appropriations.

Workload *(Assess current, past, and anticipated workload. Has the workload increased or decreased significantly in the preceding six years?)*

Since CY2015, the workload on the Division of EMS has increased with changes in national EMS education and certification standards, as well as fire education and certification standards as outlined in the NFPA and Ohio Fire Code standards. Demand for EMS and fire certifications increased, primarily as a result of legislation passed in 2007 requiring continuing education and renewal of fire fighter certifications every three years. Additional fire certifications were added in 2016 at the request of our stakeholders in order to improve safety and meet increased demands for building inspections. Until the COVID-19 pandemic and state of emergency early in CY2020, the Division of EMS worked to absorb these increased demands and workload with its current staffing allocation. However, transfers and retirements have created a total of nine (9) vacant positions within the Division of EMS, representing 23.7% of our total positions which are currently frozen in accordance with the Governor's state of emergency and hiring freeze. The net result is a workload which has increased and currently exceeds our staff's ability to meet all demands within expected deadlines.

Staffing (*How many staff are currently employed by the board? What are their roles? Are staffing levels proportionate to the board's current and anticipated workload?*)

The Division of EMS currently employs a total of 29 personnel out of a maximum staffing for 38 positions. The Division of EMS positions are allocated and balanced to meet the core business functions of the EMFTS Board when fully staffed. However, it has become increasingly difficult to meet the workload demands throughout CY 2020 due to the COVID-19 pandemic and 23.7% of our positions remaining vacant and frozen in accordance with the Governor's orders in this declared state of emergency.

There are seven sections within the Division of EMS, which has approval for 38 staff positions of which 29 are currently filled (23.7% vacancy). Their roles, functions, and staffing are as follows:

1. **Certifications:** 2 vacant (28.6%) of 7 total positions. These positions are vital to review of applications for initial, reciprocity, and renewal EMS and fire certificates to practice legally in Ohio. The Certification Section works with schools and applicants on problems related to submission of applications and researches/gathers facts related to possible ORC or OAC violations for the Certification Coordinator. This section also serves as the primary contact for military personnel recently released from active duty seeking to regain expired EMS or fire certifications or requesting an exemption for continuing education requirements for renewal of certificates due to current active duty status.
2. **Education:** 1 vacant (11.1%) of 9 total positions. These positions are vital to approval and renewal of 95 EMS accredited programs, 38 accredited paramedic programs, 62 fire charters, and 559 continuing education training centers. They support all EMS, fire and continuing education instructors and program directors; coordinate test administration activities with all approved test proctors for over 1800 scheduled examination events involving over 5100 test candidates in CY 2019; review of all requests for testing accommodations and coordinate compliance with all approved requests in accordance with the Americans with Disabilities Act of 1990 as amended with ODPS legal; and review random audit materials for individual EMS and fire certification renewals.
3. **Medical Transportation Licensing Services:** 3 total positions fully staffed. The Medical Transportation Licensing Services Section is responsible for the licensing of Ohio's medical transportation services (air medical, ambulance, Mobile Intensive Care Units, and ambulances), and in accordance with Chapter 119 of the Ohio Revised Code, has adopted rules regulating medical transportation services and vehicles. All Ohio medical transportation services are required to be licensed unless exempted from licensure as set forth in section 4766.09 of the Ohio Revised Code. Rules outlining enforcement actions for these services, including licensing and inspection processes, are carried out by the Division of EMS.
4. **Grants and EMS for Children:** 1 vacant (33.3%) of 3 total positions. The purpose of the EMS Grants Program is to improve and enhance EMS and trauma patient care in Ohio through the provision of grant funding for equipment, training, and research. The funding source for the grant program is fines levied in the State of Ohio for seat belt violations. The EMS grant award year begins on July 1 and runs through June 30. There are five types of grants (Priorities 1 - 5) available. The amount awarded for each priority is determined by the State Board of Emergency Medical, Fire, and Transportation Services and by the amount of funds available during the award year. Section 4765.07

Staffing (How many staff are currently employed by the board? What are their roles? Are staffing levels proportionate to the board's current and anticipated workload?)

of the Ohio Revised Code defines the priority distribution of the available funds for the grant program. Grant applications are available by February 1st and are due April 1st by 5:00 PM each year. Priority 1 grant applications are submitted online, whereas Priorities 2 - 5 must utilize paper applications. Grant awards are approved at the June meeting of the State Board of Emergency Medical, Fire, and Transportation Services. Award letters to successful applicants are mailed to recipients at the end of June. Grant recipients must meet all Ohio Administrative Code requirements to be eligible to receive funds from this program. Over \$2 million in EMS grant funds are awarded throughout the state each year, of which many EMS and fire departments rely on these funds to help keep their agency operational, especially in rural and underserved areas of the state. The EMS for Children Program is a federally funded program focused on reduction of child and youth disability and death due to severe illness and injury. Ohio EMSC, housed within the Division of EMS, incorporates pediatric issues into all aspects of the EMS system and administers the national programs and agenda for all Ohio stakeholders. The Ohio EMS for Children committee works to improve pediatric out-of-hospital medical direction, pediatric training and equipment for out-of-hospital care providers, and pediatric care in all emergency departments.

5. **Investigative Services:** 1 vacant (14.3%) of 7 total positions. The Office of Investigative Services is responsible for conducting all administrative investigations involving possible violations of Ohio Revised Code Chapter 4765, and the rules promulgated thereunder, pertaining to EMS providers, fire fighters, fire safety inspectors, EMS and fire instructors, EMS accredited and approved training institutions, and chartered fire training institutions. Additionally, the Office of Investigative Services is responsible for investigating possible violations of Ohio Revised Code Chapter 4766, and the rules promulgated thereunder, pertaining to the licensing of medical transportation organizations, ambulettes, ambulances, and air medical service organizations. After an investigation is complete, the Office of Investigative Services is responsible for presenting all case investigations to the State Board of Emergency Medical, Fire and Transportation Services and the Executive Director for disposition and adjudication, as well as for ensuring compliance with all adjudication orders and consent agreements issued by the Board or Executive Director.

6. **Data and Analysis:** 2 vacant (50%) of 4 total positions. The data analysis team is integral for the support and administration of the EMS Incident Response System (EMSIRS) and the Ohio Trauma Registry system set forth in law; the data submission, analysis, and research needs of DEMS; the Ohio Trauma Committee, its subcommittees and workgroups; all Ohio EMS agencies reporting to EMSIRS (over 1000 currently) and Ohio hospital facilities providing trauma care; out-of-hospital care data submissions to the National EMS Information System (NEMSIS); submission of naloxone administration data from EMSIRS that is regularly used as part of the statewide opioid surveillance data which also supports ongoing state, regional, and national research; and other research requests as approved by the EMFTS Board.

7. **Administration:** 2 vacant (40%) of 5 total positions. These personnel are integral to the overall operations of the Division of EMS and coordination between ODPS, the EMFTS Board and its various committees, and all stakeholder groups. The Executive Director serves as the administrator of the Division of EMS and as the Chief Executive Officer of the EMFTS Board, overseeing various efforts related to the Board's five year strategic plan. The Executive Director and the Chief of the Medical Transportation Licensing System continue to represent EMS in

Staffing *(How many staff are currently employed by the board? What are their roles? Are staffing levels proportionate to the board's current and anticipated workload?)*

the State Emergency Operations Center (EOC) throughout the COVID-19 pandemic. The Deputy Director serves in a fiduciary capacity as the Assistant Director of EMS and also supports the Trauma Committee and the State EOC. Two administrative professionals support all activities of DEMS administration and the EMFTS Board. Carol A. Cunningham, MD, FAAEM, FAEMS, was appointed State Medical Director for ODPS DEMS in July 2004 and continues to serve in that contracted position since. She is a board-certified emergency physician at Cleveland Clinic Akron General Medical Center and an associate professor of emergency medicine at Northeast Ohio Medical University. She is the co-principal investigator for the National Association of State EMS Officials (NASEMSO) National Model EMS Clinical Guidelines project and serves on the Ohio Medical Coordination Plan Committee and Pediatric Disaster Coalition. She served as the EMS Medical Director representative on the National EMS Advisory Council (NEMSAC) for 5 years following her membership on the NEMSAC's Education and Workforce Committee.

Administrative hearings and public complaints *(Describe the Board's processes for administering discipline and addressing complaints. Assess the efficiency of the processes.)*

All complaints received by the Board are investigated by the Division of EMS-Office of Investigative Services. Investigative Services is responsible for investigating alleged violations of Ohio Revised Code 4765 and the rules promulgated thereunder and Ohio Revised Code 4766 and the rules promulgated thereunder. Case investigations are taken through a review team mentioned below and to the Board for adjudication. Case investigations are confidential; however, upon completion of the investigation and any resulting adjudication proceedings, the information is a matter of public record for purposes of section 149.43 of the Revised Code.

Discipline is administered either through consent agreements or through the 119 hearing process. Consent agreement discipline is negotiated mutually between the case subject and the Board's staff (Division of EMS). A consent agreement is pursued after the case is reviewed by a team consisting of two Board members, the Executive Director of the Division of EMS, and a staff attorney. Once approved, a consent agreement is drafted and sent to the subject for their review and signature. The case and consent agreement are then submitted to the Board for their review and approval. Once approved, the subject's disciplinary stipulations are active and must be completed as prescribed in the consent agreement.

For the 119 hearing process, the case is presented again to the aforementioned team. If they agree a Notice of Opportunity for Hearing (hereinafter "NOH") should be issued, the case goes to the Board for approval. Once approved, an NOH is issued to the subject of the investigation. The NOH details the facts at issue in the case and what rule(s)/statute(s) were violated. If the subject requests a hearing, then a hearing is held before a hearing examiner. Upon completion of the hearing, the hearing examiner drafts a "Report & Recommendation" (hereinafter "R&R"). The R&R is sent to the subject for objections/comments within a prescribed timeframe. If there are no service issues

Administrative hearings and public complaints *(Describe the Board's processes for administering discipline and addressing complaints. Assess the efficiency of the processes.)*

with the R&R and the timeframe has lapsed, the case is presented to the Board for a ruling. The subject of the case is permitted to address the Board when his/her case is presented. *NOTE: Should an NOH be issued and a hearing is not requested, the case is presented directly to the Board for a ruling in accordance with Ohio Revised Code 119 and Goldman v. Ohio State Medical Board.*

Discipline issued through the 119 hearing process is documented via adjudication order.

First responder (EMR) certification

Survey responses (DPS)

Description

EMS provider means a holder of a certificate to practice at any level issued pursuant to section 4765.30 of the Ohio Revised Code, including emergency medical responder (EMR), emergency medical technician (EMT), advanced emergency medical technician (AEMT), and paramedic.

Emergency Medical Responders provide immediate lifesaving care to critical patients who access the emergency medical services system. EMRs have the knowledge and skills necessary to provide immediate lifesaving interventions while awaiting additional EMS resources to arrive. EMRs also provide assistance to higher-level personnel at the scene of emergencies and during transport. Emergency Medical Responders are a vital part of the comprehensive EMS response. Under medical oversight, Emergency Medical Responders perform basic interventions with minimal equipment.

Type (See R.C. 4798.01 for relevant definitions.)

License

If the regulation is a registration, certification, or license requirement, please complete the following:

Number issued annually

An average of 170 initial EMR certificates were issued annually from FY 2017 through FY 2020. This includes an average of one certification issued annually by reciprocity from another state or the military.

Number renewed annually

An average of 586 EMR certificates were renewed annually from FY 2017 through FY 2019. This includes an average of 3 certificates annually that lapsed but were reactivated through the reinstatement process. It should be noted that EMR certificates expiring from 3/9/20 through 6/30/20 were provided an automatic extension to renew until 12/1/20 (HB 197). The total number of renewals for FY 2020 as of 6/30/20 was 532 but does not reflect EMRs who may still renew prior to the end of the extension period.

Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?

Total Active Certifications:

FY17 2,211
FY18 2,139
FY19 2,097
FY20 2,042*

The number of active EMR certifications decreased by 5.1% from FY 2017 to the end of FY 2019.

If the regulation is a registration, certification, or license requirement, please complete the following:

*Does not include certificates expiring from 3/9/20 through 6/30/20 that received an automatic extension (HB 197) to 12/1/2020 to file for renewal.

Education or training requirements

EMR courses are offered through 70 institutions accredited by the Board to provide EMR training for certification and are conducted in accordance with R.C. 4765.16 and A.C. 4765-12-05. The EMR training program shall be conducted in accordance with the "National EMS Education Standards" approved by the National Highway Traffic Safety Administration (NHTSA) Office of EMS, the "Ohio Approved EMS Curriculum Standards" approved by the Board, and the scope of practice set forth in rule A.C. 4765-12-04. The EMR training program consists of a minimum of forty-eight hours classroom and laboratory instruction to include all of the following:

Preparatory to include: body substance isolation precaution/ administration; anatomy and physiology; medical terminology; physiology; life span development; public health; pharmacology.

Airway management, respiration, and artificial ventilation, to include: bag valve mask; ventilation with flow restricted oxygen powered device; pulse oximeter capnography or capnometry equipment application and reading.

Patient assessment

Medicine, to include: auto-injector epinephrine administration; Naloxone administration via auto-injector or intranasal route; oxygen administration; shock and resuscitation.

Trauma, to include: application of spinal immobilization devices; application of splints and management of suspected fractures; trauma triage determination pursuant to rule 4765-14-02 of the Administrative Code.

Special patient populations

EMS operations.

An accredited institution offering an EMR training program must provide for regular written and practical evaluations of student performance and achievement throughout the course of the

If the regulation is a registration, certification, or license requirement, please complete the following:

	<p>program. Evaluations must include a comprehensive written examination and an examination of practical skills, prior to issuance of a certificate of completion.</p> <p>An accredited institution may grant a maximum of four hours of credit towards the forty-eight hour EMR training program requirements if the student provides current, valid documentation of successful completion of a health care provider or professional rescuer CPR course provided through the American Red Cross, American Heart Association or the American Safety and Health institution.</p>
<p>Experience requirements</p>	<p>None required.</p>
<p>Examination requirements (<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>The initial certification examination consists of cognitive and psychomotor testing. The cognitive examination is administered by the National Registry of EMTs (NREMT) through Pearson VUE testing centers at a cost of \$75.00 per exam attempt. This fee covers the cost of ongoing exam development and validation of the NREMT and exam administration fees. The Board does not receive any proceeds of the fees. The NREMT was selected as the certification examination by the Board following a thorough review of all available exam providers. The NREMT is the only national EMS certification recognized by the National Association of State EMS Officials and the EMS Agenda for the Future and the only national EMS certification for entry-level providers accredited by the institute for Credentialing Excellence's (ICE) National Commission for Certifying Agencies (NCCA).</p> <p>The psychomotor examination and the minimum passing criteria is established by the Board and is administered by the accredited institution in accordance with criteria developed by the Board. The cost of the examination is generally incorporated into the course fee.</p> <p>The passing score for the cognitive portion of the examination is determined by the NREMT.</p> <p>The course of instruction remains valid for two years from course completion and the cognitive and psychomotor exam results remain valid for one year from date of successful completion.</p>

If the regulation is a registration, certification, or license requirement, please complete the following:

Continuing education requirements
(Including a description of the curriculum and the process of setting it.)

During each three year certification cycle, an EMR has four options to meeting the continuing education requirements for renewal:

1. Completion of fifteen hours of continuing education (CE) to include a minimum of one hour devoted to each of the following topics: patient assessment; cardiopulmonary resuscitation; airway management and oxygen administration; automated defibrillation; illness and injury management; trauma issues; anaphylaxis and patient-assisted auto-injector epinephrine administration;
2. Completion of the 15 hour Ohio EMR refresher program;
3. Current registration with the NREMT at the EMR or equivalent level;
4. Obtain a passing score on the NREMT EMR Assessment exam to demonstrate competence to have a certificate to practice as an EMR renewed without completing an EMS continuing education program. The exam may only be taken during the last six months of an EMR's current certification period or during a Board approved extension and must be successfully completed within three attempts.

Sources and criteria for acceptable continuing education for renewal of an EMS certificate to practice are set forth in rule (A.C. 4765-19-01) and provides for in-person as well as online training options. CE may be obtained through any of Ohio's 578 approved continuing education sites and 92 accredited sites, as well as continuing medical education approved by other medical boards, national EMS organizations, EMS licensing agencies in another state, medical training received in the military, and course offering that have been approved by the Commission on Accreditation for Prehospital Continuing Education (CAPCE), the national accrediting body for EMS continuing education courses and providers.

The requirements for continuing education were established through an iterative process of stakeholders including medical directors, educators, employers, and field providers to ensure providers remain current with medical standards of care for medical and trauma patients of all age groups to include patients with special needs.

If the regulation is a registration, certification, or license requirement, please complete the following:	
Initial fee	Although the EMFTS Board has the authority to establish a fee, no certification fee is currently charged to candidates completing training through an Ohio-accredited program. Candidates for certification by reciprocity pay an application fee of \$75.00.
Duration	<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>
Renewal fee <i>(If different from initial fee, please explain why.)</i>	Although the EMFTS Board has the authority to establish a renewal fee, no fee is currently charged. However, if the certification lapses, a reinstatement fee of \$75.00 is charged on re-application.
Does the Board recognize uniform licensure requirements or allow for reciprocity?	For purposes of granting reciprocity, the State Board of Emergency Medical, Fire, and Transportation Services may review EMS license or certification requirements in other states, the district of Columbia, or the U.S. military to identify those that are substantially similar to the curriculum and certification standards set forth in Chapter 4765.01 of the Ohio Revised Code and Chapters 4765-1 to 4765-19 of the Ohio Administrative Code.
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	The National Registry Emergency Medical Responder certification is similar. However, it may not cover all of the Ohio scope of practice and renewal requirements. The National Registry of EMTs issues EMR certifications on a two year certification cycle which could not be extended to match the three year certification cycle for Ohio EMS and fire certifications as they all expire simultaneously on the licensee's birthday.
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	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?

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.

Other information (*Significant attributes or prerequisites to licensure not addressed in this chart.*)

The Ohio scope of practice for an EMR exceeds the National Education Standards for the EMR. EMR is not recognized as a level of licensure in some states and the minimum age and certification requirements vary in states that do issue licensure at the EMR level. The standards for educational facilities and instructors also varies from state to state.

Oversight and disciplinary authority of the Board 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 Board to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?

Although the EMFTS Board is authorized to establish an application fee for initial and renewal certifications, no application fee has been established for Ohio trained and certified personnel. The \$75.00 fee charged to applicants certified through reciprocity and 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 Emergency Medical Responders is designed to protect the public from any emergency care delivered by unqualified practitioners, which could present serious and immediate risk to public health and safety, including death. It is fair to assume that a large proportion of the public who suddenly need the assistance of Emergency Medical Responders do not possess the knowledge or technical expertise needed to properly evaluate the qualifications of those who arrive to provide emergency care. Often times these patients are incapacitated or completely unresponsive to the point that implied consent for care authorizes emergency treatment by these personnel.

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 the National EMS Education Standards and Ohio scope of practice regulations, and issuance of Ohio Emergency Medical Responder licensure following successful completion of the National EMS Certification process is an effective means of ensuring appropriate licensure of practitioners who have been measured and demonstrated the ability to provide safe and effective care at the entry level of competency for the profession.

Are there any changes the Board 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 these 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.

R.C. 4765.30 requires an individual seeking EMR certification to be a volunteer for a nonprofit EMS organization or a nonprofit fire department unless the individual receives a waiver from the EMFTS Board. The Board is seeking to remove this requirement.

R.C. 4765.35 currently limits the EMR to providing care until the arrival of an EMT, AEMT, or Paramedic and authorizes the Board to expand the scope of practice through the rule-making process. The Board would like to revise this section of law to allow the Board to establish the scope of practice, in accordance with current medical standards of care, through the rule-making process.

Comparison to other states *(How many other states regulate the occupation? How do Ohio's regulations compare to those other states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)*

Currently, 26 states require National EMS certification as the basis for issuance of Emergency Medical Responder licensure. Of those states contiguous to Ohio, all but Indiana regulate the Emergency Medical Responder certification. Ohio's regulations for Emergency Medical Responders are slightly more restrictive than most other states as the Ohio Emergency Medical Responder scope of practice has been expanded beyond the National EMS Education Standards and also includes a minimum age of 18. Additionally, as a home rule state, each agency's approved EMS medical director authorizes approved protocols outlining practice for his/her personnel in accordance with the Ohio scope of practice for Emergency Medical Responders.

Surrounding state comparison (LSC)

First Responder (Emergency Medical Responder – EMR) Certification						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (<i>R.C. 4765.30 and 4765.50</i>)	Yes (<i>Ind. Code Ann. 16-31-3-2</i>)	Yes (<i>Ky. Rev. Stat. Ann. 311A.025; 202 Ky. Admin. Regs. 7:201</i>)	Yes (<i>Mich. Comp. Laws 333.20950(1)</i>)	Yes (<i>35 Pa. Cons. Stat. 8113(a)</i>)	Yes (<i>W. Va. Code Ann. 16-4C-6; W. Va. Code R. 64-48-6</i>)
Education or training	48 hours minimum (<i>R.C. 4765.11, 4765.16, and 4765.30; O.A.C. 4765-8-01 and 4765-12-05</i>)	50.5 hours minimum (<i>836 Ind. Admin. Code 4-3-1; Indiana Department of Homeland Security, Emergency Medical Services, Levels of EMS Personnel Certification</i>)	40 hours minimum (<i>202 Ky. Admin. Regs. 7:201; Kentucky Board of Emergency Medical Services, Emergency Medical Responders (EMR)</i>)	Yes, number of hours not specified (<i>Mich. Comp. Laws 333.20950(2)(b)</i>)	48 to 52 hours (<i>35 Pa. Cons. Stat. 8114(b); Pennsylvania Department of Health, Emergency Medical Services, Frequently Asked Questions</i>)	Yes, number of hours not specified (<i>W. Va. Code R. 64-48-6</i>)
Experience	None	None	None	None	None	None
Exam	Yes (<i>R.C. 4765.11 and 4765.29; O.A.C 4765-8-01 and 4765-12-05</i>)	Yes (<i>836 Ind. Admin. Code 4-3-1</i>)	Yes (<i>202 Ky. Admin. Regs. 7:201</i>)	Yes (<i>Mich. Comp. Laws 333.20950 (2)(c)(i)</i>)	Yes (<i>35 Pa. Cons. Stat. 8114(b)</i>)	Yes (<i>W. Va. Code R. 64-48-6 and 64-48-6.3.h</i>)
Continuing education	15 hours every three years (<i>R.C. 4765.11, 4765.16, and 4765.31; O.A.C. 4765-8-06,</i>)	20 hours every two years (<i>836 Ind. Admin. Code 4-3-2</i>)	Either 17 hours every two years or current registration by the National Registry	15 hours every three years (<i>Mich. Comp. Laws 333.20954; Mich.</i>)	16 credits and a CPR course every two years (<i>28 Pa. Code 1023.31(b)</i>)	16 hours every four years (<i>W. Va. Code R. 64-48-6 and 64-48-6.4.g</i>)

First Responder (Emergency Medical Responder – EMR) Certification

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<i>4765-12-03, and 4765-12-05)</i>		of Emergency Medical Technicians (NREMT) (202 Ky. Admin. Regs. 7:201)	<i>Admin. Code R. 325.22321)</i>		
Initial licensure fee	None, but the Board may charge a fee for applications to recertify to practice or for applications for reciprocity (O.A.C. 4765-8-16)	None	\$15 (202 Ky. Admin. Regs. 7:030)	None (Mich. Comp. Laws 333.20950(6)(a))	None	\$75 (W. Va. Code R. 64-48-6 and 64-48-6.8.a)
License duration	Three years (R.C. 4765.11; O.A.C. 4765-8-06)	Two years (836 Ind. Admin. Code 4-3-2)	Two years (Ky. Rev. Stat. Ann. 311A.095)	Three years (Mich. Comp. Laws 333.20950(5))	Three years (35 Pa. Cons. Stat. 8114(c))	Four years (W. Va. Code R. 64-48-6 and 64-48-6.6)
Renewal fee	None (O.A.C. 4765-8-16)	None (836 Ind. Admin. Code 4-3-2)	\$15 (202 Ky. Admin. Regs. 7:030)	None (Mich. Comp. Laws 333.20954(2)(a))	None	\$37.50 (W. Va. Code R. 64-48-6 and 64-48-6.6.b)

Emergency medical technician – basic (EMT) certification

Survey responses (DPS)

Description

EMS provider means a holder of a certificate to practice at any level issued pursuant to section 4765.30 of the Ohio Revised Code, including emergency medical responder (EMR), emergency medical technician (EMT), advanced emergency medical technician (AEMT), and paramedic.

Emergency Medical Technicians provide out of hospital emergency medical care and transportation for critical and emergent patients who access the emergency medical services (EMS) system. EMTs have the basic knowledge and skills necessary to stabilize and safely transport patients ranging from non-emergency and routine medical transports to life threatening emergencies. Emergency Medical Technicians function as part of a comprehensive EMS response system, under medical oversight. Emergency Medical Technicians perform interventions with the basic equipment typically found on an ambulance. Emergency Medical Technicians are a critical link between the scene of an emergency and the health care system.

Type *(See R.C. 4798.01 for relevant definitions.)*

License

If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	The average number of new EMT certificates issued annually over the past four fiscal years (FY 2017 – FY 2020) has been 2075. This includes an average of 224 certifications issued annually by reciprocity from another state or the military.
Number renewed annually	An average of 5,013 EMT certificates were renewed annually from FY 2017 through FY 2019. This includes an average of 45 certificates annually that lapsed but were reactivated through the reinstatement process. It should be noted that EMT certificates expiring from 3/9/20 through 6/30/20 were provided an automatic extension to renew until 12/1/20 (HB 197). The total number of renewals for FY 2020 as of 6/30/20 was 4760 but does not reflect EMTs who may still renew prior to the end of the extension period.
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	<p>FY17 19,149 FY18 19,052 FY19 19,098 FY20 18,780*</p> <p>The number of active EMT certifications decreased by 0.26% from FY 2017 to the end of FY 2019.</p> <p>*Does not include certificates expiring from 3/9 through 6/30/20 that received an extension to renew under HB 197 until 12/1/20.</p>
Education or training requirements	<p>EMT courses are offered through 89 institutions accredited by the Board to provide EMT training for certification and are conducted in accordance with R.C. 4765.16 and A.C. 4765-15-05. The EMT training program shall be conducted in accordance with the "National EMS Education Standards" approved by the NHTSA Office of EMS, the "Ohio Approved EMS Curriculum Standards" approved by the Board, and the scope of practice set forth in A.C. 4765-15-04. The EMT training program consists of a minimum of one hundred fifty hours classroom, laboratory, and clinical or field internship instruction to include all of the following:</p> <p>Preparatory;</p> <p>Anatomy and physiology;</p>

If the regulation is a registration, certification, or license requirement, please complete the following:

Medical terminology;

Physiology;

Life span development;

Public health;

Pharmacology;

Airway management, respiration, and artificial ventilation, to include: insertion of extraglottic and dual lumen airway devices on apneic and pulseless patients; endotracheal suctioning through a stoma; continuous positive airway pressure device administration and management; flow restricted oxygen powered device; end tidal carbon dioxide monitoring and detection; pulse oximeter and capnography equipment application and reading; use of a positive pressure ventilation device (manually triggered ventilators and automatic transportation ventilators);

Negative impedance threshold devices;

Patient assessment;

Medicine, to include: blood glucose monitoring, chest compression assist device, epinephrine auto-injection administration, Naloxone administration via auto-injector and intranasal route; transport of a central/peripheral intravenous access without an infusion;

Shock and resuscitation;

Trauma, to include: care and transportation of a trauma patient; helmet removal; trauma triage determination pursuant to rule 4765-14-02 of the Administrative Code.

Special patient populations;

EMS operations;

Clinical prehospital, to include: at least ten hours devoted to combined clinical experience and prehospital internship; Ten patient assessments to include one pediatric patient assessment.

An accredited institution offering an EMT training program, must provide for regular written and practical evaluations of student performance and achievement throughout the course of the

If the regulation is a registration, certification, or license requirement, please complete the following:	
	program. Evaluations must include a comprehensive written examination and an examination of practical skills, prior to issuance of a certificate of completion.
Experience requirements	None required.
Examination requirements <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>The initial certification examination consists of cognitive and psychomotor testing. The cognitive examination is administered by the National Registry of EMTs (NREMT) through Pearson VUE testing centers at a cost of \$80.00 per exam attempt. This fee covers the cost of ongoing exam development and validation of the NREMT and exam administration fees. The Board does not receive any proceeds of the fees. The NREMT was selected as the certification examination by the Board following a thorough review of all available exam providers. The NREMT is the only national EMS certification recognized by the National Association of State EMS Officials and the EMS Agenda for the Future and the only national EMS certification for entry-level providers accredited by the Institute for Credentialing Excellence's (ICE) National Commission for Certifying Agencies (NCCA).</p> <p>The psychomotor examination and the minimum passing criteria is established by the Board and is administered by the accredited institution in accordance with criteria developed by the Board. The cost of the examination is generally incorporated into the course fee.</p> <p>The passing score for the cognitive portion of the examination is determined by the NREMT.</p> <p>The course of instruction remains valid for two years from course completion and the cognitive and psychomotor exam results remain valid for one year from date of successful completion.</p>
Continuing education requirements <i>(Including a description of the curriculum and the process of setting it.)</i>	<p>During each three year certification cycle, an EMT has four options to meeting the continuing education requirements for renewal:</p> <ol style="list-style-type: none"> 1. Completion of 40 hours of continuing education (CE) to include a minimum of six hours of pediatric issues, 2 hours on geriatric issues, 8 hours on trauma to include education on the trauma triage determination pursuant to rule 4765-14-02 of the Administrative Code; 2. Completion of the 30 hour Ohio EMT refresher program;

If the regulation is a registration, certification, or license requirement, please complete the following:

	<ol style="list-style-type: none"> 3. Current registration with the NREMT at the EMT or equivalent level and completion of the education on trauma triage determination pursuant to rule 4765-14-02 of the Administrative Code; 4. Obtain a passing score on the NREMT EMT Assessment exam to demonstrate competence to have a certificate to practice as an EMT renewed without completing an EMS continuing education program. The exam may only be taken during the last six months of an EMT's current certification period or during a Board approved extension and must be successfully completed within three attempts. <p>Sources and criteria for acceptable continuing education for renewal of an EMS certificate to practice are set forth in rule (A.C. 4765-19-01) and provides for in-person as well as online training options. CE may be obtained through any of Ohio's 578 approved continuing education sites and 92 accredited sites, as well as continuing medical education approved by other medical boards, national EMS organizations, EMS licensing agencies in another state, medical training received in the military, and course offering that have been approved by the Commission on Accreditation for Prehospital Continuing Education (CAPCE), the national accrediting body for EMS continuing education courses and providers.</p>
<p>Initial fee</p>	<p>Although the EMFTS Board has the authority to establish a fee, no certification fee is currently charged to candidates completing training through an Ohio-accredited program. Candidates for certification by reciprocity pay an application fee of \$75.00.</p>
<p>Duration</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:	
Renewal fee <i>(If different from initial fee, please explain why.)</i>	Although the EMFTS Board has the authority to establish a fee, no certification renewal fee is currently charged. However, if the certification lapses, a reinstatement fee of \$75.00 is charged on re-application.
Does the Board recognize uniform licensure requirements or allow for reciprocity?	For purposes of granting reciprocity, the State Board of Emergency Medical, Fire, and Transportation Services may review EMS license or certification requirements in other states, the district of Columbia, or the U.S. military to identify those that are substantially similar to the curriculum and certification standards set forth in Chapter 4765.01 of the Ohio Revised Code and Chapters 4765-1 to 4765-19 of the Ohio Administrative Code.
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	The National Registry Emergency Medical Technician certification is similar. However, it may not cover all of the Ohio scope of practice and renewal requirements differ from Ohio. The National Registry of EMTs issues EMT certifications on a two year certification cycle which could not be extended to match the three year certification cycle for Ohio EMS and fire certifications as they all expire simultaneously on the licensee's birthday.
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	No
Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?	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.
Other information <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i>	N/A

Oversight and disciplinary authority of the Board 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 Board to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?

Although the EMFTS Board is authorized to establish an application fee for initial and renewal certifications, no application fee has been established for Ohio trained and certified personnel. The \$75.00 fee charged to applicants certified through reciprocity and 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 Emergency Medical Technicians is designed to protect the public from any emergency care delivered by unqualified practitioners, which could present serious and immediate risk to public health and safety, including death. It is fair to assume that a large proportion of the public who suddenly need to call on Emergency Medical Technicians do not possess the knowledge or technical expertise needed to properly evaluate the qualifications of those who arrive to provide emergency care. Often times these patients are incapacitated or completely unresponsive to the point that implied consent for care authorizes emergency treatment by these personnel.

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 the National EMS Education Standards and Ohio scope of practice regulations, and issuance of Ohio Emergency Medical Technician licensure following successful completion of the National EMS Certification process is an effective means of ensuring appropriate licensure of practitioners who have been measured and demonstrated the ability to provide safe and effective care at the entry level of competency for the profession.

Are there any changes the Board 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 these 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 Board would like to revise R.C. 4765.37 to allow the Board to establish the scope of practice, in accordance with current medical standards of care, through the rule-making process.

Comparison to other states (How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)

Currently, 45 states require National EMS certification as the basis for issuance of Emergency Medical Technician licensure, including all states contiguous to Ohio. Ohio's regulations for Emergency Medical Technician are slightly more restrictive than most other states as the Ohio EMT scope of practice has been expanded beyond the National EMS Education Standards. Additionally, as a home rule state, each agency's approved EMS medical director authorizes approved protocols outlining practice for his/her personnel in accordance with the Ohio scope of practice for EMTs.

Surrounding state comparison (LSC)

Emergency Medical Technician-Basic (Emergency Medical Technician – EMT) Certification						
	Ohio	Indiana ¹⁰	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (R.C. 4765.30 and 4765.50)	Yes (Ind. Code Ann. 16-31-3-2)	Yes (Ky. Rev. Stat. Ann. 311A.025; 202 Ky. Admin. Regs. 7:301)	Yes (Mich. Comp. Laws 333.20950(1))	Yes (35 Pa. Cons. Stat. 8113(a))	Yes (W. Va. Code Ann. 16-4C-6; W. Va. Code R. 64-48-6)

¹⁰ Indiana has one additional level between EMT and AEMT called an "Emergency Medical Technician Basic Advanced." The requirements are similar to the EMT, but a person must first be certified as an EMT and must complete 56 hours of continuing education every two years. 836 Ind. Admin. Code 4-7-1 to 4-7-4.

Emergency Medical Technician-Basic (Emergency Medical Technician – EMT) Certification

	Ohio	Indiana ¹⁰	Kentucky	Michigan	Pennsylvania	West Virginia
Education or training	150 hours minimum (<i>R.C. 4765.11 and 4765.30; O.A.C. 4765-8-01 and 4765-15-05</i>)	151 to 159 hours (<i>836 Ind. Admin. Code 4-4-1; Indiana Department of Homeland Security, Emergency Medical Services, Levels of EMS Personnel Certification</i>)	119 hours minimum (<i>202 Ky. Admin. Regs. 7:301; Kentucky Board of Emergency Medical Services, Emergency Medical Technician (EMT)</i>)	Yes, number of hours not specified (<i>Mich. Comp. Laws 333.20950(2)(b)</i>)	150 to 200 hours (<i>35 Pa. Cons. Stat. 8115(b); Pennsylvania Department of Health, Emergency Medical Services, Frequently Asked Questions</i>)	Yes, number of hours not specified (<i>W. Va. Code R. 64-48-6</i>)
Experience	None	16 hours of ride time, eight in the hospital and eight on an ambulance; minimum of ten patient care assessments (<i>Indiana Department of Homeland Security, Emergency Medical Services, Levels of EMS Personnel Certification</i>)	None	None	None	None

Emergency Medical Technician-Basic (Emergency Medical Technician – EMT) Certification

	Ohio	Indiana¹⁰	Kentucky	Michigan	Pennsylvania	West Virginia
Exam	Yes (<i>R.C. 4765.11 and 4765.29; O.A.C. 4765-8-01 and 4765-15-05</i>)	Yes (<i>836 Ind. Admin. Code 4-4-1</i>)	Yes (<i>202 Ky. Admin. Regs. 7:301</i>)	Yes (<i>Mich. Comp. Laws 333.20950 (2)(c)(ii)</i>)	Yes (<i>35 Pa. Cons. Stat. 8115(b)</i>)	Yes (<i>W. Va. Code R. 64-48-6 and 64-48-6.3.h</i>)
Continuing education	30 to 40 hours every three years (<i>R.C. 4765.11, 4765.16, and 4765.31; O.A.C. 4765-8-06, 4765-15-03, and 4765-15-05</i>)	40 hours every two years (<i>836 Ind. Admin. Code 4-4-2</i>)	Either 24 hours every two years or current registration by the NREMT as an NREMT-B (<i>Ky. Rev. Stat. Ann. 311A.095; 202 Ky. Admin. Regs. 7:301</i>)	30 hours every three years (<i>Mich. Comp. Laws 333.20954; Mich. Admin. Code R. 325.22322</i>)	24 credits and a CPR course every two years (<i>28 Pa. Code 1023.31(c)</i>)	24 hours every four years (<i>W. Va. Code R. 64-48-6 and 64-48-6.4.g</i>)
Initial licensure fee	None, but the Board may charge a fee for applications to recertify to practice or for applications for reciprocity (<i>O.A.C. 4765-8-16</i>)	None	\$30 (<i>202 Ky. Admin. Regs. 7:030</i>)	\$40 (<i>Mich. Comp. Laws 333.20950(6)(b)</i>)	None	\$75 (<i>W. Va. Code R. 64-48-6 and 64-48-6.8.a</i>)
License duration	Three years (<i>R.C. 4765.11; O.A.C. 4765-8-06</i>)	Two years (<i>836 Ind. Admin. Code 4-4-2</i>)	Two years (<i>Ky. Rev. Stat. Ann. 311A.095</i>)	Three years (<i>Mich. Comp. Laws 333.20950(5)</i>)	Three years (<i>35 Pa. Cons. Stat. 8115(c)</i>)	Four years (<i>W. Va. Code R. 64-48-6 and 64-48-6.6</i>)

Emergency Medical Technician-Basic (Emergency Medical Technician – EMT) Certification						
	Ohio	Indiana ¹⁰	Kentucky	Michigan	Pennsylvania	West Virginia
Renewal fee	None (O.A.C. 4765-8-16)	\$50 (836 Ind. Admin. Code 4-4-2)	\$25 (202 Ky. Admin. Regs. 7:030)	\$25 (Mich. Comp. Laws 333.20954(2)(b))	None	\$37.50 (W. Va. Code R. 64-48-6 and 64-48-6.8.b)

Emergency medical technician – intermediate (AEMT) certification

Survey responses (DPS)

Description
<p>EMS provider means a holder of a certificate to practice at any level issued pursuant to section 4765.30 of the Ohio Revised Code, including emergency medical responder (EMR), emergency medical technician (EMT), advanced emergency medical technician (AEMT), and paramedic.</p> <p>The primary focus of the Advanced Emergency Medical Technician is to provide basic and limited advanced emergency medical care and transportation for critical and emergent patients who access the emergency medical system. This individual possesses the basic knowledge and skills necessary to provide patient care and transportation. Advanced Emergency Medical Technicians function as part of a comprehensive EMS response, under medical oversight. Advanced Emergency Medical Technicians perform interventions with the basic and advanced equipment typically found on an ambulance. The Advanced Emergency Medical Technician is a link from the scene to the emergency health care system.</p>

Type (See R.C. 4798.01 for relevant definitions.)
License

If the regulation is a registration, certification, or license requirement, please complete the following:

<p>Number issued annually</p>	<p>The average number of new AEMT certificates issued annually over the past four fiscal years (FY 2017 – FY 2020) has been 101. This includes an average of four certifications issued annually by reciprocity from another state or the military.</p>
<p>Number renewed annually</p>	<p>An average of 556 AEMT certificates were renewed annually from FY 2017 through FY 2019. This includes an average of two certificates annually that lapsed but were reactivated through the reinstatement process. It should be noted that AEMT certificates expiring from 3/9/20 through 6/30/20 were provided an automatic extension to renew until 12/1/20 (HB 197). The total number of renewals for FY 2020 as of 6/30/20 was 526 but does not reflect AEMTs who may still renew prior to the end of the extension period.</p>
<p>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</p>	<p>FY17 1,943 FY18 1,878 FY19 1,810 FY20 1,746*</p> <p>The number of active AEMT certifications decreased by 6.8% from FY 2017 to the end of FY 2019.</p> <p>*Does not include certificates expiring from 3/9 through 6/30/20 that received an extension under HB197 until 12/1/20</p>
<p>Education or training requirements</p>	<p>Advanced EMT courses are offered through 48 institutions accredited by the Board to provide AEMT training for certification and are conducted in accordance with R.C. 4765.16 and A.C. 4765-16-06. The AEMT training program shall be conducted in accordance with the "National EMS Education Standards" approved by the NHTSA Office of EMS, the "Ohio Approved EMS Curriculum Standards" approved by the Board, and the scope of practice set forth in A.C. 4765-16-04.</p>

If the regulation is a registration, certification, or license requirement, please complete the following:

The Advanced EMT training program consists of a minimum of two hundred hours classroom, laboratory, clinical and field internship instruction to include all of the following:

Preparatory;

Anatomy and physiology;

Medical terminology;

Physiology;

Life span development;

Public health;

Pharmacology to include: Sublingual nitroglycerin; Dextrose in water; Epinephrine at the concentration of one milligram per milliliter; Diphenhydramine; Benzodiazepines; Bronchodilators; Naloxone; Glucagon; Nitrous oxide; Nalbuphine; Narcotics or other analgesics for pain relief; Lidocaine, for pain relief after intraosseous infusion; Oral ondansetron; any additional drug approved by the board.

Airway management, respiration, and artificial ventilation, to include: Orotracheal intubation with apneic patients to include insertion of endotracheal, extraglottic and dual lumen airway devices; Laryngoscopy for the removal of airway obstruction; Tracheostomy tube replacement and suctioning; Continuous positive airway pressure device administration and management; End tidal carbon dioxide monitoring and detection.

Patient assessment;

Medicine, to include the following: Manual defibrillation; Cardiac monitor strip interpretation; Intraosseous insertion; Chest compression assist devices.

Shock and resuscitation;

Trauma, to include: Trauma triage determination pursuant to rule 4765-14-02 of the Administrative Code; Needle decompression of the chest.

Special patient populations;

EMS operations.

If the regulation is a registration, certification, or license requirement, please complete the following:

	<p>During the training program, students must demonstrate competencies by successfully performing the following skills on patients unless otherwise noted:</p> <ul style="list-style-type: none">A minimum of five intravenous accesses;A minimum of three intubations, which may be completed on a mannequin;A minimum of three insertions of extraglottic airway devices, which may be completed on a mannequin;A minimum of three insertions of dual lumen airway devices, which may be completed on a mannequin;A minimum of one subcutaneous injection, which may be completed on a mannequin or simulator;A minimum of three intramuscular injections;A minimum of twenty patient assessments, including medical and trauma assessments, to be performed on all age groups;A minimum of two intravenous medication administrations;A minimum of two intraosseous infusions, which maybe completed on a mannequin;A minimum of one manual defibrillation, which may be completed on a mannequin or simulator;A minimum of three bronchodilator administrations. <p>An accredited institution offering an EMS training program as outlined in paragraphs (B) and (C) of this rule, shall provide for regular written and practical skills evaluations of student performance and achievement throughout the course of the program. Evaluations shall include a comprehensive written examination and an examination of practical skills, prior to issuance of a certificate of completion.</p>
Experience requirements	Certification as an EMT

If the regulation is a registration, certification, or license requirement, please complete the following:

Examination requirements (*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?*)

The initial certification examination consists of cognitive and psychomotor testing. The cognitive examination is administered by the National Registry of EMTs (NREMT) through Pearson VUE testing centers at a cost of \$115.00 per exam attempt. This fee covers the cost of ongoing exam development and validation of the NREMT and exam administration fees. The Board does not receive any proceeds of the fees. The NREMT was selected as the certification examination by the Board following a thorough review of all available exam providers. The NREMT is the only national EMS certification recognized by the National Association of State EMS Officials and the EMS Agenda for the Future and the only national EMS certification for entry-level providers accredited by the Institute for Credentialing Excellence's (ICE) National Commission for Certifying Agencies (NCCA).

The psychomotor examination and the minimum passing criteria is established by the NREMT. The cost of the examination is generally incorporated into the course fee.

The passing score for the cognitive portion of the examination is determined by the NREMT.

The course of instruction remains valid for two years from course completion and the cognitive and psychomotor exam results remain valid for one year from date of successful completion.

Continuing education requirements (*Including a description of the curriculum and the process of setting it.*)

During each three year certification cycle, an Advanced EMT (AEMT) has four options to meeting the continuing education requirements for renewal:

1. Completion of 60 hours of continuing education (CE) to include a minimum of eight hours of pediatric issues, four hours on geriatric issues, 8 hours on trauma to include education on the trauma triage determination pursuant to rule 4765-14-02 of the Administrative Code;
2. Completion of the 40 hour Ohio AEMT refresher program plus 20 additional hours of continuing education;
3. Current registration with the NREMT at the AEMT or equivalent level and completion of the education on trauma triage determination pursuant to rule 4765-14-02 of the Administrative Code;

If the regulation is a registration, certification, or license requirement, please complete the following:

	<p>4. Obtain a passing score on the NREMT AEMT Assessment exam to demonstrate competence to have a certificate to practice as an AEMT renewed without completing an EMS continuing education program. The exam may only be taken during the last six months of an AEMT's current certification period or during a Board approved extension and must be successfully completed within three attempts.</p> <p>Sources and criteria for acceptable continuing education for renewal of an EMS certificate to practice are set forth in rule (A.C. 4765-19-01) and provides for in-person as well as online training options. CE may be obtained through any of Ohio's 578 approved continuing education sites and 92 accredited sites, as well as continuing medical education approved by other medical boards, national EMS organizations, EMS licensing agencies in another state, medical training received in the military, and course offering that have been approved by the Commission on Accreditation for Prehospital Continuing Education (CAPCE), the national accrediting body for EMS continuing education courses and providers.</p>
<p>Initial fee</p>	<p>Although the EMFTS Board has the authority to establish a fee, no certification fee is currently charged to candidates completing training through an Ohio-accredited program. Candidates for certification by reciprocity pay an application fee of \$75.00.</p>
<p>Duration</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>
<p>Renewal fee <i>(If different from initial fee, please explain why.)</i></p>	<p>Although the EMFTS Board has the authority to establish a fee, no certification renewal fee is currently charged. However, if the certification lapses, a reinstatement fee of \$75.00 is charged on re-application.</p>

If the regulation is a registration, certification, or license requirement, please complete the following:

<p>Does the Board recognize uniform licensure requirements or allow for reciprocity?</p>	<p>For purposes of granting reciprocity, the State Board of Emergency Medical, Fire, and Transportation Services may review EMS license or certification requirements in other states, the district of Columbia, or the U.S. military to identify those that are substantially similar to the curriculum and certification standards set forth in Chapter 4765.01 of the Ohio Revised Code and Chapters 4765-1 to 4765-19 of the Ohio Administrative Code.</p>
<p>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</p>	<p>The National Registry Advanced Emergency Medical Technician certification is similar. However, it may not cover all of the Ohio scope of practice and renewal requirements differ from Ohio. The National Registry of EMTs issues Advanced EMT certifications on a two year certification cycle which could not be extended to match the three year certification cycle for Ohio EMS and fire certifications as they all expire simultaneously on the licensee's birthday.</p>
<p>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?</p>	<p>No</p>
<p>Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?</p>	<p>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.</p>
<p>Other information <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i></p>	<p>N/A</p>

Oversight and disciplinary authority of the Board 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 Board to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?

Although the EMFTS Board is authorized to establish an application fee for initial and renewal certifications, no application fee has been established for Ohio trained and certified personnel. The \$75.00 fee charged to applicants certified through reciprocity and 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 Advanced Emergency Medical Technicians is designed to protect the public from any emergency care delivered by unqualified practitioners, which could present serious and immediate risk to public health and safety, including death. It is fair to assume that a large proportion of the public who suddenly need to call on Advanced Emergency Medical Technicians do not possess the knowledge or technical expertise needed to properly evaluate the qualifications of those who arrive to provide emergency care. Often times these patients are incapacitated or completely unresponsive to the point that implied consent for care authorizes emergency treatment by these personnel.

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 the National EMS Education Standards and Ohio scope of practice regulations, and issuance of Ohio Advanced Emergency Medical Technician licensure following successful completion of the National EMS Certification process is an effective means of ensuring appropriate licensure of practitioners who have been measured and demonstrated the ability to provide safe and effective care at the entry level of competency for the profession.

Are there any changes the Board 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 Board would like to revise R.C. 4765.38 to allow the Board to establish the scope of practice, in accordance with current medical standards of care, through the rule-making process.

Comparison to other states (How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)

Currently, 38 states require National EMS certification as the basis for issuance of Advanced Emergency Medical Technician licensure, including all states contiguous to Ohio. Ohio's regulations for Advanced Emergency Medical Technician are more liberal than most other states as Ohio's scope of practice has been significantly expanded beyond the National EMS Education Standards. Additionally, as a home rule state, each agency's approved EMS medical director authorizes approved protocols outlining practice for his/her personnel in accordance with the Ohio scope of practice for Advanced Emergency Medical Technicians.

Surrounding state comparison (LSC)

Emergency Medical Technician-Intermediate (Advanced Emergency Medical Technician – AEMT) Certification						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (R.C. 4765.30 and 4765.50)	Yes (Ind. Code Ann. 16-31-3-2)	Yes (Ky. Rev. Stat. Ann. 311A.025; 202 Ky. Admin. Regs. 7:330)	Yes (Mich. Comp. Laws 333.20950(1))	Yes (35 Pa. Cons. Stat. 8113(a))	Yes (W. Va. Code R. 64-48-6 and 64-48-6.3)
Education or training	200 hours minimum (R.C. 4765.11 and 4765.30; O.A.C. 4765-8-01 and 4765-16-06)	162.5 hours (836 Ind. Admin. Code 4-7.1-3; Indiana Department of Homeland Security, Emergency Medical Services, Levels of EMS)	Yes, number of hours not specified (202 Ky. Admin. Regs. 7:330)	Yes, number of hours not specified (Mich. Comp. Laws 333.20950(2)(b))	150 to 200 hours (35 Pa. Cons. Stat. 8116(b); Pennsylvania Department of Health, Emergency Medical Services,	Yes, number of hours not specified (W. Va. Code R. 64-48-6 and 64-48-6.3)

Emergency Medical Technician-Intermediate (Advanced Emergency Medical Technician – AEMT) Certification

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
		Personnel Certification			Frequently Asked Questions	
Experience	None	Administer medication to at least 15 patients; access venous circulation at least 25 times on live patients; ventilate at least 20 patients; and demonstrate other specified abilities (836 Ind. Admin. Code 4-7.1-3 ; Indiana Department of Homeland Security, Emergency Medical Services, Levels of EMS Personnel Certification)	None	None	Yes, under certain circumstances (35 Pa. Cons. Stat. 8116(b)(2))	None
Exam	Yes (R.C. 4765.11 and 4765.29 ; O.A.C. 4765-8-01 and 4765-16-06)	Yes (836 Ind. Admin. Code 4-7.1-3)	Yes (202 Ky. Admin. Regs. 7:330)	Yes (Mich. Comp. Laws 333.20950 (2)(c)(ii))	Yes (35 Pa. Cons. Stat. 8116(b))	Yes (W. Va. Code R. 64-48-6 and 64-48-6.3.h)

Emergency Medical Technician-Intermediate (Advanced Emergency Medical Technician – AEMT) Certification

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Continuing education	60 hours every three years (<i>R.C. 4765.11, 4765.16, and 4765.31; O.A.C. 4765-8-06 and 4765-16-03</i>)	72 hours every two years (<i>836 Ind. Admin. Code 4-7.1-5</i>)	Either 48 hours every two years or current certification by the NREMT as an AEMT (<i>202 Ky. Admin. Regs. 7:330</i>)	36 hours every three years (<i>Mich. Comp. Laws 333.20954; Mich. Admin. Code R. 325.22323</i>)	36 credits and a CPR course every two years (<i>28 Pa. Code 1023.31(d)</i>)	50 hours every four years (<i>W. Va. Code R. 64-48-6 and 64-48-6.4.g</i>)
Initial licensure fee	None, but the Board may charge a fee for applications to recertify to practice or applications for reciprocity (<i>O.A.C. 4765-8-16</i>)	None	\$50 (<i>202 Ky. Admin. Regs. 7:030</i>)	\$60 (<i>Mich. Comp. Laws 333.20950(6)(c)</i>)	None	\$75 (<i>W. Va. Code R. 64-48-6 and 64-48-6.8.a</i>)
License duration	Three years (<i>R.C. 4765.11; O.A.C. 4765-8-06</i>)	Two years (<i>836 Ind. Admin. Code 4-7.1-4</i>)	Two years (<i>Ky. Rev. Stat. Ann. 311A.095</i>)	Three years (<i>Mich. Comp. Laws 333.20950(5)</i>)	Two years (<i>35 Pa. Cons. Stat. 8116(c)</i>)	Four years (<i>W. Va. Code R. 64-48-6 and 64-48-6.6</i>)
Renewal fee	None (<i>O.A.C. 4765-8-16</i>)	\$50 (<i>836 Ind. Admin. Code 4-7.1-4</i>)	\$40 (<i>202 Ky. Admin. Regs. 7:030</i>)	\$25 (<i>Mich. Comp. Laws 333.20954(2)(c)</i>)	None	\$37.50 (<i>W. Va. Code R. 64-48-6 and 64-48-6.8.b</i>)

Emergency medical technician – paramedic certification

Survey responses (DPS)

Description
<p>EMS provider means a holder of a certificate to practice at any level issued pursuant to section 4765.30 of the Ohio Revised Code, including emergency medical responder (EMR), emergency medical technician (EMT), advanced emergency medical technician (AEMT), and paramedic.</p> <p>The Paramedic is an allied health professional whose primary focus is to provide advanced emergency medical care for critical and emergent patients who access the emergency medical system. This individual possesses the complex knowledge and skills necessary to provide patient care and transportation. Paramedics function as part of a comprehensive EMS response, under medical oversight. Paramedics perform interventions with the basic and advanced equipment typically found on an ambulance. The Paramedic is a link from the scene into the health care system.</p>

Type <i>(See R.C. 4798.01 for relevant definitions.)</i>
License

If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	The average number of new Paramedic certificates issued annually over the past four fiscal years (FY 2017-FY 2020) has been 745. This includes an average of 87/FY of certifications by reciprocity from other states or the military.

If the regulation is a registration, certification, or license requirement, please complete the following:

<p>Number renewed annually</p>	<p>An average of 5685 Paramedic certificates were renewed annually from FY 2017 through FY 2019. This includes an average of 26 certificates annually that lapsed but were reactivated through the reinstatement process. It should be noted that Paramedic certificates expiring from 3/9/20 through 6/30/20 were provided an automatic extension to renew until 12/1/20 (HB 197). The total number of renewals for FY 2020 as of 6/30/20 was 5679 but does not reflect Paramedics who may still renew prior to the end of the extension period.</p>
<p>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</p>	<p>FY17 18,126 FY18 18,282 FY19 18,459 FY20 18,430*</p> <p>The number of active Paramedic certifications increased by 1.8% from FY 2017 to the end of FY 2019.</p> <p>*Does not include certificates expiring from 3/9 through 6/30/20 that received an extension under HB197 until 12/1/20</p>
<p>Education or training requirements</p>	<p>Paramedic courses are offered through 39 institutions accredited by the Board to provide Paramedic training for certification and are conducted in accordance with R.C. 4765.16 and A.C. 4765-17-04 and must require students to complete an anatomy and physiology course as a prerequisite for admission into the Paramedic program. The Paramedic training program shall be conducted in accordance with the "National EMS Education Standards" approved by the NHTSA Office of EMS, the "Ohio Approved EMS Curriculum Standards" approved by the Board, and the scope of practice set forth in A.C. 4765-17-03.</p> <p>The Paramedic training program consists of a minimum of nine hundred hours to include all of the following subject hours:</p> <p>At least five hundred hours shall be devoted to the didactic and laboratory portion of the EMS training program;</p>

If the regulation is a registration, certification, or license requirement, please complete the following:

At least four hundred hours shall be devoted to the clinical and field training portion, to include minimum skill set competency as outlined in paragraph (D) of this rule.

An EMS training program for paramedic certification shall include all of the following subject areas:

Preparatory;

Anatomy and physiology;

Medical terminology;

Physiology;

Life span development;

Public health;

Pharmacology;

Airway management, respiration, and artificial ventilation;

Patient assessment;

Medicine, to include chest compression assist devices;

Shock and resuscitation;

Trauma, to include trauma triage determination pursuant to rule 4765-14-02 of the Administrative Code;

Special patient populations;

EMS operations.

In addition, during the EMS training program, students must demonstrate competencies by successfully completing the following skills on patients, unless otherwise noted:

A minimum of ninety patient assessments, to include:

A minimum of fifty adult assessments;

If the regulation is a registration, certification, or license requirement, please complete the following:

A minimum of thirty geriatric assessments;
A minimum of ten pediatric assessments;
Within the ninety patient assessments, the following must be included:
Fifteen chest complaints;
Fifteen shortness of breath complaints;
Fifteen abdominal pain complaints;
Fifteen altered mental status complaints.
A minimum of fifteen medication administrations, to include:
A minimum of two intravenous medication administrations;
A minimum of one subcutaneous injection, which may be completed on a mannequin or simulator;
A minimum of three intramuscular injections;
A minimum of five bronchodilator administrations.
A minimum of thirty intravenous accesses and maintenance;
Programs are expected to provide live intubation experience when possible. At a minimum, students shall be successful in any combination of live patients, high definition fidelity simulations, low fidelity simulations or cadaver labs in all age brackets. Each student shall perform:
A minimum of ten direct adult orotracheal intubations and ten direct pediatric orotracheal intubations as an individual student competency evaluation in the laboratory;
A minimum of two direct adult orotracheal intubations and two direct pediatric orotracheal intubations as an individual student competency evaluation in a laboratory scenario;
A minimum of thirty electrocardiogram interpretations;
A minimum of fifty advanced life support ambulance runs;

If the regulation is a registration, certification, or license requirement, please complete the following:	
	<p>A minimum of two intraosseous initiations, which may be completed on a mannequin or simulator;</p> <p>A minimum of one manual defibrillation, which may be completed on a mannequin or simulator.</p> <p>An accredited institution shall provide for regular written and practical skills evaluations of student performance and achievement throughout the EMS training program. Evaluations shall include a comprehensive written examination and an examination of practical skills, prior to the issuance of a certificate of completion.</p>
Experience requirements	Certification as an EMT or AEMT
Examination requirements (<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>The initial certification examination consists of cognitive and psychomotor testing. The cognitive examination is administered by the National Registry of EMTs (NREMT) through Pearson VUE testing centers at a cost of \$125.00 per exam attempt. This fee covers the cost of ongoing exam development and validation of the NREMT and exam administration fees. The Board does not receive any proceeds of the fees. The NREMT was selected as the certification examination by the Board following a thorough review of all available exam providers. The NREMT is the only national EMS certification recognized by the National Association of State EMS Officials and the EMS Agenda for the Future and the only national EMS certification for entry-level providers accredited by the Institute for Credentialing Excellence's (ICE) National Commission for Certifying Agencies (NCCA).</p> <p>The psychomotor examination and the minimum passing criteria is established by the NREMT. The cost of the examination is generally incorporated into the course fee.</p> <p>The passing score for the cognitive portion of the examination is determined by the NREMT.</p> <p>The course of instruction remains valid for two years from course completion and the cognitive and psychomotor exam results remain valid for one year from date of successful completion.</p>
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	During each three year certification cycle, a Paramedic has 4 options to meeting the continuing education requirements for renewal:

If the regulation is a registration, certification, or license requirement, please complete the following:

1. Completion of 86 hours of continuing education (CE) to include a minimum of 12 hours of pediatric issues, 4 hours on geriatric issues, 6 hours of emergency cardiac care, which can be satisfied with completion of an approved Advanced Cardiac Life Support course; and 8 hours on trauma to include education on the trauma triage determination pursuant to rule 4765-14-02 of the Administrative Code;
2. Completion of the 48 hour Ohio Paramedic refresher program plus 20 additional hours of continuing education;
3. Current registration with the NREMT at the Paramedic or equivalent level and completion of the education on trauma triage determination pursuant to rule 4765-14-02 of the Administrative Code;
4. Obtain a passing score on the NREMT Paramedic Assessment exam to demonstrate competence to have a certificate to practice as a Paramedic renewed without completing an EMS continuing education program. The exam may only be taken during the last six months of an AEMT's current certification period or during a Board approved extension and must be successfully completed within three attempts.

Sources and criteria for acceptable continuing education for renewal of an EMS certificate to practice are set forth in rule (A.C. 4765-19-01) and provides for in-person as well as online training options. CE may be obtained through any of Ohio's 578 approved continuing education sites and 92 accredited sites, as well as continuing medical education approved by other medical boards, national EMS organizations, EMS licensing agencies in another state, medical training received in the military, and course offering that have been approved by the Commission on Accreditation for Prehospital Continuing Education (CAPCE), the national accrediting body for EMS continuing education courses and providers

Initial fee

Although the EMFTS Board has the authority to establish a fee, no certification fee is currently charged to candidates completing training through an Ohio-accredited program. Candidates for certification by reciprocity pay an application fee of \$75.00.

If the regulation is a registration, certification, or license requirement, please complete the following:

<p>Duration</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>
<p>Renewal fee <i>(If different from initial fee, please explain why.)</i></p>	<p>Although the EMFTS Board has the authority to establish a fee, no certification renewal fee is currently charged. However, if the certification lapses, a reinstatement fee of \$75.00 is charged on re-application.</p>
<p>Does the Board recognize uniform licensure requirements or allow for reciprocity?</p>	<p>For purposes of granting reciprocity, the State Board of Emergency Medical, Fire, and Transportation Services may review EMS license or certification requirements in other states, the district of Columbia, or the U.S. military to identify those that are substantially similar to the curriculum and certification standards set forth in Chapter 4765.01 of the Ohio Revised Code and Chapters 4765-1 to 4765-19 of the Ohio Administrative Code.</p>
<p>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</p>	<p>The National Registry Paramedic certification is similar. However, it may not cover all of the Ohio scope of practice and renewal requirements differ from Ohio. The National Registry of EMTs issues Paramedic certifications on a two year certification cycle which could not be extended to match the three year certification cycle for Ohio EMS and fire certifications as they all expire simultaneously on the licensee's birthday.</p>
<p>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?</p>	<p>No</p>
<p>Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?</p>	<p>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.</p>

If the regulation is a registration, certification, or license requirement, please complete the following:

Other information (*Significant attributes or prerequisites to licensure not addressed in this chart.*)

N/A

Oversight and disciplinary authority of the Board 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 Board to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?

Although the EMFTS Board is authorized to establish an application fee for initial and renewal certifications, no application fee has been established for Ohio trained and certified personnel. The \$75.00 fee charged to applicants certified through reciprocity and 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 Paramedics is designed to protect the public from any emergency care delivered by unqualified practitioners, which could present serious and immediate risk to public health and safety, including death. It is fair to assume that a large proportion of the public who suddenly need to call on Paramedics do not possess the knowledge or technical expertise needed to properly evaluate the qualifications of those who arrive to provide emergency care. Often times these patients are incapacitated or completely unresponsive to the point that implied consent for care authorizes emergency treatment by these personnel.

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 the National EMS Education Standards and Ohio scope of practice regulations, and issuance of Ohio Paramedic licensure following successful completion of the National EMS Certification process is an effective means of ensuring appropriate licensure of practitioners who have been measured and demonstrated the ability to provide safe and effective care at the entry level of competency for the profession.

Are there any changes the Board 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 Board would like to revise R.C. 4765.39 to allow the Board to establish the scope of practice, in accordance with current medical standards of care, through the rule-making process.

Comparison to other states *(How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)*

Currently, 47 states require National EMS certification as the basis for issuance of Paramedic licensure, including all states contiguous to Ohio. Ohio's regulations for Paramedic are similar to most other states. Additionally, as a home rule state, each agency's approved EMS medical director authorizes approved protocols outlining practice for his/her personnel in accordance with the Ohio scope of practice for Paramedics.

Surrounding state comparison (LSC)

Emergency Medical Technician-Paramedic (Paramedic) Certification						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (<i>R.C. 4765.30 and 4765.50</i>)	Yes (<i>Ind. Code Ann. 16-31-3-2</i>)	Yes (<i>Ky. Rev. Stat. Ann. 311A.025; 202 Ky. Admin. Regs. 7:401</i>)	Yes (<i>Mich. Comp. Laws 333.20950(1)</i>)	Yes (<i>35 Pa. Cons. Stat. 8113(a)</i>)	Yes (<i>W. Va. Code R. 64-48-6 and 64-48-6.3</i>)
Education or training	900 hours minimum (<i>R.C. 4765.11 and 4765.30; O.A.C. 4765-8-01 and 4765-17-04</i>)	1,000 to 1,300 hours (<i>836 Ind. Admin. Code 4-9-3; Indiana Department of Homeland Security, Emergency Medical Services, Levels of EMS Personnel Certification</i>)	1,000 to 1,200 hours (<i>202 Ky. Admin. Regs. 7:401; Kentucky Board of Emergency Medical Services, Paramedic, EMT-Paramedic National Standard Curriculum</i>)	Yes, number of hours not specified (<i>Mich. Comp. Laws 333.20950(2)(b)</i>)	1,000 to 1,200 hours (<i>35 Pa. Cons. Stat. 8117(b) and (c); Pennsylvania Department of Health, Emergency Medical Services, Frequently Asked Questions</i>)	Yes, number of hours not specified (<i>W. Va. Code R. 64-48-6 and 64-48-6.3</i>)
Experience	None	Field internship with clinical experience in operating room, recovery room, ICU, coronary care department, labor and delivery room, pediatrics, and ER (<i>836 Ind. Admin.</i>)	Internship with certain benchmarks required (<i>202 Ky. Admin. Regs. 7:401</i>)	None	Certified as EMT or AEMT (<i>35 Pa. Cons. Stat. 8117(b) and (c)</i>)	None

Emergency Medical Technician-Paramedic (Paramedic) Certification

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
		<i>Code 4-9-3; Indiana Department of Homeland Security, Emergency Medical Services, Levels of EMS Personnel Certification)</i>				
Exam	<i>Yes (R.C. 4765.11 and 4765.29; O.A.C. 4765-8-01 and 4765-17-04)</i>	<i>Yes (836 Ind. Admin. Code 4-9-3)</i>	<i>Yes (202 Ky. Admin. Regs. 7:401)</i>	<i>Yes (Mich. Comp. Laws 333.20950 (2)(c)(ii))</i>	<i>Yes (35 Pa. Cons. Stat. 8117(c))</i>	<i>Yes (W. Va. Code R. 64-48-6 and 64-48-6.3.h)</i>
Continuing education	<i>86 hours every three years (R.C. 4765.11, 4765.16, and 4765.31; O.A.C. 4765-8-06 and 4765-17-02)</i>	<i>72 hours every two years (836 Ind. Admin. Code 4-9-5)</i>	<i>Either 60 hours every two years or current registration by the NREMT as an NREMT-P or successful completion of the University of Maryland Baltimore Campus Critical Care Emergency Medical Transport Program (Ky. Rev.</i>	<i>45 hours every three years (Mich. Comp. Laws 333.20954; Mich. Admin. Code R. 325.22324)</i>	<i>36 credits and a CPR course every two years (28 Pa. Code 1023.31(e))</i>	<i>48 hours every four years (W. Va. Code R. 64-48-6 and 64-48-6.4.g)</i>

Emergency Medical Technician-Paramedic (Paramedic) Certification						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
			<i>Stat. Ann. 311A.095; 202 Ky. Admin. Regs. 7:401)</i>			
Initial licensure fee	None, but the Board may charge a fee for applications to recertify to practice or for applications for reciprocity (<i>O.A.C. 4765-8-16</i>)	None	\$65 (<i>202 Ky. Admin. Regs. 7:030</i>)	\$80 (<i>Mich. Comp. Laws 333.20950(6)(d)</i>)	None	\$75 (<i>W. Va. Code R. 64-48-6 and 64-48-6.8.a</i>)
License duration	Three years (<i>R.C. 4765.11; O.A.C. 4765-8-06</i>)	Two years (<i>836 Ind. Admin. Code 4-9-5</i>)	Two years (<i>Ky. Rev. Stat. Ann. 311A.095</i>)	Three years (<i>Mich. Comp. Laws 333.20950(5)</i>)	Two years (<i>35 Pa. Cons. Stat. 8117(d)</i>)	Four years (<i>W. Va. Code R. 64-48-6 and 64-48-6.6</i>)
Renewal fee	None (<i>O.A.C. 4765-8-16</i>)	\$50 (<i>836 Ind. Admin. Code 4-9-4</i>)	\$50 (<i>202 Ky. Admin. Regs. 7:030</i>)	\$25 (<i>Mich. Comp. Laws 333.20954(2)(d)</i>)	None	\$37.50 (<i>W. Va. Code R. 64-48-6 and 64-48-6.8.b</i>)

EMS instructor certificate

Survey responses (DPS)

Description

A person who holds a certificate to teach an EMS training program or EMS continuing education program, issued in accordance with section 4765.23 of the Revised Code and rule 4765-18-05 of the Administrative Code. An EMS instructor may teach an EMS training or EMS continuing education program at or below the level of the instructor's certificate to practice.

Type (See R.C. 4798.01 for relevant definitions.)

License

If the regulation is a registration, certification, or license requirement, please complete the following:

Number issued annually

The average number of new EMS Instructor certificates issued annually over the past four fiscal years (FY 2017-FY 2020) has been 117. This includes an average of 2/FY of certifications by reciprocity from other states or the military.

Number renewed annually

An average of 596 EMSI certificates were renewed annually from FY 2017 through FY 2019. It should be noted that EMSI certificates expiring from 3/9/20 through 6/30/20 were provided an automatic extension to renew until 12/1/20 (HB 197). The total number of renewals for FY 2020

If the regulation is a registration, certification, or license requirement, please complete the following:	
	as of 6/30/20 was 631 but does not reflect EMSIs who may still renew prior to the end of the extension period.
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	<p>FY17 1,958 FY18 1,959 FY19 1,986 FY20 2,020*</p> <p>The number of active EMSI certifications increased by 1.4% from FY 2017 to the end of FY 2019.</p> <p>*Does not include certificates expiring from 3/9 through 6/30/20 that received an extension under HB197 until 12/1/20</p>
Education or training requirements	<p>EMS instructor courses are offered through 69 institutions accredited by the Board to provide Instructor training for certification.</p> <p>An EMS instructor training program shall consist of a minimum of sixty hours and shall be allocated as follows:</p> <p>Forty hours in instruction of adult students and basic teaching techniques as set forth in the "Ohio Fire and EMS Instructor Curriculum";</p> <p>Eight hours in instruction specific to the field of emergency medical services;</p> <p>Ten hours of supervised teaching in the presence of an EMS instructor and under the auspices of an accredited institution. The supervised teaching may not occur until the student has received the forty hours of instruction as required in this rule;</p> <p>The accredited institution may grant two hours credit towards the total program hours when the student successfully passes the instructional methods examination.</p> <p>A physician who holds a current and valid Ohio license to practice medicine and surgery or osteopathic medicine and surgery that is in good standing, may be certified by the board as an</p>

If the regulation is a registration, certification, or license requirement, please complete the following:

	<p>EMS instructor if the physician is an active medical director with an EMS agency, who meets the requirements set forth in rule 4765-3-05 of the Administrative Code, or is recommended by the local Regional Physician Advisory Board (RPAB), or is recommended by the program director or program medical director of an accredited or approved training institution.</p> <p>An Ohio certified fire instructor seeking an EMS instructor certificate shall receive credit for the forty hours in instruction of adult students and basic teaching techniques; ten hours of supervised teaching in the presence of an EMS instructor and under the auspices of an accredited institution, and the instructional methods examination.</p>
<p>Experience requirements</p>	<p>Prior to admission into an EMS instructor course, an individual shall meet all of the following requirements:</p> <p>In the preceding seven years, has been certified or licensed for at least five years as an EMS provider, registered nurse or physician assistant;</p> <p>Possesses a current and valid certificate to practice as an EMS provider or holds a current and valid Ohio license to practice as a registered nurse or a physician assistant.</p>
<p>Examination requirements (<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>Must pass the knowledge examination at the level of the individual's certificate to practice as an EMS provider, within the preceding three years. A registered nurse or a physician assistant must pass the paramedic knowledge examination;</p> <p>The knowledge exam is provided by the National Registry of EMTs. The fees are \$75 for EMR, \$80 for EMT, \$115 for Advanced EMT, and \$125 for Paramedic;</p> <p>Must pass the practical examination for the individual's level of certification, within the preceding three years. A registered nurse or a physician assistant must pass the paramedic practical examination;</p> <p>The practical examination is provided by the accredited institution that is providing the instructor course. Any fees associated with the practical examination would be assessed by the hosting accredited institution.</p> <p>Must pass the instructional methods examination established by the board pursuant to section 4765.11 of the Revised Code within one year of completion of all of the other components of</p>

If the regulation is a registration, certification, or license requirement, please complete the following:	
	<p>the EMS instructor training program, except as provided in rule 4765-18-13 of the Administrative Code.</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. Failure to pass this examination within three attempts will require completion of a new EMS instructor training program.</p>
<p>Continuing education requirements <i>(Including a description of the curriculum and the process of setting it.)</i></p>	<p>During the preceding certification cycle, has provided not less than twenty-four hours of instruction of an EMS training or continuing education program offered by an accredited institution, approved institution or while serving on active duty in the armed forces of the United States, including the Ohio national guard or the national guard of any other state;</p> <p>Satisfies one of the following:</p> <p>During the preceding certification cycle, has completed six hours of continuing education related to the "Ohio Fire and EMS Instructor Curriculum" objectives; or</p> <p>Successfully passes an instructional methods examination, as set forth in rule 4765-18-05 of the Administrative Code.</p>
<p>Initial fee</p>	<p>Although the EMFTS Board has the authority to establish a fee, no certification fee is currently charged to candidates completing training through an Ohio-accredited program. Candidates for certification by reciprocity pay an application fee of \$75.00.</p>
<p>Duration</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:	
Renewal fee <i>(If different from initial fee, please explain why.)</i>	Although the EMFTS Board has the authority to establish a fee, no certification renewal fee is currently charged. However, if the certification lapses, a reinstatement fee of \$75.00 is charged on re-application.
Does the Board recognize uniform licensure requirements or allow for reciprocity?	For purposes of granting reciprocity, the State Board of Emergency Medical, Fire, and Transportation Services may grant an individual who has completed a course of instruction in teaching methodology in another state, the district of Columbia, a United States territory, as a member of the armed forces of the United States military, the Ohio national guard, the Ohio military reserve, the Ohio naval militia, the national guard of any other state or a reserve component of the armed forces of the United States, or the United States coast guard, a certificate to teach as an EMS instructor, if the applicant meets all of the requirements set forth in 4765-18 of the Ohio Administrative Code. The applicant must possess a current and valid Ohio EMS provider, registered nurse or physician assistant certificate or license, in the processing seven years, been certified for at least five years, passed the knowledge and practical examinations at their level of certification, completed eight hours of instruction specific to the field of emergency medical services, ten hours of supervised teaching in the presence of an EMS instructor under the auspice of an accredited institution and practical exam and passed the instructional methodology examination. A person who has previously held a certificate to teach as an EMS instructor in Ohio or another state which was previously revoked, or is eligible for reinstatement, is not eligible for certification by reciprocity.
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	No
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	Yes; a training program may utilize a guest lecturer who has expertise in a specific content area without holding a current EMS instructor license, so long as a certified instructor is present during the presentation.

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?

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.

Other information (*Significant attributes or prerequisites to licensure not addressed in this chart.*)

N/A

Oversight and disciplinary authority of the Board 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 Board to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?

Although the EMFTS Board is authorized to establish an application fee for initial and renewal certifications, no application fee has been established for Ohio trained and certified personnel. The \$75.00 fee charged to applicants certified through reciprocity and 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 out-of-hospital care providers is designed to protect all future EMS students from delivering any sub-optimal emergency care which could present serious and immediate risk to 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 treat do not possess the knowledge or technical expertise needed to properly evaluate the qualifications of those who arrive to provide emergency care. Often times these patients are incapacitated or completely unresponsive to the point that implied consent for care authorizes emergency treatment by these personnel. Those entrusted with this great educational responsibility must be competent care providers themselves in addition to possessing an understanding and capability of applying related teaching methodologies, including those related to high school and adult learners, in order to best prepare today’s students to safely provide appropriate, competent care in the future.

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), close monitoring of program graduation rates, student performance on the National EMS Certification examinations, student feedback on instructors and programs, and employer feedback 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 Board 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 Division of EMS is currently working on development of a Public Safety Service 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 could efficiently reinforce instructor volume and course capacity within all of Ohio's public safety services programs.

Comparison to other states *(How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)*

No reliable data could be identified concerning utilization and regulation of an EMS instructor certificate throughout the country from which to compare Ohio's experience with this level of instructor certification.

Surrounding state comparison (LSC)

EMS Instructor Certificate						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (<i>R.C. 4765.50</i>)	Yes (<i>Ind. Code Ann. 16-31-3-2</i>)	Yes (<i>Ky. Rev. Stat. Ann. 311A.025; 202 Ky. Admin. Regs. 7:601, Section 16</i>)	Yes (<i>Mich. Comp. Laws 333.20950(1); Mich. Admin. Code R. 325.22331</i>)	Yes (<i>35 Pa. Cons. Stat. 8124(a)</i>)	Yes (<i>W. Va. Code R. 126-136-5 and 126-136-5.6</i>)
Education or training	60 hours minimum (<i>R.C. 4765.11 and 4765.23; O.A.C. 4765-18-04</i>)	Complete an approved training course (<i>836 Ind. Admin. Code 4-5-2</i>)	Varies depending on level of certification sought (<i>202 Ky. Admin. Regs. 7:601</i>)	Complete approved training course (<i>Mich. Comp. Laws 333.20950(2)</i>)	Complete approved EMS instructor's course or have a bachelor's degree in education, a teacher's certification, or a doctorate or master's degree (<i>35 Pa. Cons. Stat. 8124(a)</i>)	High school diploma; complete approved instructor course (<i>West Virginia Public Service Training, Procedures to become a Public Service Training Instructor</i>)
Experience	Licensed or certified as an EMT currently, and for five of the last seven years (<i>R.C. 4765.11; O.A.C. 4765-18-05</i>)	Certified as an EMT (<i>836 Ind. Admin. Code 4-5-1 and 4-5-2</i>)	Varies depending on level of certification sought (<i>202 Ky. Admin. Regs. 7:601, Section 16</i>)	Three years of field experience; currently licensed as EMT (<i>Mich. Comp. Laws 333.20950(4)</i>)	Certified as EMT or higher; one year of field experience; 20 hours of monitored instruction time; and CPR	Current EMT or paramedic certification; CPR instructor certification; four years of work experience as EMT or

EMS Instructor Certificate						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
					certification (35 Pa. Cons. Stat. 8124(a))	paramedic; 16 hours of field-based teaching experience (<i>West Virginia Public Service Training, Procedures to become a Public Service Training Instructor</i>)
Exam	Yes (R.C. 4765.11; O.A.C. 4765-18-05)	Yes (836 Ind. Admin. Code 4-5-2)	None	Yes (Mich. Admin. Code R. 325.22331)	None	Yes (<i>West Virginia Public Service Training, Procedures to become a Public Service Training Instructor</i>)
Continuing education	Six hours every three years (R.C. 4765.11; O.A.C. 4765-18-06)	12 hours every two years (836 Ind. Admin. Code 4-5-2)	52 hours every two years (202 Ky. Admin. Regs. 7:601, Section 17)	30 hours every three years (Mich. Comp. Laws 333.20954; Mich. Admin. Code R. 325.22336)	None in addition to continuing education required for EMT (or higher) certification (28 Pa. Code 1023.31 and 1023.51(b)(2))	None

EMS Instructor Certificate						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Initial licensure fee	None (<i>O.A.C. 4765-18-05</i>)	None	\$85 (<i>202 Ky. Admin. Regs. 7:030</i>)	\$100 (<i>Mich. Comp. Laws 333.20950(6)(e)</i>)	None	None
License duration	Three years (<i>R.C. 4765.11; O.A.C. 4765-08-06</i>)	Two years (<i>836 Ind. Admin. Code 4-5-2</i>)	Two years (<i>Ky. Rev. Stat. Ann. 311A.095(2)</i>)	Three years (<i>Mich. Comp. Laws 333.20950(5)</i>)	Three years (<i>35 Pa. Cons. Stat. 8124(b)</i>)	Five years (<i>W. Va. Code R. 64-48-8 and 64-48-8.1.i</i>)
Renewal fee	None (<i>O.A.C. 4765-18-06</i>)	None	Between \$70 and \$135, depending on the level (<i>202 Ky. Admin. Regs. 7:030</i>)	\$25 (<i>Mich. Comp. Laws 333.20954 (2)(e)</i>)	None	None

EMS assistant instructor certificate

Survey responses (DPS)

Description
An assistant EMS instructor may teach an EMS training or EMS continuing education program at or below the level of the instructor's certificate or license to practice.

Type (See R.C. 4798.01 for relevant definitions.)

License

If the regulation is a registration, certification, or license requirement, please complete the following:

Number issued annually

The average number of new Assistant EMS Instructor certificates issued annually over the past four fiscal years (FY 2017-FY 2020) has been 19.

Number renewed annually

An average of 49 Assistant EMSI certificates were renewed annually from FY 2017 through FY 2019. It should be noted that Assistant EMSI certificates expiring from 3/9/20 through 6/30/20 were provided an automatic extension to renew until 12/1/20 (HB 197). The total number of renewals for FY 2020 as of 6/30/20 was 631 but does not reflect EMSIs who may still renew prior to the end of the extension period.

Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?

FY17 176
FY18 174
FY19 169
FY20 161*

The number of active Assistant EMSI certifications decreased by 3.9% from FY 2017 to the end of FY 2019.

*Does not include certificates expiring from 3/9 through 6/30/20 that received an extension under HB197 until 12/1/20

If the regulation is a registration, certification, or license requirement, please complete the following:

<p>Education or training requirements</p>	<p>EMS instructor courses are offered through 69 institutions accredited by the Board to provide Instructor training for certification.</p> <p>An Assistant EMS instructor training program shall consist of:</p> <p>Eight hours in instruction specific to the field of emergency medical services as outlined in rule 4765-18-04 of the Administrative Code;</p> <p>Ten hours of supervised teaching in the presence of an EMS instructor, under the auspices of an accredited institution;</p>
<p>Experience requirements</p>	<p>In the preceding five years, has been certified or licensed for at least three years as an EMS provider, registered nurse or physician assistant;</p> <p>Possesses a current and valid certificate to practice as an EMS provider or holds a current and valid Ohio license to practice as a registered nurse or a physician assistant;</p>
<p>Examination requirements <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>Must pass the knowledge examination at the level of the individual's certificate to practice as an EMS provider, within the preceding three years. An individual who is a registered nurse or physician assistant must pass the knowledge exam at the paramedic level;</p> <p>The knowledge exam is provided by the National Registry of EMTs. The fees are \$75 for EMR, \$80 for EMT, \$115 for Advanced EMT, and \$125 for Paramedic;</p> <p>Must pass the practical examination for the individual's level of certification, within the preceding three years. An individual who is a registered nurse or physician assistant must pass the practical exam at the paramedic level;</p> <p>The practical examination is provided by the accredited institution that is providing the instructor course. Any fees associated with the practical examination would be assessed by the hosting accredited institution.</p>
<p>Continuing education requirements <i>(Including a description of the curriculum and the process of setting it.)</i></p>	<p>During the preceding certification cycle, has provided not less than sixteen hours of instruction of an EMS training or continuing education program offered by an accredited institution, approved institution or while on active duty in the armed forces of the United States, including the Ohio national guard or the national guard of any other state;</p>

If the regulation is a registration, certification, or license requirement, please complete the following:	
	<p>During the preceding certification cycle, has completed six hours of instructional continuing education related to the "Ohio Fire and EMS Instructor Curriculum" objectives;</p> <p>Unless otherwise waived by the board, attends any mandatory instructor meetings held by the board.</p>
Initial fee	Although the EMFTS Board has the authority to establish a fee, no certification fee is currently charged.
Duration	<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>
Renewal fee <i>(If different from initial fee, please explain why.)</i>	Although the EMFTS Board has the authority to establish a fee, no certification renewal fee is currently charged. However, if the certification lapses, a reinstatement fee of \$75.00 is charged on re-application.
Does the Board recognize uniform licensure requirements or allow for reciprocity?	No
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	No
Are there any circumstances in which an individual may practice elements of the	Yes; a training program may utilize a guest lecturer who has expertise in a specific content area without holding a current EMS instructor license, so long as a certified instructor is present during the presentation.

If the regulation is a registration, certification, or license requirement, please complete the following:

occupation without being regulated by the board?	
Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?	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.
Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)	N/A

Oversight and disciplinary authority of the Board 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 Board to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?

Although the EMFTS Board is authorized to establish an application fee for initial and renewal certifications, no application fee has been established for Ohio trained and certified personnel. The \$75.00 fee charged to applicants certified through reciprocity and 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 out-of-hospital care providers is designed to protect all future EMS students from delivering any sub-optimal emergency care which could present serious and immediate risk to 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 treat do not possess the knowledge or technical expertise needed to properly evaluate the qualifications of those who arrive to provide emergency care. Often times these patients are incapacitated or completely unresponsive to the point that implied consent for care authorizes emergency treatment by these personnel. Those entrusted with this great educational responsibility must be competent care providers themselves in addition to possessing an understanding and capability of applying related teaching methodologies, including those related to high school and adult learners, in order to best prepare today’s students to safely provide appropriate, competent care in the future.

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), close monitoring of program graduation rates, student performance on the National EMS Certification examinations, student feedback on instructors and programs, and employer feedback 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 Board 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 Division of EMS is currently working on development of a Public Safety Service 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 could efficiently reinforce instructor volume and course capacity within all of Ohio's public safety services programs.

Comparison to other states (How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)

No reliable data could be identified concerning utilization and regulation of an EMS assistant instructor certificate throughout the country from which to compare Ohio's experience with this level of instructor certification.

Surrounding state comparison (LSC)

EMS Assistant Instructor Certificate						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (<i>R.C. 4765.50</i>)	N/A	N/A	N/A	N/A	N/A
Education or training	Eight hours of EMS instruction; currently licensed as an EMS provider, registered nurse, or physician assistant and licensed as such for three of the previous five years; (<i>R.C. 4765.11 and</i>	N/A	N/A	N/A	N/A	N/A

EMS Assistant Instructor Certificate

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<i>4765.23; O.A.C. 4765-18-18)</i>					
Experience	Ten hours of supervised teaching in the presence of a licensed EMS instructor (<i>R.C. 4765.11; O.A.C. 4765-18-18)</i>	N/A	N/A	N/A	N/A	N/A
Exam	Yes (<i>R.C. 4765.11; O.A.C. 4765-18-18)</i>	N/A	N/A	N/A	N/A	N/A
Continuing education	Six hours every three years (<i>R.C. 4765.11; O.A.C. 4765-18-19)</i>	N/A	N/A	N/A	N/A	N/A
Initial licensure fee	None (<i>O.A.C. 4765-18-18)</i>	N/A	N/A	N/A	N/A	N/A
License duration	Three years (<i>R.C. 4765.11; O.A.C. 4765-08-06)</i>	N/A	N/A	N/A	N/A	N/A
Renewal fee	None (<i>O.A.C. 4765-18-19)</i>	N/A	N/A	N/A	N/A	N/A

EMS continuing education teaching certificate

Survey responses (DPS)

Description
A continuing education instructor may only teach an EMS continuing education program at or below the level of the instructor's certificate or license to practice.

Type <i>(See R.C. 4798.01 for relevant definitions.)</i>
License

If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	The average number of new CE Instructor certificates issued annually over the past four fiscal years (FY 2017-FY 2020) has been 412.
Number renewed annually	An average of 762 CE Instructor certificates were renewed annually from FY 2017 through FY 2019. It should be noted that CE instructor certificates expiring from 3/9/20 through 6/30/20 were provided an automatic extension to renew until 12/1/20 (HB 197). The total number of

If the regulation is a registration, certification, or license requirement, please complete the following:	
	renewals for FY 2020 as of 6/30/20 was 770, but does not reflect CE Instructors who may still renew prior to the end of the extension period.
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	<p>FY17 2,621 FY18 2,783 FY19 2,963 FY20 3,073*</p> <p>The number of active CE Instructor certifications increased by 13% from FY 2017 to the end of FY 2019.</p> <p>*Does not include certificates expiring from 3/9 through 6/30/20 that received an extension under HB197 until 12/1/20</p>
Education or training requirements	<p>Evaluation of related knowledge and skills by the program director of an accredited or approved (CE) training program.</p> <p>An individual who holds a certificate of training as a physician, issued in accordance with section 4731.291 of the Revised Code, may be certified by the board as a continuing education instructor if the individual is recommended by the local Regional Physician Advisory Board (RPAB), or is recommended by the program director or program medical director of an accredited or approved training institution;</p>
Experience requirements	<p>In the preceding five years, has been certified or licensed for at least three years as an EMS provider, registered nurse, or physician assistant;</p> <p>Possesses a current and valid certificate to practice as an EMS provider or holds a current and valid Ohio license to practice as a registered nurse or a physician assistant;</p>
Examination requirements <i>(Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Board receive any</i>	N/A

If the regulation is a registration, certification, or license requirement, please complete the following:	
<i>proceeds of those fees? If so, how are the proceeds used?)</i>	
Continuing education requirements <i>(Including a description of the curriculum and the process of setting it.)</i>	<p>During the preceding certification cycle, has provided not less than six hours of instruction of an EMS continuing education program offered by an accredited institution, approved institution or while on active duty in the armed forces of the United States, including the Ohio national guard or the national guard of any other state;</p> <p>During the preceding certification cycle, has completed two hours of instructional continuing education related to the "Ohio Fire and EMS Instructor Curriculum" objectives</p>
Initial fee	Although the EMFTS Board has the authority to establish a fee, no certification fee is currently charged.
Duration	<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>
Renewal fee <i>(If different from initial fee, please explain why.)</i>	Although the EMFTS Board has the authority to establish a fee, no certification renewal fee is currently charged. However, if the certification lapses, a reinstatement fee of \$25.00 is charged on re-application.
Does the Board recognize uniform licensure requirements or allow for reciprocity?	No
Are there any similar national registrations, certifications, or licenses?	No

If the regulation is a registration, certification, or license requirement, please complete the following:

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?	Yes; a training program may utilize a guest lecturer who has expertise in a specific content area without holding a current EMS instructor license, so long as a certified instructor is present during the presentation.
Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?	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.
Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)	N/A

Oversight and disciplinary authority of the Board 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 Board to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?

Although the EMFTS Board is authorized to establish an application fee for initial and renewal certifications, no application fee has been established for Ohio trained and certified personnel. The \$75.00 fee charged to applicants certified through reciprocity and \$25.00 reinstatement fee 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 out-of-hospital care providers is designed to protect all future EMS students from delivering any sub-optimal emergency care which could present serious and immediate risk to 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 treat do not possess the knowledge or technical expertise needed to properly evaluate the qualifications of those who arrive to provide emergency care. Often times these patients are incapacitated or completely unresponsive to the point that implied consent for care authorizes emergency treatment by these personnel. Those entrusted with this great educational responsibility must be competent care providers themselves in addition to possessing an understanding and capability of applying related teaching methodologies, including those related to high school and adult learners, in order to best prepare

What is the “harm” that the regulation seeks to prevent? (See, R.C. 4798.02(B).)

today’s students to safely provide appropriate, competent care in the future. Individuals holding the EMS continuing education teaching certificate are also required to be monitored by the program director while lecturing.

Are there any changes the Board 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 Division of EMS is currently working on development of a Public Safety Service 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 could efficiently reinforce instructor volume and course capacity within all of Ohio’s public safety services programs.

Comparison to other states (How many other states regulate the occupation? How do Ohio’s regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)

No reliable data could be identified concerning utilization and regulation of an EMS continuing education teaching license throughout the country from which to compare Ohio’s experience with this level of instructor certification.

Surrounding state comparison (LSC)

EMS Continuing Education Teaching Certificate						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (<i>R.C. 4765.50</i>)	No, continuing education courses must be taught by approved trainers, providers, and institutions, but there does not appear to be a specific continuing education teaching certificate or related requirements	No, training and education programs must be conducted by entities approved by the Board of Emergency Medical Services, but there does not appear to be a specific continuing education teaching certificate or related	No	No, training and education programs must be conducted by “continuing education sponsors,” which are entities accredited by the Department of Emergency Medical Services; instructors need only possess “necessary practical and	Yes (<i>W. Va. Code R. 64-48-8, 126-136-5, and 126-136-5.6</i>)

EMS Continuing Education Teaching Certificate

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
			requirements (202 Ky. Admin. Regs. 7:601)		academic skills to conduct the course effectively" (28 Pa. Code 1025.21)	
Education or training	Currently licensed as an EMS provider, registered nurse, or physician assistant and licensed as such in three of the past five years (R.C. 4765.11; O.A.C. 4765-18-15)	N/A	N/A	N/A	N/A	Varies depending on type of endorsement (W. Va. Code R. 64-48- 8, 126-136-5, and 126-136-5.6; West Virginia Department of Health and Human Resources, Bureau for Public Health, Office of Emergency Medical Services, Educational Institute and Instructor Endorsement Policy)
Experience	None other than "Education and training" requirements (R.C.	N/A	N/A	N/A	N/A	Varies depending on type of endorsement (W. Va. Code R. 64-48- 8, 126-136-5, and

EMS Continuing Education Teaching Certificate

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<i>4765.11; O.A.C. 4765-18-15)</i>					<i>126-136-5.6; West Virginia Department of Health and Human Resources, Bureau for Public Health, Office of Emergency Medical Services, Educational Institute and Instructor Endorsement Policy)</i>
Exam	None	N/A	N/A	N/A	N/A	None
Continuing education	Two hours every three years (<i>R.C. 4765.11; O.A.C. 4765-18-16)</i>	N/A	N/A	N/A	N/A	None
Initial licensure fee	None (<i>O.A.C. 4765-18-15)</i>	N/A	N/A	N/A	N/A	None
License duration	Three years (<i>R.C. 4765.11; O.A.C. 4765-08-06)</i>	N/A	N/A	N/A	N/A	Five years (<i>W. Va. Code R. 64-48-8 and 64-48-8.1.i)</i>

EMS Continuing Education Teaching Certificate						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Renewal fee	None (<i>O.A.C. 4765-18-16</i>)	N/A	N/A	N/A	N/A	None

Fire safety inspector certification

Survey responses (DPS)

Description
<p>“Fire safety inspector” means an individual certified 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 4765-20 of the Administrative Code to perform fire safety inspector duties as set forth in Chapter 3737 of the Revised Code.</p> <p>Fire Safety Inspectors ensure that federal, state, and local fire codes are met in both public and residential areas and are free from fire and life safety hazards. Fire Safety Inspectors search buildings and other structures to identify fire hazards, reduce any hazards, and inspect fire protection/extinguishing equipment to ensure that it works properly. Fire Safety Inspectors are authorized to issue citations for related code violations, provide official testimony as necessary, and provide additional follow-up enforcement as needed.</p>

Type (<i>See R.C. 4798.01 for relevant definitions.</i>)
License

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 certificates issued annually over the past four fiscal years (FY 2017-FY 2020) has been 406.
Number renewed annually	An average of 3,111 Fire Safety Inspector certificates were renewed annually from FY 2017 through FY 2019. It should be noted that Fire Safety Inspector certificates expiring from 3/9/20 through 6/30/20 were provided an automatic extension to renew until 12/1/20 (HB 197). The total number of renewals for FY 2020 as of 6/30/20 was 1,422 but does not reflect Fire Safety Inspectors who may still renew prior to the end of the extension period.
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	<p>FY17 10,205 FY18 10,023 FY19 10,059 FY20 9,916*</p> <p>The number of active Fire Safety Inspector certifications decreased by 1.4% from FY 2017 to the end of FY 2019.</p> <p>*Does not include certificates expiring from 3/9 through 6/30/20 that received an extension under HB197 until 12/1/20</p>
Education or training requirements	<p>A training course for fire safety inspector certification shall consist of a minimum of eighty hours and shall meet both of the following training requirements:</p> <p>Shall meet the fire safety inspector course objectives set forth in the "Fire Safety Inspector Course Packet" approved by the executive director, with advice and counsel of the committee;</p> <p>Shall meet the performance objectives set forth in "NFPA 1031" for fire inspector I and II.</p>
Experience requirements	<p>Possess a current firefighter certificate issued under section 4765.55 of the Ohio Revised Code and 4765-20 of the Ohio Administrative Code that is in good standing;</p> <p>Shall be employed by one of the following:</p> <p>The office of the state fire marshal</p>

If the regulation is a registration, certification, or license requirement, please complete the following:

	<p>A firefighting agency as defined in division (A)(3) of section 9.60 of the Revised Code</p> <p>A private fire company as defined in division (A)(5) of section 9.60 of the Revised Code that is providing fire protection in accordance with division (B), (C), or (D) of section 9.60 of the Revised Code</p>
<p>Examination requirements (<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>The initial examinations required for a fire safety inspector certificate shall consist of a knowledge examination and a practical skills examination as approved by the executive director, with the advice and counsel of the committee.</p> <p>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. If successful, an electronic application for certification can be completed and submitted to the Division of EMS for immediate processing.</p> <p>The knowledge examination for a fire safety inspector certificate shall meet the following:</p> <p>A passing score of at least seventy per cent on the knowledge examination is required for certification;</p> <p>The knowledge examination for fire safety inspector shall be passed within three attempts;</p> <p>If the applicant is unable to pass the knowledge examination within three attempts, the applicant shall complete a new course of instruction for fire safety inspector as set forth in rule 4765-24-14 of the Administrative Code and meet all criteria for a certificate of fire safety inspector training as provided in rule 4765-20-03 of the Administrative Code.</p> <p>The practical skills examination for fire safety inspector shall meet the following:</p> <p>The practical skills examination shall be administered by a chartered program;</p> <p>The practical skills examination shall be evaluated by:</p> <p>A fire safety inspector instructor trained as a practical skills evaluator; or</p>

If the regulation is a registration, certification, or license requirement, please complete the following:

	<p>A fire safety inspector who is also a fire instructor trained as a practical skills evaluator, when a fire safety inspector instructor is not available;</p> <p>The practical skills examination shall be based on a pass or fail grading system;</p> <p>The applicant shall pass each skill in its entirety. Failure to pass any portion of a tested skill requires re-testing of the entire skill;</p> <p>A maximum of three attempts per skill is permitted, with no more than two attempts occurring on the same day;</p> <p>If the applicant is unable to pass the practical skills examination, the applicant shall complete a new course of instruction for fire safety inspector as set forth in rule 4765-24-14 of the Administrative Code and meet all criteria for the fire safety inspector certificate as provided in rule 4765-20-03 of the Administrative Code.</p>
<p>Continuing education requirements <i>(Including a description of the curriculum and the process of setting it.)</i></p>	<p>24 hours of CE related to any of the following topics:</p> <p>The theory of fire code enforcement;</p> <p>Enforcement of fire codes;</p> <p>Life safety system of building and uses;</p> <p>The safe use and maintenance of facilities, buildings, and uses which are subject to the state of Ohio fire code;</p> <p>The safe handling of materials which pose a fire hazard;</p> <p>Fire code administration;</p> <p>Legal method of code enforcement;</p> <p>Legal rights of landlords and tenants under federal, state, and local laws;</p> <p>The application, installation, use & interpretation of NFPA standards; and</p> <p>Other training directly related to performance of fire safety inspection duties.</p>

If the regulation is a registration, certification, or license requirement, please complete the following:	
	<p>If a new fire code is adopted by the state of Ohio, a fire safety inspector shall attend continuing education of not less than four hours related to the new fire code. The continuing education shall be completed within six months of the adoption of the new fire code. The hours can be counted toward the 24 hours of CE required for renewal.</p> <p>Fire safety inspector continuing education shall be provided by or under the auspices of institutions of higher education, recognized state agencies, chartered training programs, fire schools, fire training academies, or a fire department operated by federal, state, county, or local government, or non-profit organizations.</p> <p>Continuing education shall be approved by a program director of a chartered program or by the applicant's fire chief.</p>
Initial fee	There currently is no legislative authority for the Division of EMS to charge a certification fee.
Duration	<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>
Renewal fee <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 renewal fee. However, if the certification lapses, a reinstatement fee of \$75.00 is charged on re-application.
Does the Board recognize uniform licensure requirements or allow for reciprocity?	No

If the regulation is a registration, certification, or license requirement, please complete the following:

<p>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</p>	<p>Pro Board and the International Fire Service Accreditation Congress (IFSAC) both offer initial firefighter certifications that are based on the National Fire Protection Association (NFPA) standards. However, neither meet all of the required cognitive and psychomotor content for Ohio certification. Additionally, neither Pro Board or IFSAC outline any renewal requirements for their respective certifications.</p>
<p>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?</p>	<p>No.</p>
<p>Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?</p>	<p>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.</p>
<p>Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)</p>	<p>N/A</p>

Oversight and disciplinary authority of the Board 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 Board 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.

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 Fire Safety Inspectors is designed to protect the public by ensuring that these personnel are adequately prepared to ensure that federal, state, and local fire codes are met in both public and residential areas and free from fire and life safety hazards. Fire Safety Inspectors search buildings and other structures to identify fire hazards, reduce any hazards, and inspect fire protection/extinguishing equipment to ensure that it works properly. Many of these hazards and code violations could present serious and immediate risk to public health and safety, including death. It is fair to assume that a large proportion of the public do not possess the knowledge or technical expertise needed to properly evaluate and mitigate these types of hazards.

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 the National Fire Protection Association “Standards for Fire Fighting Professional Qualifications,” the Ohio Fire Code as promulgated by the Office of State Fire Marshal, and issuance of Ohio Fire Safety Inspector licensure following successful completion of the Ohio certification process is an effective means of ensuring that inspectors have been measured and demonstrated the ability to safely and effectively perform all associated duties at the entry level of competency for the profession.

Are there any changes the Board 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 certificate 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.

Comparison to other states (*How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?*)

No reliable data could be identified concerning utilization and regulation of a Fire safety inspector license throughout the country from which to compare Ohio's experience with this level of certification. A significant portion of this license is based on Ohio-specific fire code regulations as promulgated by the Office of State Fire Marshal.

Surrounding state comparison (LSC)

Fire Safety Inspector Certification						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (<i>R.C. 3737.34 and 4765.55</i>)	No clear equivalent; Board of Firefighting Personnel Standards and Education administers a number of voluntary certification programs that may be required by local employers for employment and promotion (<i>Ind.</i>	No clear equivalent but fire alarm inspectors are certified (<i>815 Ky. Admin. Regs. 10:060, Section 7(2)(e)</i>)	Yes (<i>Mich. Admin. Code R. 29.502(h)</i>)	No clear equivalent but local licensure or certification may apply	No clear equivalent but local licensure or certification may apply

Fire Safety Inspector Certification						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
		<i>Code Ann. 36-8-10.5; 655 Ind. Admin. Code 1-3-5 through 1-4-2)</i>				
Education or training	Valid firefighter certificate; complete a fire safety inspector training course (<i>R.C. 4765.55; O.A.C. 4765-20-03</i>)	N/A	N/A	High school diploma or GED; hold NFPA fire inspector I certification or equivalent (<i>Mich. Admin. Code R. 29.502</i>)	N/A	N/A
Experience	18 years of age (<i>R.C. 4765.55; O.A.C. 4765-20-03</i>)	N/A	N/A	18 years of age (<i>Mich. Admin. Code R. 29.502</i>)	N/A	N/A
Exam	Yes (<i>R.C. 4765.55; O.A.C. 4765-20-03 and 4765-20-06</i>)	N/A	N/A	Yes (<i>Mich. Admin. Code R. 29.502</i>)	N/A	N/A
Continuing education	24 hours every three years (<i>R.C. 4765.55; O.A.C. 4765-20-12</i>)	N/A	N/A	60 hours every three years (<i>Mich. Admin. Code R. 29.506</i>)	N/A	N/A
Initial licensure fee	None	N/A	N/A	None	N/A	N/A

Fire Safety Inspector Certification						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License duration	Three years (<i>R.C. 4765.55; O.A.C. 4765-20-16</i>)	N/A	N/A	Three years (<i>Mich. Admin. Code R. 29.507a(1)(a)</i>)	N/A	N/A
Renewal fee	None (<i>R.C. 4765.55; O.A.C. 4765-20-07</i>)	N/A	N/A	None	N/A	N/A

Hazard recognition officer certification

Survey responses (DPS)

Description
<p>Hazard Recognition Officer" means an individual certified 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 4765-20 of the Administrative Code to perform limited fire safety inspections.</p> <p>The Hazard Recognition Officer certification provides certificate holders with the knowledge, skills, and abilities necessary to conduct fire and life safety inspections in Ohio. The certification is optional and meets the minimum requirements set forth in the nationally recognized standard, NFPA 1031: "Standard for Professional Qualifications for Fire Inspector and Plan Examiner" for Fire Inspector I. Hazard Recognition Officers in Ohio are utilized to inspect public and residential areas in order to identify any fire and life safety hazards or code violations and report any to a certified Fire Safety Inspector for follow-up action.</p>

Type (See R.C. 4798.01 for relevant definitions.)

License

If the regulation is a registration, certification, or license requirement, please complete the following:

Number issued annually	This is a relatively new level of fire service provider that became available 1/1/2018. Only 51 certificates have been issued as of the end of FY 2020.
Number renewed annually	This is a relatively new level of fire service provider that became available on 1/1/2018. Only 36 renewals have been submitted as of the end of FY 2020 which reflects individuals who were certified at the Fire Safety Inspector level that chose to drop back (renew) at the HRO level.
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	This is a relatively new level of fire service provider that became available on 1/1/2018. The certification is too new and reflects too small of a sample size to evaluate changes in active certifications. There were 80 active HRO certificates as of the end of FY 2020.
Education or training requirements	<p>A training course for hazard recognition officer certification shall consist of a minimum of forty hours and shall meet both of the following training requirements:</p> <p>Shall meet the hazard recognition officer course objectives set forth in the "Hazard Recognition Officer Course Packet" approved by the executive director, with advice and counsel of the committee;</p> <p>Shall meet the performance objectives set forth in "NFPA 1031" for fire inspector I.</p>

If the regulation is a registration, certification, or license requirement, please complete the following:

Experience requirements

Possess a current firefighter certificate issued under section 4765.55 of the Ohio Revised Code and 4765-20 of the Ohio Administrative Code that is in good standing;

Shall meet all admission requirements established by the chartered program.

In addition to the requirements for admission as set forth in paragraph (C) of this rule, the chartered program shall require each student to be employed by one of the following in order to be eligible for admission into a fire safety inspector course:

The office of the state fire marshal;

A firefighting agency as defined in division (A)(3) of section 9.60 of the Revised Code;

A private fire company as defined in division (A)(5) of section 9.60 of the Revised Code that is providing fire protection in accordance with division (B), (C), or (D) of section 9.60 of the Revised Code.

Examination requirements (*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?*)

The initial examinations required for a hazard recognition officer certificate shall consist of a knowledge examination and a practical skills examination as 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. If successful, an electronic application for certification can be completed and submitted to the Division of EMS for immediate processing.

The knowledge examination for a hazard recognition officer certificate shall meet the following:

A passing score of at least seventy percent on the knowledge examination is required for certification;

The knowledge examination for hazard recognition officer shall be passed within three attempts;

If the applicant is unable to pass the knowledge examination within three attempts, the applicant shall complete a new course of instruction for hazard recognition officer as set forth in

If the regulation is a registration, certification, or license requirement, please complete the following:

	<p>rule 4765-24-14 of the Administrative Code and meet all criteria for a certificate of hazard recognition officer as provided in rule 4765-20-03 of the Administrative Code.</p> <p>The practical skills examination for hazard recognition officer shall meet the following:</p> <p>The practical skills examination shall be administered by a chartered program;</p> <p>The practical skills examination shall be evaluated by:</p> <p>A fire safety inspector instructor trained as a practical skills evaluator; or</p> <p>A fire safety inspector who is also a fire instructor trained as a practical skills evaluator, when a fire safety inspector instructor is not available;</p> <p>The practical skills examination shall be based on a pass or fail grading system;</p> <p>The applicant shall pass each skill in its entirety. Failure to pass any portion of a tested skill requires re-testing of the entire skill;</p> <p>A maximum of three attempts per skill is permitted, with no more than two attempts occurring on the same day;</p> <p>If the applicant is unable to pass the practical skills examination, the applicant shall complete a new course of instruction for hazard recognition officer as set forth in rule 4765-24-14 of the Administrative Code and meet all criteria for the fire safety inspector certificate as provided in rule 4765-20-03 of the Administrative Code.</p>
<p>Continuing education requirements <i>(Including a description of the curriculum and the process of setting it.)</i></p>	<p>6 hours of CE</p> <p>To include any combination of the following training:</p> <p>Means of egress;</p> <p>Flammable & combustible liquids storage, use, and handling;</p> <p>Combustible waste material handling and storage;</p> <p>Open flames requirements and restrictions;</p> <p>Hazards to fire fighters;</p>

If the regulation is a registration, certification, or license requirement, please complete the following:

	<p>Fire protection system access and clearances;</p> <p>Fire separation integrity including fire doors and fire walls;</p> <p>Commercial cooking hazards;</p> <p>Basic electrical equipment and wiring hazards; and</p> <p>Other training directly related to performance of hazard recognition officer duties.</p> <p>If a new fire code is adopted by the state of Ohio, a hazard recognition officer shall attend continuing education of not less than four hours related to the new fire code. The continuing education shall be completed within six months of the adoption of the new fire code. The hazard recognition officer shall maintain documentation of completion of this update.</p> <p>Hazard recognition officer continuing education shall be provided by or under the auspices of institutions of higher education, recognized state agencies, chartered training programs, fire schools, fire training academies, or a fire department operated by federal, state, county, or local government, or non-profit organizations.</p> <p>Continuing education shall be approved by a program director of a chartered program or by the applicant's fire chief.</p>
<p>Initial fee</p>	<p>There currently is no legislative authority for the Division of EMS to charge a certification fee.</p>
<p>Duration</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>
<p>Renewal fee <i>(If different from initial fee, please explain why.)</i></p>	<p>There currently is no legislative authority for the Division of EMS to charge a certification fee.</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?	No
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	Pro Board and the International Fire Service Accreditation Congress (IFSAC) both offer initial fire fighter certifications that are based on the National Fire Protection Association (NFPA) standards. However, neither meet all of the required cognitive and psychomotor content for Ohio certification. Additionally, neither Pro Board or IFSAC outline any renewal requirements for their respective certifications.
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	No.
Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?	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.
Other information (Significant attributes or prerequisites to licensure not addressed in this chart.)	N/A

Oversight and disciplinary authority of the Board 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 Board 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.

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 Hazard Recognition Officers is designed to protect the public by ensuring that these personnel are adequately prepared to ensure that federal, state, and local fire codes are met in both public and residential areas and free from fire and life safety hazards. Hazard Recognition Officers search buildings and other structures to identify fire hazards, reduce any hazards, and inspect fire protection/extinguishing equipment to ensure that it works properly. Many of these hazards and code violations could present serious and immediate risk to public health and safety, including death. It is fair to assume that a large proportion of the public do not possess the knowledge or technical expertise needed to properly evaluate and mitigate these types of hazards.

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 the National Fire Protection Association “Standards for Fire Fighting Professional Qualifications,” the Ohio Fire Code as promulgated by the Office of State Fire Marshal, and issuance of Ohio Hazard Recognition Officer licensure following successful completion of the Ohio certification process is an effective means of ensuring that Hazard Recognition Officers have been measured and demonstrated the ability to safely and effectively perform all associated duties at the entry level of competency for the profession.

Are there any changes the Board 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 certificate to practice for Ohio EMS and fire personnel. Modification of ORC 4765.55 to create fee parity with existing EMS

Are there any changes the Board would like to see implemented?

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.

Comparison to other states *(How many other states regulate the occupation? How do Ohio’s regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)*

No reliable data could be identified concerning utilization and regulation of a Hazard Recognition Officer license throughout the country from which to compare Ohio’s experience with this level of certification. A significant portion of this license is based on Ohio-specific fire code regulations as promulgated by the Office of State Fire Marshal.

Surrounding state comparison (LSC)

Hazard Recognition Officer Certification						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (<i>R.C. 4765.55; O.A.C. 4765-20-03</i>)	No clear equivalent; Board of Firefighting Personnel Standards and	No clear equivalent but local licensure or	No clear equivalent but local licensure or	No clear equivalent but local licensure or	No clear equivalent but local licensure or

Hazard Recognition Officer Certification						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
		Education administers a number of voluntary certification programs that may be required by local employers for employment and promotion (<i>Ind. Code Ann. 22-14-2-7</i>)	certification may apply	certification may apply	certification may apply	certification may apply
Education or training	Valid firefighter certificate; complete a hazard recognition officer training course (<i>R.C. 4765.55; O.A.C. 4765-20-03</i>)	N/A	N/A	N/A	N/A	N/A
Experience	18 years of age (<i>R.C. 4765.55; O.A.C. 4765-20-03</i>)	N/A	N/A	N/A	N/A	N/A

Hazard Recognition Officer Certification

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Exam	Yes (<i>R.C. 4765.55; O.A.C. 4765-20-03 and 4765-20-06</i>)	N/A	N/A	N/A	N/A	N/A
Continuing education	Six hours every three years (<i>R.C. 4765.55; O.A.C. 4765-20-12</i>)	N/A	N/A	N/A	N/A	N/A
Initial licensure fee	None	N/A	N/A	N/A	N/A	N/A
License duration	Three years (<i>R.C. 4765.55; O.A.C. 4765-20-16</i>)	N/A	N/A	N/A	N/A	N/A
Renewal fee	None (<i>R.C. 4765.55; O.A.C. 4765-20-07</i>)	N/A	N/A	N/A	N/A	N/A

Firefighter certification

Survey responses (DPS)

Description

Firefighter means an individual who holds a certificate as a volunteer firefighter, firefighter I, or firefighter II, issued by the chief executive officer of the State Board of Emergency Medical, Fire, and Transportation Services pursuant to section 4765.55 of the Ohio Revised Code and Chapter 4765-20 of the Ohio Administrative Code.

Firefighters control and put out fires, and respond to emergency situations where life, property, or the environment is at risk. When responding to an emergency, firefighters are responsible for connecting hoses to hydrants, operating the pumps that power the hoses, climbing ladders, and using other tools to break through debris. Firefighters also enter burning buildings to extinguish fires and rescue individuals.

Type *(See R.C. 4798.01 for relevant definitions.)*

License

If the regulation is a registration, certification, or license requirement, please complete the following:

Number issued annually

Numbers for Firefighter I and Firefighter II are listed separately below:

FFI: The average number of new FFI certificates issued annually over the past four fiscal years (FY 2017-FY 2020) has been 660. This includes an average of 3/FY of certifications by reciprocity from other states or the military.

If the regulation is a registration, certification, or license requirement, please complete the following:	
	<p>FFII: The average number of new FFII certificates issued annually over the past four fiscal years (FY 2017-FY 2020) has been 1,129. This includes an average of 14/FY of certifications by reciprocity from other states or the military.</p>
Number renewed annually	<p>Numbers for Firefighter I and Firefighter II are listed separately below:</p> <p>FFI: An average of 1,386 FFI certificates were renewed annually from FY 2017 through FY 2019. It should be noted that FFI certificates expiring from 3/9/20 through 6/30/20 were provided an automatic extension to renew until 12/1/20 (HB 197). The total number of renewals for FY 2020 as of 6/30/20 was 1,422 but does not reflect FFI certificates that may be renewed prior to the end of the extension period.</p> <p>FFII: An average of 7,089 FFII certificates were renewed annually from FY 2017 through FY 2019. It should be noted that FFII certificates expiring from 3/9/20 through 6/30/20 were provided an automatic extension to renew until 12/1/20 (HB 197). The total number of renewals for FY 2020 as of 6/30/20 was 7,069 but does not reflect FFII certificates that may be renewed prior to the end of the extension period.</p>
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	<p>Numbers for Firefighter I and Firefighter II are listed separately below:</p> <p>FFI:</p> <p>FY17 5,173</p> <p>FY18 5,132</p> <p>FY19 5,041</p> <p>FY20 4,997*</p> <p>The number of active FFI certifications decreased by 2.5% from FY 2017 to the end of FY 2019.</p> <p>FFII:</p> <p>FY17 23,702</p> <p>FY18 23,776</p> <p>FY19 24,066</p>

If the regulation is a registration, certification, or license requirement, please complete the following:

	<p>FY20 23,797*</p> <p>The number of active FFII certifications decreased by 1.5% from FY 2017 to the end of FY 2019.</p> <p>*Does not include certificates expiring from 3/9 through 6/30/20 that received an extension under HB197 until 12/1/20</p>
<p>Education or training requirements</p>	<p>Requirements for Firefighter I, Firefighter I & II and transition courses for Volunteer Firefighter (VFF) to FFI and for FFI to FFII are listed separately below:</p> <p>FFI</p> <p>A training course for a firefighter I certificate shall consist of at least one hundred sixty hours and shall include all of the following:</p> <p>A minimum of one hundred thirty-two hours of fire fighter training that meets the general knowledge requirements, general skill requirements, and the job performance requirements specified in "NFPA 1001" for fire fighter I, as set forth in the fire fighter I course objectives approved by the executive director, with advice and counsel of the committee as provided in the "Firefighter I Course Packet";</p> <p>A minimum of twenty-four hours of hazardous materials awareness and operations level training that meets the mission-specific competencies specified in "NFPA 1072" as required by "NFPA 1001," and the objectives as set forth in the "Hazardous Materials Awareness and Operations Course Packet" approved by the executive director, with advice and counsel of the committee;</p> <p>"Courage to be Safe: Sixteen Life Safety Initiatives Course" totaling at least four hours.</p> <p>The "Firefighter I Course Packet," approved by the executive director, with advice and counsel of the committee, shall be used as a guide when delivering fire fighter I courses.</p> <p>A chartered fire training program may reorganize or add to the program-specific course objectives and objective check-off sheets to align with the program's course schedule.</p> <p>All program-specific course objectives and objective check-off sheets shall meet all of the requirements as outlined in the fire fighter I course objectives provided in the "Firefighter I Course Packet";</p>

If the regulation is a registration, certification, or license requirement, please complete the following:

Program-specific course objectives and objective check-off sheets shall be approved by the executive director prior to implementation;

A chartered program that chooses to reorganize or add to the program-specific course objectives and objective check-off sheets shall provide a cross reference to the fire fighter I course objectives provided in the "Firefighter I Course Packet" to assist with program review.

FFI & II

A training course for a firefighter I and II certificate shall consist of at least two hundred forty-four hours and shall include all of the following:

A minimum of two hundred sixteen hours that meets the general knowledge requirements, general skill requirements, and the job performance requirements specified in "NFPA 1001" for firefighter I and firefighter II, as set forth in the firefighter I and II course objectives approved by the executive director, with advice and counsel of the committee as provided in the "Firefighter I and II Course Packet";

A minimum of twenty-four hours of hazardous materials awareness and operations level training that meets the mission-specific competencies specified in "NFPA 1072" as required by "NFPA 1001," and the objectives as set forth in the "Hazardous Materials Awareness and Operations Course Packet" approved by the executive director, with advice and counsel of the committee;

"Courage to Be Safe: Sixteen Life Safety Initiatives Course" totaling at least four hours.

The "Firefighter I and II Course Packet," approved by the executive director, with advice and counsel of the committee, shall be used as a guide when delivering firefighter I and II courses.

A chartered fire training program may reorganize or add to the program-specific course objectives and objective check-off sheets to align with the program's course schedule.

If the regulation is a registration, certification, or license requirement, please complete the following:

All program-specific course objectives and objective check-off sheets shall meet all of the requirements as outlined in the firefighter I and II course objectives provided in the "Firefighter I and II Course Packet";

Program-specific course objectives and objective check-off sheets shall be approved by the executive director prior to implementation;

A chartered program that chooses to recognize or add to the program-specific course objectives and objective check-off sheets shall provide a cross reference to the firefighter I and II course objectives provided in the "Firefighter I and II Course Packet" to assist with program review.

A chartered fire training program shall use the firefighter I and II practical skills sheets approved by the executive director when conducting practical skills testing for state certification.

A chartered program shall admit only those individuals who meet the following requirements into a firefighter I and II course:

Shall be at least eighteen years of age, except that a chartered program may admit a student who is seventeen years of age into a secondary or post-secondary firefighter I and II course, provided that the student has graduated or is enrolled in the twelfth or final grade in a secondary school program. A chartered program may admit a student into a secondary school firefighter I and II course who is sixteen years of age, provided that the student is enrolled in the eleventh grade in a secondary school public safety program. In the eleventh grade: participation shall be limited to classroom and practical skills activities associated with firefighter I course objectives and the student is prohibited from participation in any training involving immediately dangerous to life and health (IDLH) environments to include any live fire training.

Shall meet "NFPA 1001" chapter 1 entrance requirements;

Shall demonstrate a pre-determined level of cognitive proficiency by one of the following methods:

If the regulation is a registration, certification, or license requirement, please complete the following:

Through successful completion of a cognitive-based pre-admission assessment or test such as the ACT, SAT, Work Keys, Compass, Accuplacer, TABE, or equivalent;

Through achievement of a minimum high school or college GPA as determined by the charter program to be an appropriate indicator for successful completion of the program.

Shall meet all admission requirements established by the chartered program.

A chartered program shall determine the appropriate level of academic or cognitive performance that it deems an appropriate indicator for successful completion of the program. At the discretion of the chartered program, applicants who do not meet the minimum cognitive assessment score or academic performance level, as required in paragraph (E) of this rule, may be granted admission to a firefighter I and II course subsequent to completion of remediation.

Firefighter I and II course instructors shall be appointed by the program director in accordance with the following:

Each instructor shall hold a current and valid firefighter II certificate in accordance with Chapter 4765-20 of the Administrative Code.

Each instructor shall hold a current and valid fire instructor or assistant fire instructor certificate in accordance with Chapter 4765-21 of the Administrative Code.

The training requirements listed shall commence and end within a consecutive twelve-month period, except that a firefighter I and II course provided in a secondary school public safety program shall commence and end within an eighteen-month period.

Prior to being permitted to participate in live fire training evolutions, students shall meet the minimum student prerequisites to participate in live fire training evolutions in accordance with "NFPA 1403" chapter 4.

VFF to FFI Transition

If the regulation is a registration, certification, or license requirement, please complete the following:

A training course to transition a certified volunteer firefighter to the firefighter I certification level shall consist of at least one hundred twenty-four hours and shall include all of the following:

A minimum of ninety-six hours that meets the general knowledge requirements, general skill requirements, and the job performance requirements specified in "NFPA 1001" for firefighter I, as set forth in the firefighter I course objectives approved by the executive director, with advice and counsel of the committee as provided in the "Firefighter I Transition Course Packet";

A minimum of twenty-four hours of hazardous materials awareness and operations level training that meets the mission-specific competencies specified in "NFPA 1072" as required by "NFPA 1001," and the objectives as set forth in the "Hazardous Materials Awareness and Operations Course Packet" approved by the executive director, with advice and counsel of the committee;

"Courage to be Safe: Sixteen Life Safety Initiatives Course" totaling at least four hours.

The "Firefighter I Transition Course Packet," approved by the executive director, with advice and counsel of the committee, shall be used when delivering firefighter I transition courses.

A chartered fire training program may reorganize or add to the program-specific course objectives and objective check-off sheets to align with the program's course schedule.

All program-specific course objectives and objective check-off sheets shall meet all of the requirements as outlined in the firefighter I course objectives provided in the "Firefighter I Transition Course Packet";

Program-specific course objectives and objective check-off sheets shall be approved by the executive director prior to implementation;

A chartered program that chooses to reorganize or add to the program-specific course objectives and objective check-off sheets shall provide a cross reference to the firefighter I

If the regulation is a registration, certification, or license requirement, please complete the following:

course objectives provided in the "Firefighter I Transition Course Packet" to assist with program review.

A chartered fire training program shall use the firefighter I practical skills sheets approved by the executive director, with advice and counsel of the committee, when conducting practical skills testing for state certification.

A chartered program shall admit only those individuals who meet the following requirements into a firefighter I transition course:

Shall be at least eighteen years of age;

Shall hold a current and valid volunteer firefighter certificate, in good standing;

Shall meet "NFPA 1001" chapter 1 entrance requirements;

Shall meet all admission requirements established by the chartered program.

Firefighter I transition course instructors shall be appointed by the program director in accordance with the following:

Each instructor shall hold a current and valid firefighter I or firefighter II certificate in accordance with Chapter 4765-20 of the Administrative Code.

Each instructor shall hold a current and valid fire instructor or assistant fire instructor certificate in accordance with Chapter 4765-21 of the Administrative Code.

The training requirements shall commence and end within a consecutive twelve-month period.

If the regulation is a registration, certification, or license requirement, please complete the following:

Prior to being permitted to participate in live fire training evolutions, students shall meet the minimum student prerequisites to participate in live fire training evolutions in accordance with "NFPA 1403" chapter 4.

FF I to FFII Transition

A training course to transition a certified firefighter I to the firefighter II certification level shall consist of a minimum of eighty-four hours that meets the general knowledge requirements, general skill requirements, and the job performance requirements specified in "NFPA 1001" for firefighter II, as set forth in the firefighter II course objectives approved by the executive director, with advice and counsel of the committee as provided in the "Firefighter II Transition Course Packet";

The "Firefighter II Transition Course Packet," approved by the executive director, with advice and counsel of the committee, shall be used as a guide when delivering firefighter II transition courses.

A chartered fire training program may reorganize or add to the program-specific course objectives and objective check-off sheets to align with the program's course schedule.

All program-specific course objectives and objective check-off sheets shall meet all of the requirements as outlined in the firefighter II course objectives provided in the "Firefighter II Transition Course Packet";

Program-specific course objectives and objective check-off sheets shall be approved by the executive director prior to implementation;

A chartered program that chooses to reorganize or add to the program-specific course objectives and objective check-off sheets shall provide a cross reference to the firefighter II course objectives provided in the "Firefighter II Transition Course Packet" to assist with program review.

If the regulation is a registration, certification, or license requirement, please complete the following:

A chartered fire training program shall use the firefighter II practical skills sheets approved by the executive director when conducting practical skills testing for state certification.

A chartered program shall admit only those individuals who meet the following requirements into a firefighter II transition course:

Shall be at least eighteen years of age;

Shall hold a current and valid firefighter I certificate, in good standing, for admission to a firefighter II transition course.

Shall have successfully completed a hazardous materials awareness and operations course.

Shall have successfully completed a "Courage to be Safe: Sixteen Life Safety Initiatives Course" totaling at least four hours.

Shall meet "NFPA 1001" chapter 1 entrance requirements;

Shall meet all admission requirements established by the chartered program.

Firefighter II course instructors shall be appointed by the program director in accordance with the following:

Each instructor shall hold a current and valid firefighter II certificate in accordance with Chapter 4765-20 of the Administrative Code.

Each instructor shall hold a current and valid fire instructor or assistant fire instructor certificate in accordance with Chapter 4765-21 of the Administrative Code.

The training requirements shall commence and end within a consecutive twelve-month period.

If the regulation is a registration, certification, or license requirement, please complete the following:	
	<p>Prior to being permitted to participate in live fire training evolutions, students shall meet the minimum student prerequisites to participate in live fire training evolutions in accordance with "NFPA 1403" chapter 4.</p>
<p>Experience requirements</p>	<p>Applicants for a Firefighter II transition course are required to hold a certification as a Firefighter I for admission. In addition, chartered fire training programs may have minimum requirements for admission into firefighter training courses.</p>
<p>Examination requirements (<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>The initial examinations required for a firefighter certificate shall consist of a knowledge examination and a practical skills examination as approved by the executive director, with the advice and counsel of the committee.</p> <p>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. If successful, an electronic application for certification can be completed and submitted to the Division of EMS for immediate processing.</p> <p>The knowledge examination for a firefighter certificate shall meet the following:</p> <p>The knowledge examination shall be taken at the level of firefighter certification sought;</p> <p>A passing score of at least seventy per cent on the knowledge examination is required for certification;</p> <p>The knowledge examination required for certification shall be passed within three attempts;</p> <p>If the applicant is unable to pass the knowledge examination within three attempts, the applicant shall complete a new course of instruction and meet all criteria for a firefighter certificate as provided in rule 4765-20-02 of the Administrative Code.</p> <p>The practical skills examination shall consist of skills testing applicable to the level of firefighter certificate sought and shall meet the following:</p>

If the regulation is a registration, certification, or license requirement, please complete the following:	
	<p>The practical skills examination shall be administered by a chartered program;</p> <p>The practical skills examination shall be evaluated by a practical skills evaluator;</p> <p>The practical skills examination shall be based on a pass or fail grading system;</p> <p>The applicant shall pass each skill in its entirety. Failure to pass any portion of a tested skill requires re-testing of the entire skill.</p> <p>A maximum of three attempts per skill is permitted, with no more than two attempts occurring on the same day;</p> <p>If the applicant is unable to pass the practical skills examination within three attempts, the applicant shall complete a new course of instruction as set forth in Chapter 4765-24 of the Administrative Code and meet all criteria for a firefighter certificate as provided in rule 4765-20-02 of the Administrative Code.</p> <p>An applicant shall successfully pass the practical skills examination prior to attempting the knowledge examination.</p>
Continuing education requirements <i>(Including a description of the curriculum and the process of setting it.)</i>	<p>The FFI and FFII have the same continuing education requirements:</p> <p>54 CE hours – Continuing education training shall be related to the fire service and approved by the applicant’s fire chief or program director of a chartered program. Such continuing education training may be completed online, through a chartered fire training program, or through in-service training programs conducted by the applicant’s affiliated fire department.</p> <p>The firefighter is responsible for maintaining Certificates of Completion issued from such training.</p>
Initial fee	<p>There currently is no legislative authority for the Division of EMS to charge a certification fee.</p>
Duration	<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>

If the regulation is a registration, certification, or license requirement, please complete the following:	
	The continuing education requirements for the initial certification cycle are prorated based on the length of the certification cycle.
Renewal fee <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.
Does the Board recognize uniform licensure requirements or allow for reciprocity?	<p>For purposes of granting reciprocity, the executive director may review firefighter licensing or certification requirements and firefighter training standards from another state, the District of Columbia, a United States territory, any branch of the United States military, or other firefighter training program approved by the executive director to identify those requirements and standards that are substantially similar to the curriculum and certification standards as set forth in Chapter 4765-24 of the Administrative Code and this chapter.</p> <p>In accordance with section 5903.03 of the Revised Code, the division shall consider substantially similar military experience, education, and training when determining whether an applicant who is a veteran or member of the armed forces has met all or part of the requirements for a certificate. An applicant who is a veteran or member of the armed forces shall provide all relevant documentation demonstrating his or her military experience, education, and training to assist the division in its determination.</p> <p>To be eligible to receive a firefighter certificate through reciprocity, an applicant who holds a current and valid firefighter certificate or license, that is in good standing, from another state, the District of Columbia, or a United States territory shall meet all of the following qualifications:</p> <p>The applicant is at least eighteen years of age;</p> <p>The applicant successfully completed the following federal emergency management agency training courses:</p> <p>(a) "National Incident Management System Course IS-700";</p>

If the regulation is a registration, certification, or license requirement, please complete the following:

(b) "National Incident Management System Course ICS-100" or the online equivalent.

The applicant successfully completed a structured firefighter training course in another state, the District of Columbia, a United States territory, or other fire training program approved by the executive director that is substantially similar to the training standards and curriculum as set forth in Chapter 4765-24 of the Administrative Code. The training course shall have met all of the following:

The training course included traditional classroom and practical skills training in the subject areas identified in the Ohio firefighter curriculum as set forth in Chapter 4765-24 of the Administrative Code;

The training course required the applicant to pass one or more written and practical skills examinations that test knowledge, skills, and ability to provide firefighter services;

The training course was significantly similar to the current curriculum requirements for the level of certification sought;

The training course was completed in the last thirty-six months or the applicant was active with a fire department within the last thirty-six months.

The applicant successfully completed an emergency vehicle operations course consistent with the course requirements set forth in paragraph (D)(3) of rule [4765-20-02](#) of the Administrative Code.

The applicant successfully completed hazardous materials awareness and operations level training consistent with the course requirements set forth in paragraph (D)(4) of rule [4765-20-02](#) of the Administrative Code.

If the regulation is a registration, certification, or license requirement, please complete the following:

The applicant for firefighter requesting certification through reciprocity submits a completed "Firefighter Reciprocity Packet" including documentation that all requirements for reciprocity have been met.

To be eligible to receive a firefighter certificate through reciprocity, an applicant who received a firefighter training course from any branch of the United States military, shall meet all of the following qualifications:

The applicant successfully completed the following federal emergency management agency training courses:

"National Incident Management System Course IS-700";

"National Incident Management System Course ICS-100" or the online equivalent.

The applicant successfully completed a structured firefighter training course in any branch of the United States military that is substantially similar to the training standards and curriculum as set forth in Chapter 4765-24 of the Administrative Code. The training course shall have met all of the following :

The training course included traditional classroom and practical skills training in the subject areas identified in the Ohio firefighter curriculum as set forth in Chapter 4765-24 of the Administrative Code;

The training course required the applicant to pass one or more written and practical skills examinations that test knowledge, skills, and ability to provide firefighter services;

The training course was significantly similar to the current curriculum requirements for the level of certification sought;

If the regulation is a registration, certification, or license requirement, please complete the following:

The training course was completed in the last thirty-six months; or the applicant was on active duty with a fire department within the last thirty-six months.

The applicant successfully completed an emergency vehicle operations course consistent with the course requirements set forth in paragraph (D)(3) of rule [4765-20-02](#) of the Administrative Code.

The applicant successfully completed hazardous materials awareness and operations level training consistent with the course requirements set forth in paragraph (D)(4) of rule [4765-20-02](#) of the Administrative Code.

The applicant for firefighter requesting certification through reciprocity submits a completed "Firefighter Reciprocity Packet" including documentation that all requirements as specified in paragraph (D) of this rule have been met.

Upon compliance with all requirements for certification, the applicant will be issued a letter of authorization to test by the division.

Within twelve months after the applicant is approved for testing and the division issues a letter of authorization to test, the applicant shall pass the practical skills examination and the knowledge examination, as set forth in rule [4765-20-06](#) of the Administrative Code, at the level of certification sought. An applicant who fails to pass the practical skills and knowledge examinations within twelve months of the issuance of the letter of authorization to test shall complete a new course of instruction at the level of certification sought.

Practical skills and written examinations may be waived for applicants successfully completing training that meets the requirements of this rule through the United States military within the last thirty-six months.

The applicant shall submit a completed "Firefighter Reciprocity Application" within ninety days of passing the practical skills examination and the knowledge examination. An applicant who

If the regulation is a registration, certification, or license requirement, please complete the following:	
	<p>fails to submit a completed "Firefighter Reciprocity Application" within the ninety days shall complete a new course of instruction at the level of certification sought.</p> <p>An applicant who is eligible for reinstatement is not eligible to apply for certification by reciprocity at or below the level of the expired certificate.</p>
<p>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</p>	<p>Pro Board and the International Fire Service Accreditation Congress (IFSAC) both offer initial fire fighter certifications that are based on the National Fire Protection Association (NFPA) standards. However, neither meet all of the required cognitive and psychomotor content for Ohio certification. Additionally, neither Pro Board or IFSAC outline any renewal requirements for their respective certifications.</p>
<p>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?</p>	<p>No</p>
<p>Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?</p>	<p>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</p>
<p>Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)</p>	<p>N/A</p>

Oversight and disciplinary authority of the Board 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 Board 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 Fire fighters is designed to protect the public from any emergency response and scene management delivered by unqualified fire fighter personnel, which could present serious and immediate risk to public health and safety, including death. It is fair to assume that a large proportion of the public who suddenly need to call on fire fighters 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.

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 the National Fire Protection Association (NFPA) standards 1001, current Ohio Fire Code in accordance with the Office of State Fire Marshal, and issuance of Ohio fire fighter licensure following successful completion of the Ohio-approved certification process is an effective means of ensuring appropriate licensure of fire fighters who have been measured and demonstrated the ability to provide safe and effective care at the entry level of competency for the profession.

Are there any changes the Board 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 certificate to practice for Ohio EMS and fire personnel. Modification of ORC 4765.55 to create fee parity with existing EMS

Are there any changes the Board would like to see implemented?

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.

Comparison to other states *(How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)*

No reliable data could be identified concerning utilization and regulation of Fire fighter licenses throughout the country from which to compare Ohio's experience with this level of certification. A significant portion of this license is based on Ohio-specific fire code regulations as promulgated by the Office of State Fire Marshal.

Surrounding state comparison (LSC)

Firefighter Certification						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (<i>R.C. 3737.66 and 4765.55</i>)	Yes – mandatory training (<i>Ind. Code Ann. 36-8-10.5</i> ;	No state equivalent; local certification applies	Yes (<i>Mich. Comp. Laws 29.369(9)</i>)	No state equivalent; local certification applies	No state equivalent; local certification applies (subject to minimum

Firefighter Certification						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
		<i>655 Ind. Admin. Code 1-3-6)</i>				standards prescribed by state law)
Education or training	Complete all of the following: <ol style="list-style-type: none"> 1. Federal emergency management training course; 2. Firefighter I or firefighter II training course (as applicable); 3. 16-hour emergency vehicle operations course; 4. 20-hour hazardous materials awareness and operations 	Training on list of topics prescribed by administrative rule (<i>655 Ind. Admin. Code 1-4-2)</i>	N/A	Complete training course prescribed by rule of Fire Fighters Training Council (<i>Mich. Admin. Code R. 29.402 and 29.404)</i>	N/A	N/A

Firefighter Certification

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	level training; and 5. Eight-hour emergency medical care training <i>(R.C. 4765.55; O.A.C. 4765-20- 02)</i>					
Experience	18 years of age <i>(R.C. 4765.55; O.A.C. 4765-20- 02)</i>	None	N/A	None	N/A	N/A
Exam	Yes <i>(R.C. 4765.55; O.A.C. 4765-20- 02)</i>	Yes <i>(Ind. Code Ann. 36-8-10.5- 10)</i>	N/A	Yes <i>(Mich. Comp. Laws 29.369(3); Mich. Admin. Code R. 29.403(4) and 29.405(a))</i>	N/A	N/A
Continuing education	54 hours every three years <i>(R.C. 4765.55; O.A.C. 4765-20-11)</i>	None	N/A	None	N/A	N/A
Initial licensure fee	None	None	N/A	None	N/A	N/A

Firefighter Certification						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License duration	Three years (<i>R.C. 4765.55; O.A.C. 4765-20-16</i>)	No expiration	N/A	No expiration (<i>Mich. Comp. Laws 29.369(8)</i>)	N/A	N/A
Renewal fee	None (<i>R.C. 4765.55; O.A.C. 4765-20-07</i>)	None	N/A	None	N/A	N/A

Fire instructor certificate

Survey responses (DPS)

Description
<p>Fire instructor means an individual who holds a certificate to teach Ohio firefighter (Volunteer Firefighter, Firefighter I, and/or Firefighter II) 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 instructors may only teach courses at or below the level of their fire training certificate.</p>

Type (See R.C. 4798.01 for relevant definitions.)

License

If the regulation is a registration, certification, or license requirement, please complete the following:

Number issued annually	The average number of new Fire Instructor certificates issued annually over the past four fiscal years (FY 2017-FY 2020) has been 264. This includes an average of 2/FY of certifications by reciprocity from other states or the military.
Number renewed annually	An average of 1351 Fire Instructor certificates were renewed annually from FY 2017 through FY 2019. It should be noted that Fire instructor certificates expiring from 3/9/20 through 6/30/20 were provided an automatic extension to renew until 12/1/20 (HB 197). The total number of renewals for FY 2020 as of 6/30/20 was 1422 but does not reflect CE Instructors who may still renew prior to the end of the extension period.
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	FY17 4,278 FY18 4,402 FY19 4,489 FY20 4,574* The number of active Fire Instructor certifications increased by 4.9% from FY 2017 to the end of FY 2019.

If the regulation is a registration, certification, or license requirement, please complete the following:	
	*Does not include certificates expiring from 3/9 through 6/30/20 that received an extension under HB197 until 12/1/20
Education or training requirements	<p>Fire instructor course:</p> <p>A fire 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 four hour "Fire Service Training Module";</p> <p>Completion of the four hour "Live Fire Training Awareness Module";</p> <p>Ten hours of supervised teaching in the presence of a fire 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 four hour training modules 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 seeking Fire 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>
Experience requirements	Prior to admission into an Ohio fire instructor course, an individual shall meet all of the following requirements:

If the regulation is a registration, certification, or license requirement, please complete the following:

	<p>In the preceding seven years, have at least five years of experience as an Ohio-certified fire fighter;</p> <p>Possess a current and valid Ohio fire fighter certificate issued under section 4765.55 of the Ohio Revised Code and 4765-20-02 of the Ohio Administrative Code that is in good standing;</p> <p>Successfully pass the Ohio instructor knowledge examination as set forth in rule 4765-21-05 of the Ohio Administrative Code at the fire fighter II level, within one year prior to admission into a fire instructor course.</p>
<p>Examination requirements (<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>The initial examinations required for a fire 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.</p> <p>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.</p> <p>The knowledge examination for fire instructor shall meet the following:</p> <p>The knowledge examination shall be taken within one year prior to the start of a fire instructor course;</p> <p>The knowledge examination shall be taken at the fire fighter II level;</p> <p>A passing score of at least eighty per cent on the knowledge examination is required for admission into a fire instructor course;</p> <p>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 fighter I and II training course as set forth in rule 4765-24-13 of the Administrative Code before attempting the examination again.</p> <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</p>

If the regulation is a registration, certification, or license requirement, please complete the following:	
	<p>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 instructor training course as set forth in rule 4765-24-15 of the Administrative Code and meet all criteria for a fire instructor as set forth in rule 4765-21-03 of the Administrative Code.</p>
Continuing education requirements <i>(Including a description of the curriculum and the process of setting it.)</i>	<p>24 hours of instruction related to fire service 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>
Initial fee	There currently is no legislative authority for the Division of EMS to charge a certification fee.
Duration	<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>
Renewal fee <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.

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?

For purposes of granting reciprocity, the executive director may review firefighter instructor licensing or certification requirements and firefighter instructor training standards from another state, the District of Columbia, a United States territory, any branch of the United States military, or other fire instructor training program approved by the executive director, to identify those requirements and standards that are substantially similar to the curriculum and certification standards set forth in section 4765.55 of the Revised Code and Chapters 4765-21 and 4765-24 of the Administrative Code.

The applicant shall possess a current Ohio firefighter certificate and in the preceding seven years, the applicant has at least five years of experience as a certified firefighter. Experience as a firefighter in another state, the District of Columbia, a United States territory, or any branch of the United States military may be used to fulfill this requirement.

Upon compliance with all training requirements for certification, the applicant will be issued a letter of authorization to test by the division.

Within twelve months after the applicant is approved for testing and the division issues a letter of authorization to test, the applicant shall:

Pass the fire instructor knowledge examination;

Pass the instructional methods examination;

Complete all of the following requirements:

The four hour "Fire Service Training Module";

The four hour "Live Fire Training Awareness Module";

Complete ten hours of supervised teaching in the presence the presence of a fire instructor trainer and under the auspices of a chartered program;

If the regulation is a registration, certification, or license requirement, please complete the following:

	<p>The supervised teaching shall include a minimum of six hours of classroom lecture and a maximum of four hours of practical skills instruction;</p> <p>An applicant that fails to complete these requirements within the twelve-month timeframe, or fails to submit an application for certification within ninety days of completing the requirements shall complete a new course of instruction.</p> <p>If an applicant possesses a certificate from the international fire service accreditation congress or national board on fire service professional qualifications that meets the performance objectives for fire instructor II set forth in "NFPA 1041," the applicant will be deemed to have met the requirements set forth in paragraph (B) of this rule.</p> <p>An applicant who has previously held a certificate to teach as a fire instructor in Ohio or another state, the District of Columbia, a United States territory, or any branch of the United States military, which was previously revoked by the executive director or licensing agency of this state or another state, the District of Columbia, a United States territory, or any branch of the United States military, is not eligible for reciprocity.</p> <p>If an applicant is eligible for reinstatement as set forth in rule 4765-21-07 and rule 4765-21-08 of the Administrative Code, then that applicant is not eligible to be issued a certificate by reciprocity.</p>
<p>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</p>	<p>No</p>
<p>Are there any circumstances in which an individual may practice elements of the</p>	<p>No</p>

If the regulation is a registration, certification, or license requirement, please complete the following:

occupation without being regulated by the board?	
Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?	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.
Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)	N/A

Oversight and disciplinary authority of the Board 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 Board 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 service providers is designed to protect all future firefighter students from delivering any sub-optimal emergency care 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 care providers themselves in addition to possessing an understanding and capability of applying related teaching methodologies, including those related to high school and adult learners, 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 Board 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 certificate 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.

The Division of EMS is currently working on development of a Public Safety Service 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 could efficiently reinforce instructor volume and course capacity within all of Ohio's public safety services programs.

Comparison to other states (How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)

No reliable data could be identified concerning utilization and regulation of a Fire Instructor license throughout the country from which to compare Ohio's experience with this level of instructor certification.

Surrounding state comparison (LSC)

Fire Instructor Certificate						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (<i>R.C. 4765.55; O.A.C. 4765-21-03</i>)	Yes – instructor I and instructor I/III (the table covers minimum requirements for instructor I certification) (<i>Ind. Code Ann. 36-8-10.5-8; 655 Ind. Admin. Code 1-1-5.2</i>)	Yes – fire protection instructor levels I, II, and III (the table covers minimum requirements for level I certification) (<i>Ky. Rev. Stat. Ann. 95A.040(2)(b); 739 Ky. Admin. Regs. 2:060</i>)	Yes – probationary associate instructor, associate constructor, probationary instructor I, instructor I, instructor II, certified instructor, and special instructor (the table covers minimum requirements for	No clear equivalent but local licensure or certification may apply	No clear equivalent but local licensure or certification may apply

Fire Instructor Certificate						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
				instructor I certification) (<i>Mich. Admin. Code R. 29.408c(1)(b)</i>)		
Education or training	Valid firefighter certificate; complete 60-hour fire instructor training course (<i>R.C. 4765.55; O.A.C. 4765-21-03</i>)	Comply with minimum standards established in National Fire Protection Association (NFPA) 1041, Standard for Fire Service Instructor Professional Qualifications (<i>655 Ind. Admin. Code 1-2.1-19</i>)	Certified as a firefighter in Kentucky High school diploma or GED One of the following: 1. Bachelor's degree in education; 2. Certified by the International Fire Service Accreditation Congress; 3. Holds position as an instructor at an institution of higher education in	Obtain NFPA instructor I classification or complete all requirements associated with that classification; complete an instruction I course through NFPA or equivalent (<i>Mich. Admin. Code R. 29.408c(1)(e)</i>)	N/A	N/A

Fire Instructor Certificate						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
			fire service or a related field <i>(739 Ky. Admin. Regs. 2:060, Section 3)</i>			
Experience	Certified as a firefighter in five of the last seven years <i>(R.C. 4765.55; O.A.C. 4765-21-03)</i>	Certified as firefighter II or first class firefighter for at least one year <i>(655 Ind. Admin. Code 1-1-5.2 and 1-2.1-19)</i>	Two years of continuous experience as a certified professional or volunteer firefighter <i>(739 Ky. Admin. Regs. 2:060, Section 3)</i>	Five years of fire suppression experience; been a member of an organized Michigan fire department within the last five years <i>(Mich. Admin. Code R. 29.408c(1)(d))</i>	N/A	N/A
Exam	Yes <i>(R.C. 4765.55; O.A.C. 4765-21-05)</i>	Yes <i>(655 Ind. Admin. Code 1-1-12)</i>	Yes, but alternative education or professional experience permitted in lieu of exam <i>(739 Ky. Admin. Regs. 2:060, Section 3(2)(c) and (d))</i>	None in addition to exam required for NFPA certification <i>(Mich. Admin. Code R. 29.408c(1)(d))</i>	N/A	N/A

Fire Instructor Certificate						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Continuing education	Six hours or pass exam every three years (<i>R.C. 4765.55; O.A.C. 4765-21-06</i>)	20 hours every two years (<i>644 Ind. Admin. Code 1-2.1-19</i>)	20 hours every two years (<i>739 Ky. Admin. Regs. 2:060, Section 5(2)(b)</i>)	None	N/A	N/A
Initial licensure fee	None	None	None	None	N/A	N/A
License duration	Three years (<i>R.C. 4765.55; O.A.C. 4765-21-15</i>)	Two years (<i>655 Ind. Admin. Code 1-2.1-2.1</i>)	Two years (<i>739 Ky. Admin. Regs. 2:060, Section 5</i>)	No expiration (<i>Mich. Comp. Laws 29.369(8)</i>)	N/A	N/A
Renewal fee	None (<i>R.C. 4765.55; O.A.C. 4765-21-06</i>)	\$50 (<i>655 Ind. Admin. Code 1-2.1-2.1</i>)	None	None	N/A	N/A

Assistant fire instructor certificate

Survey responses (DPS)

Description
Assistant fire instructor means an individual who holds a certificate to assist in the instruction of firefighter training courses (Volunteer Firefighter, Firefighter I, and/or Firefighter II) under the auspices of a fire instructor and through a chartered fire training program, issued by the chief executive officer of the State Board of Emergency Medical, Fire, and Transportation Services pursuant to section 4765.55 of the Ohio Revised Code and rule 4765-21-03 of the Ohio Administrative Code. Assistant fire instructors may only teach courses at or below the level of their fire training certificate.

Type (See R.C. 4798.01 for relevant definitions.)

License

If the regulation is a registration, certification, or license requirement, please complete the following:

Number issued annually

The average number of new Assistant Fire Instructor certificates issued annually over the past four fiscal years (FY 2017-FY 2020) has been 6.

Number renewed annually

An average of 95 Assistant Fire Instructor certificates were renewed annually from FY 2017 through FY 2019. It should be noted that Assistant Fire Instructor certificates expiring from 3/9/20 through 6/30/20 were provided an automatic extension to renew until 12/1/20 (HB 197). The total number of renewals for FY 2020 as of 6/30/20 was 91 but does not reflect Assistant Fire Instructors who may still renew prior to the end of the extension period.

Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?

FY17 344
FY18 303
FY19 275
FY20 248*

The number of active Assistant Fire Instructors certifications decreased by 20.0% from FY 2017 to the end of FY 2019.

*Does not include certificates expiring from 3/9 through 6/30/20 that received an extension under HB197 until 12/1/20

If the regulation is a registration, certification, or license requirement, please complete the following:

<p>Education or training requirements</p>	<p>Completion of the four hour "Fire Service Training Module";</p> <p>Completion of the four hour "Live Fire Training Awareness Module";</p> <p>Ten hours of supervised teaching in the presence of a fire 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>Experience requirements</p>	<p>A chartered program shall admit only those individuals who meet the following requirements into an assistant fire instructor course:</p> <p>Shall possess a current and valid firefighter certificate issued under section 4765.55 of the Revised Code and rule 4765-20-02 of the Administrative Code that is in good standing;</p> <p>In the preceding seven years, individuals shall have at least five years of experience as a certified firefighter. Experience as a firefighter in another state, the District of Columbia, a United States territory, or any branch of the United States military may be used to fulfill this requirement, as approved by the executive director;</p> <p>Shall have passed the knowledge examination as set forth in paragraph (E) of rule 4765-21-05 of the Administrative Code;</p> <p>Shall meet all admission requirements established by the chartered program.</p>
<p>Examination requirements (<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>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.</p>

If the regulation is a registration, certification, or license requirement, please complete the following:	
Continuing education requirements <i>(Including a description of the curriculum and the process of setting it.)</i>	8 hours of instruction related to fire service training; AND one of the following: 6 hours of CE related to instructional methodology OR pass an instructional methods exam.
Initial fee	There currently is no legislative authority for the Division of EMS to charge a certification fee.
Duration	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. The continuing education requirements for the initial certification cycle are prorated based on the length of the certification cycle.
Renewal fee <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.
Does the Board recognize uniform licensure requirements or allow for reciprocity?	No.
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	No.
Are there any circumstances in which an individual may practice elements of the	No.

If the regulation is a registration, certification, or license requirement, please complete the following:

occupation without being regulated by the board?	
Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?	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.
Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)	N/A

Oversight and disciplinary authority of the Board 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 Board 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 service providers is designed to protect all future fire fighter students from delivering any sub-optimal emergency care 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 care providers themselves in addition to possessing an understanding and capability of applying related teaching methodologies, including those related to high school and adult learners, 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 fire 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 Board 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 certificate 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.

The Division of EMS is currently working on development of a Public Safety Service 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 could efficiently reinforce instructor volume and course capacity within all of Ohio's public safety services programs.

Comparison to other states (*How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?*)

No reliable data could be identified concerning utilization and regulation of Assistant Fire Instructor licenses throughout the country from which to compare Ohio's experience with this level of instructor certification.

Surrounding state comparison (LSC)

Assistant Fire Instructor Certificate						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (<i>R.C. 4765.55</i>)	No clear equivalent; Board of Firefighting Personnel Standards and Education administers a number of voluntary certification programs that may be required by local employers for employment and promotion (<i>Ind.</i>	No clear equivalent but local licensure or certification may apply	Yes – associate instructor (<i>Mich. Admin. Code R. 29.408a(1)(b) and (c) and (4)</i>)	No clear equivalent but local licensure or certification may apply	No clear equivalent but local licensure or certification may apply

Assistant Fire Instructor Certificate						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
		<i>Code Ann. 22-14-2-7)</i>				
Education or training	Valid firefighter certificate Complete four-hour "Fire Service Training Module" Complete four-hour "Live Training Awareness Module" Complete ten hours of supervised teaching <i>(R.C. 4765.55; O.A.C. 4765-21-03)</i>	N/A	N/A	Firefighter I certification, firefighter II certification, complete 240-hour training course to instruct subjects within firefighter I and II courses Complete approved educational methodology class <i>(Mich. Admin. Code R. 29.408a(1), (3), (4), and (5))</i>	N/A	N/A
Experience	Certified as a firefighter for five of the past seven years <i>(R.C. 4765.55; O.A.C. 4765-21-03)</i>	N/A	N/A	Member of an organized Michigan fire department within the last five years	N/A	N/A

Assistant Fire Instructor Certificate

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
				Three years of fire suppression experience (<i>Mich. Admin. Code R. 29.408a(1)</i>)		
Exam	Yes (<i>R.C. 4765.55; O.A.C. 4765-21-05</i>)	N/A	N/A	None	N/A	N/A
Continuing education	Six hours or pass exam every three years (<i>R.C. 4765.55; O.A.C. 4765-21-06</i>)	N/A	N/A	None	N/A	N/A
Initial licensure fee	None	N/A	N/A	None	N/A	N/A
License duration	Three years (<i>R.C. 4765.55; O.A.C. 4765-21-15</i>)	N/A	N/A	No expiration (<i>Mich. Comp. Laws 29.369(8)</i>)	N/A	N/A
Renewal fee	None (<i>R.C. 4765.55; O.A.C. 4765-21-06</i>)	N/A	N/A	None	N/A	N/A

Live Fire instructor certificate

Survey responses (DPS)

Description
<p>Live fire instructor means an individual who holds a certificate to teach live fire training, under the auspices of a chartered fire training program, issued by the executive director pursuant to section 4765.55 of the Ohio Revised Code and Chapter 4765-21 of the Ohio Administrative Code.</p> <p>The Live Fire Instructor certification provides certificate holders with the knowledge, skills, and abilities necessary to safely conduct live fire training evolutions. The certification meets the minimum requirements set forth in the nationally recognized standard, NFPA 1403: "Standard on Live Fire Training Evolutions." Compliance with the standard can dramatically decrease the likelihood of fire fighter injuries and deaths.</p>

Type (See R.C. 4798.01 for relevant definitions.)
License

If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	This is a relatively new level of fire service instructor that became available 1/1/2018. A Fire Instructor must have a Live Fire Instructor (LFI) certificate to provide instruction in live fire evolutions on or after 1/1/2021. A Fire Instructor that held a valid certification on 4/6/2014 is exempted from completing the LFI training course as long as application for LFI certification is submitted no later than 12/31/20. A total of 2,610 certificates have been issued as of the end of FY 2020.

If the regulation is a registration, certification, or license requirement, please complete the following:	
Number renewed annually	This is a relatively new level of fire service provider that became available on 1/1/2018. Only 1522 renewals have been submitted as of the end of FY 2020.
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	This is a relatively new level of fire service instructor that became available on 1/1/2018. The certification is too new and reflects too small of a sample size to evaluate changes in active certifications. There were 2503 active LFI certificates as of the end of FY 2020.
Education or training requirements	<p>Live fire instructor course:</p> <p>A course for live fire instructor training shall be a minimum of twenty-four hours, shall be taught under the auspices of a chartered program, and shall meet the course objectives as set forth in the "Live Fire Training-Operations Level Course."</p>
Experience requirements	<p>Possess a current Fire Instructor or Assistant Fire Instructor certificate issued under section 4765.55 of the Ohio Revised Code and 4765-21-03 of the Ohio Administrative Code that is in good standing; and</p> <p>Shall have an agency sponsor and shall provide a letter signed by their chief and/or training officer, approving their participation in the course; and</p> <p>Shall have successfully completed the following National Incident Management (NIMS) courses: IS 700, ICS 100 or online equivalent, and ICS 200.</p>
Examination requirements (<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>)	Job performance requirements set forth in the "Live Fire Training Operations Job Performance Requirement Check-Off Packet."

If the regulation is a registration, certification, or license requirement, please complete the following:	
Continuing education requirements <i>(Including a description of the curriculum and the process of setting it.)</i>	Participates as a certified instructor in at least one live burn training exercise approved by the applicant's fire chief or program director of a chartered fire training program.
Initial fee	There currently is no legislative authority for the Division of EMS to charge a certification fee.
Duration	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. The continuing education requirements for the initial certification cycle are prorated based on the length of the certification cycle.
Renewal fee <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.
Does the Board recognize uniform licensure requirements or allow for reciprocity?	No.
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	No.
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	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?

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.

Other information (*Significant attributes or prerequisites to licensure not addressed in this chart.*)

N/A

Oversight and disciplinary authority of the Board 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 Board 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 service providers is designed to protect all future fire fighter students from delivering any sub-optimal emergency care 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 care providers themselves in addition to possessing an understanding and capability of applying related teaching methodologies, including those related to high school and adult learners, 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 fire 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 Board 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 certificate 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.

Comparison to other states *(How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)*

No reliable data could be identified concerning utilization and regulation of Live Fire Instructor licenses throughout the country from which to compare Ohio's experience with this level of instructor certification.

Surrounding state comparison (LSC)

Live Fire Instructor Certificate						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes, individuals certified as a fire instructor or assistant fire instructor before April 7, 2014, are exempt (<i>R.C. 4765.55</i>)	No clear equivalent; Board of Firefighting Personnel Standards and Education administers a number of voluntary certification programs that may be required by local employers for employment and promotion (<i>Ind. Code Ann. 22-14-2-7</i>)	No clear equivalent but local licensure or certification may apply	No clear equivalent	No clear equivalent but local licensure or certification may apply	No clear equivalent but local licensure or certification may apply
Education or training	Certified as a fire instructor or assistant fire instructor Complete 24-hour "Live Fire Training-Operations Level Course" and all job performance requirements set forth in the "Live	N/A	N/A	N/A	N/A	N/A

Live Fire Instructor Certificate						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	Fire Training Operations Job Performance Requirement Check-Off Packet” <i>(R.C. 4765.55; O.A.C. 4765-21-03)</i>					
Experience	None in addition to experience required for fire instructor or assistant fire instructor certificate <i>(R.C. 4765.55; O.A.C. 4765-21-03)</i>	N/A	N/A	N/A	N/A	N/A
Exam	Yes <i>(R.C. 4765.55; O.A.C. 4765-21-05)</i>	N/A	N/A	N/A	N/A	N/A
Continuing education	Six hours or pass exam every three years <i>(R.C. 4765.55; O.A.C. 4765-21-06)</i>	N/A	N/A	N/A	N/A	N/A
Initial licensure fee	None	N/A	N/A	N/A	N/A	N/A

Live Fire Instructor Certificate						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License duration	Three years (<i>R.C. 4765.55; O.A.C. 4765-21-15</i>)	N/A	N/A	N/A	N/A	N/A
Renewal fee	None (<i>R.C. 4765.55; O.A.C. 4765-21-06</i>)	N/A	N/A	N/A	N/A	N/A

Volunteer firefighter

Survey responses (DPS)

Description
<p>Firefighter means an individual who holds a certificate as a volunteer fire fighter, fire fighter I, or fire fighter II, issued by the chief executive officer of the State Board of Emergency Medical, Fire, and Transportation Services pursuant to section 4765.55 of the Ohio Revised Code and Chapter 4765-20 of the Ohio Administrative Code.</p>

Type (See R.C. 4798.01 for relevant definitions.)

Government certification

If the regulation is a registration, certification, or license requirement, please complete the following:

Number issued annually

The average number of new Volunteer Firefighter (VFF) certificates issued annually over the past four fiscal years (FY 2017-FY 2020) has been 616. This includes an average of 2/FY of certifications by reciprocity from other states or the military.

Number renewed annually

An average of 2972 Volunteer Firefighter certificates were renewed annually from FY 2017 through FY 2019. It should be noted that Volunteer Firefighter certificates expiring from 3/9/20 through 6/30/20 were provided an automatic extension to renew until 12/1/20 (HB 197). The total number of renewals for FY 2020 as of 6/30/20 was 2692 but does not reflect Volunteer Firefighters who may still renew prior to the end of the extension period.

Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?

FY17 11,028
FY18 10,548
FY19 10,042
FY20 9,555*

The number of active Volunteer Firefighter certifications decreased by 8.9% from FY 2017 to the end of FY 2019.

*Does not include certificates expiring from 3/9 through 6/30/20 that received an extension under HB197 until 12/1/20

If the regulation is a registration, certification, or license requirement, please complete the following:

<p>Education or training requirements</p>	<p>A training course for a volunteer fire fighter certification shall consist of thirty-six hours of training:</p> <p>The course shall meet the volunteer fire fighter course objectives approved by the executive director, with advice and counsel of the committee as provided in the "Volunteer Firefighter Course Packet."</p> <p>The volunteer fire fighter course curriculum shall be approved by the executive director prior to delivery.</p>
<p>Experience requirements</p>	<p>Shall be at least eighteen years of age.</p> <p>Shall successfully complete the following federal emergency management agency training courses:</p> <p>"National Incident Management System Course IS-700";</p> <p>"National Incident Management System Course ICS-100" or the online equivalent.</p>
<p>Examination requirements (<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>The initial examinations required for a fire fighter certificate shall consist of a knowledge examination and a practical skills examination as approved by the executive director, with the advice and counsel of the committee.</p> <p>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. If successful, an electronic application for certification can be completed and submitted to the Division of EMS for immediate processing.</p> <p>The knowledge examination for a fire fighter certificate shall meet the following:</p> <p>The knowledge examination shall be taken at the level of fire fighter certification sought;</p>

If the regulation is a registration, certification, or license requirement, please complete the following:

	<p>A passing score of at least seventy per cent on the knowledge examination is required for certification;</p> <p>The knowledge examination required for certification shall be passed within three attempts;</p> <p>If the applicant is unable to pass the knowledge examination within three attempts, the applicant shall complete a new course of instruction as set forth in Chapter 4765-24 of the Administrative Code and meet all criteria for a fire fighter certificate as provided in rule 4765-20-02 of the Administrative Code.</p> <p>The practical skills examination shall consist of skills testing applicable to the level of fire fighter certificate sought and shall meet the following:</p> <p>The practical skills examination shall be administered by a chartered program;</p> <p>The practical skills examination shall be evaluated by a practical skills evaluator;</p> <p>The practical skills examination shall be based on a pass or fail grading system;</p> <p>The applicant shall pass each skill in its entirety. Failure to pass any portion of a tested skill requires re-testing of the entire skill.</p> <p>A maximum of three attempts per skill is permitted, with no more than two attempts occurring on the same day;</p> <p>If the applicant is unable to pass the practical skills examination within three attempts, the applicant shall complete a new course of instruction as set forth in Chapter 4765-24 of the Administrative Code and meet all criteria for a fire fighter certificate as provided in rule 4765-20-02 of the Administrative Code.</p> <p>An applicant shall successfully pass the practical skills examination as set forth in paragraph (A)(2) of this rule prior to attempting the knowledge examination as set forth in paragraph (A)(1) of this rule.</p>
<p>Continuing education requirements <i>(Including a description of the curriculum and the process of setting it.)</i></p>	<p>54 CE hours – Continuing education training shall be related to the fire service and approved by the applicant’s fire chief or program director of a chartered program. Such continuing education training may be completed online, through a chartered fire training program, or through in-service training programs conducted by the applicant’s affiliated fire department.</p>

If the regulation is a registration, certification, or license requirement, please complete the following:	
	The fire fighter is responsible for maintaining Certificates of Completion issued from such training.
Initial fee	There currently is no legislative authority for the Division of EMS to charge a certification fee.
Duration	<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>
Renewal fee <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.
Does the Board recognize uniform licensure requirements or allow for reciprocity?	<p>For purposes of granting reciprocity, the executive director may review firefighter licensing or certification requirements and firefighter training standards from another state, the District of Columbia, a United States territory, any branch of the United States military, or other firefighter training program approved by the executive director to identify those requirements and standards that are substantially similar to the curriculum and certification standards as set forth in Chapter 4765-24 of the Administrative Code and this chapter.</p> <p>In accordance with section 5903.03 of the Revised Code, the division shall consider substantially similar military experience, education, and training when determining whether an applicant who is a veteran or member of the armed forces has met all or part of the requirements for a certificate. An applicant who is a veteran or member of the armed forces shall provide all relevant documentation demonstrating his or her military experience, education, and training to assist the division in its determination.</p> <p>To be eligible to receive a volunteer firefighter certificate through reciprocity, an applicant who holds a current and valid firefighter certificate or license, that is in good standing, from another</p>

If the regulation is a registration, certification, or license requirement, please complete the following:

state, the District of Columbia, or a United States territory shall meet all of the following qualifications:

The applicant is at least eighteen years of age;

The applicant successfully completed the following federal emergency management agency training courses:

(a) "National Incident Management System Course IS-700";

(b) "National Incident Management System Course ICS-100" or the online equivalent.

The applicant successfully completed a structured firefighter training course in another state, the District of Columbia, a United States territory, or other fire training program approved by the executive director that is substantially similar to the training standards and curriculum as set forth in Chapter 4765-24 of the Administrative Code. The training course shall have met all of the following:

The training course included traditional classroom and practical skills training in the subject areas identified in the Ohio firefighter curriculum as set forth in Chapter 4765-24 of the Administrative Code;

The training course required the applicant to pass one or more written and practical skills examinations that test knowledge, skills, and ability to provide firefighter services;

The training course was significantly similar to the current curriculum requirements for the level of certification sought;

The training course was completed in the last thirty-six months or the applicant was active with a fire department within the last thirty-six months.

If the regulation is a registration, certification, or license requirement, please complete the following:

The applicant for firefighter requesting certification through reciprocity submits a completed "Firefighter Reciprocity Packet" including documentation that all requirements for reciprocity have been met.

To be eligible to receive a firefighter certificate through reciprocity, an applicant who received a firefighter training course from any branch of the United States military, shall meet all of the following qualifications:

The applicant successfully completed the following federal emergency management agency training courses:

"National Incident Management System Course IS-700";

"National Incident Management System Course ICS-100" or the online equivalent.

The applicant successfully completed a structured firefighter training course in any branch of the United States military that is substantially similar to the training standards and curriculum as set forth in Chapter 4765-24 of the Administrative Code. The training course shall have met all of the following :

The training course included traditional classroom and practical skills training in the subject areas identified in the Ohio firefighter curriculum as set forth in Chapter 4765-24 of the Administrative Code;

The training course required the applicant to pass one or more written and practical skills examinations that test knowledge, skills, and ability to provide firefighter services;

The training course was significantly similar to the current curriculum requirements for the level of certification sought;

If the regulation is a registration, certification, or license requirement, please complete the following:

The training course was completed in the last thirty-six months; or the applicant was on active duty with a fire department within the last thirty-six months.

The applicant for firefighter requesting certification through reciprocity submits a completed "Firefighter Reciprocity Packet" including documentation that all requirements as specified in paragraph (D) of this rule have been met.

Upon compliance with all requirements for certification, the applicant will be issued a letter of authorization to test by the division.

Within twelve months after the applicant is approved for testing and the division issues a letter of authorization to test, the applicant shall pass the practical skills examination and the knowledge examination, as set forth in rule [4765-20-06](#) of the Administrative Code, at the level of certification sought. An applicant who fails to pass the practical skills and knowledge examinations within twelve months of the issuance of the letter of authorization to test shall complete a new course of instruction at the level of certification sought.

Practical skills and written examinations may be waived for applicants successfully completing training that meets the requirements of this rule through the United States military within the last thirty-six months.

The applicant shall submit a completed "Firefighter Reciprocity Application" within ninety days of passing the practical skills examination and the knowledge examination. An applicant who fails to submit a completed "Firefighter Reciprocity Application" within the ninety days shall complete a new course of instruction at the level of certification sought.

An applicant who is eligible for reinstatement is not eligible to apply for certification by reciprocity at or below the level of the expired certificate.

Are there any similar national registrations, certifications, or licenses?

Pro Board and the International Fire Service Accreditation Congress (IFSAC) both offer initial fire fighter certifications that are based on the National Fire Protection Association (NFPA) standards. However, neither meet all of the required cognitive and psychomotor content for

If the regulation is a registration, certification, or license requirement, please complete the following:

Could they be used as a substitute for the state regulation?	Ohio certification. Additionally, neither Pro Board or IFSAC outline any renewal requirements for their respective certifications.
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	No
Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?	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.
Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)	N/A

Oversight and disciplinary authority of the Board 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 Board 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 Firefighters is designed to protect the public from any emergency response and scene management delivered by unqualified firefighter personnel, which could present serious and immediate risk to public health and safety, including death. It is fair to assume that a large proportion of the public who suddenly need to call on firefighters 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.

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 the National Fire Protection Association (NFPA) standards 1001, current Ohio Fire Code in accordance with the Office of State Fire Marshal, and issuance of Ohio Fire fighter licensure following successful completion of the Ohio-approved certification process is an effective means of ensuring appropriate licensure of fire fighters who have been measured and demonstrated the ability to provide safe and effective care at the entry level of competency for the profession.

Are there any changes the Board 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 certificate 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.

Comparison to other states (How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)

A Volunteer Firefighter certification is the minimum level of certification required to provide firefighting services in the State of Ohio. This certification, specific to the State of Ohio, does **not** meet the minimum "Standard for fire fighter Professional Qualifications" established by the National Fire Protection Association (NFPA) 1001 as a qualifying level of public safety responder for trained fire fighters due to the 36-hour time constraint set forth in ORC 4765.55.

Surrounding state comparison (LSC)

Volunteer Firefighter						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (<i>R.C. 3737.66 and 4765.55</i>)	Yes – mandatory training (<i>Ind. Code Ann. 36-8-10.5; 655 Ind. Admin. Code 1-3-6</i>)	No state equivalent but local certification required (<i>739 Ky. Admin. Regs. 2:060, Section 1(3)</i>)	Yes (<i>Mich. Comp. Laws 29.369(9)</i>)	No state equivalent but local certification is required	Yes (<i>W. Va. Code R. 87-8-3</i>)
Education or training	Complete federal emergency management agency training course Complete volunteer firefighter training	Training on list of topics prescribed by administrative rule (<i>655 Ind. Admin. Code 1-4-2</i>)	150 hours minimum of certified training (<i>739 Ky. Admin. Regs. 2:060, Section 1(3)</i>)	Complete training course prescribed by rule of Fire Fighters Training Council (<i>Mich. Admin. Code R. 29.402 and 29.404</i>)	N/A	Trained in first aid, CPR, and hazardous materials awareness Complete firefighter 1 curriculum or

Volunteer Firefighter						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	course through a chartered program <i>(R.C. 4765.55; O.A.C. 4765-20-02)</i>					equivalent; and other training depending on duties <i>(W. Va. Code R. 87-8-3)</i>
Experience	18 years of age <i>(R.C. 4765.55; O.A.C. 4765-20-02)</i>	None	N/A	None	N/A	None
Exam	Yes <i>(R.C. 4765.55; O.A.C. 4765-20-02 and 4765-20-06)</i>	Yes <i>(Ind. Code Ann. 36-8-10.5-10)</i>	N/A	Yes <i>(Mich. Comp. Laws 29.369(4))</i>	N/A	Yes <i>(W. Va. Code R. 87-8-3)</i>
Continuing education	54 hours every three years <i>(R.C. 4765.55; O.A.C. 4765-20-11)</i>	None	20 hours annually <i>(739 Ky. Admin. Regs. 2:060, Section 1(3))</i>	None	N/A	None
Initial licensure fee	None	None	N/A	None	N/A	None
License duration	Three years <i>(R.C. 4765.55; O.A.C. 4765-20-16)</i>	No expiration	N/A	No expiration <i>(Mich. Comp. Laws 29.369(8))</i>	N/A	No expiration

Volunteer Firefighter						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Renewal fee	None (<i>R.C. 4765.55; O.A.C. 4765-20-07</i>)	None	N/A	None	N/A	None

STATE CHIROPRACTIC BOARD (CHR)

General information (CHR)

Duties

The Board ensures the health, safety and welfare of Ohio's citizens through oversight and regulation of chiropractors, the practice of chiropractic, and the practice of acupuncture when performed by a chiropractor.

The Board's duties are delineated in ORC Chapter 4734:

- Conducting meetings and maintaining records and other official actions
- Adopting rules
- Determining if applicants for licensure meet the Board's requirements
- Evaluating and approving colleges of chiropractic
- Approving courses of study in acupuncture
- Administering a jurisprudence examination
- Determining if applicants for licensure from another jurisdiction have substantially equivalent requirements
- Setting license renewal fees
- Determining standards and requirements for chiropractic and acupuncture continuing education programs
- Renewing chiropractic licenses and acupuncture certificates
- Inactivating and reinstating inactive and forfeited licenses
- Issuing special limited licenses (temporary licenses) to interns participating in a preceptorship program and for voluntary public service
- Issuing acupuncture certificates to qualified chiropractors;
- Imposing disciplinary sanctions (i.e., imposing limits, restrictions, or probationary conditions on a license; imposing civil fines; and/or suspending, summarily suspending or revoking a chiropractic license and/or acupuncture certificate)

Duties

- Compelling licensees suspected of impairment to submit to a mental and/or physical examination upon reason to believe the licensee or applicant suffers an impairment due to drugs, intoxicants, chemical dependency, or mental or physical illness
- Investigating evidence that appears to show that a person has violated any provision of ORC Chapter 4734 and/or the rules adopted under it
- Conducting hearings and inquiries (either before the Board or a hearing examiner)
- Issuing Letters of Admonition or Letters of Caution in cases the Board considers appropriate
- Administering oaths, propounding interrogatories, ordering the taking of depositions, compelling witnesses or production of documents by subpoena
- Issuing Notices of Warning for minor violations.
- Issuing duplicate licenses and verifications of licensure
- Maintaining current contact information of all licensees
- Rules development, amendment, and/or rescission, and conducting five year rule review on all administrative rules
- Defining in administrative rule standards for: dismissing patients from care or when selling, leaving, or retiring from practice; duties of unlicensed supportive personnel; documentation and record keeping; examination and care protocols; universal precautions; concussion management; advertising and solicitation; signage; sexual misconduct; billing and prepayment plans; ethics and considerations given to military personnel.

Membership *(Current members, chairperson and other officers, and selection process.)*

Mickey E. Frame, D.C., President

Rebecca J. Ault, D.C., Vice President

Johnathan R. Haggerty, D.C.

Mark E. Rich, D.C.

Jessica Voltolini, Esq. (Public Member)

All members are appointed by the Governor with the advice and consent of the Senate.

Membership *(Current members, chairperson and other officers, and selection process.)*

The Board elects its President. The President designates the Vice President. (ORC § [4734.02](#))

Budget *(Current budget, description of budgeting process, sources of funding, and expected increases or decreases in budget or funding in future years.)*

Fiscal Year 2021 Appropriation: \$622,000.

The Board submits a budget request every two years.

Primary source of funding is license renewal fees. Additional sources of revenue are application fees and civil fines.

The Board generally nets a 1-3% increase in licensees each fiscal year which consistently increases the Board's revenue.

No significant anticipated increases or decreases in budget or funding foreseen.

Workload *(Assess current, past, and anticipated workload. Has the workload increased or decreased significantly in the preceding six years?)*

The Board regulates over 2,600 chiropractors (174 of whom also possess a current acupuncture certificate).

The Board's workload has not increased significantly in the preceding six years.

Over the past six years, the Board has reduced its staff by eliminating an investigator position and combining two positions into one, returning our staffing back to 1996 levels. Identifying efficiencies and new technologies, particularly eLicense, has enabled the Board to handle its workload with the reduced staffing.

Staffing *(How many staff are currently employed by the board? What are their roles? Are staffing levels proportionate to the board's current and anticipated workload?)*

The Board employs four full time staff members which is currently proportionate to the Board's current and anticipated workload.

Executive Director

Directs and manages the day-to-day activities and programs of the Board and carries out the Board's directives.

Administrative Assistant

Provides administrative support to all positions at the Board and liaison to the Board members for their support needs. Responsible for fiscal, travel, payroll, minutes, annual reports, records retention, inventory, supplies, etc; manages and processes administrative rule making and five year rule review.

Investigator

Conducts investigations relative to complaints involving the practice of chiropractic, as well as the unlicensed practice of chiropractic.

Paralegal/Licensing Coordinator

Provides support to the Investigator; monitors doctors subject to disciplinary terms; prepares and monitors deadlines for subpoenas, hearings, discipline, etc.; reports disciplinary actions to the National Practitioner Databank; responsible for overseeing the Board's licensures and renewals and audits.

Staffing levels are proportionate to the Board's current and anticipated workload for the foreseeable future.

Administrative hearings and public complaints *(Describe the Board's processes for administering discipline and addressing complaints. Assess the efficiency of the processes.)*

The Board investigates allegations of violations of the Board's laws and rules. (ORC [4734.45](#))

Complaints are primarily received online through eLicense. (May also be filed via mail, email, fax and U.S. Mail.) Complaints may be filed anonymously.

Complaints are assigned to the Board's Investigator for investigation.

Investigations typically involve subpoenaing records and interviewing parties involved. Investigations may also involve, or conducted in conjunction with, other licensing Boards, law enforcement, etc.

Administrative hearings and public complaints *(Describe the Board's processes for administering discipline and addressing complaints. Assess the efficiency of the processes.)*

Completed investigations are referred for case review with a Designated Board Member (Board Designate), the Board's AAG, Executive Director, Investigator and Paralegal. (The Board Designate is consulted with during investigations for technical questions.)

The Board Designate recommends the disposition of the case and disciplinary terms, when warranted, in consultation with the AAG and Investigative staff. The Board Designate may recommend closure, close with a Warning or Caution Letter, close with a non-disciplinary Letter of Admonition, issue charges, or offer a pre-charge settlement agreement).

Hearings are conducted in accordance with ORC Section [119](#). and may be held before the Board or a Hearing Examiner.

Discipline is imposed based upon the circumstances and aggravating and mitigating factors of each case.

The Board's process ensures that all individuals are afforded due process within a reasonable time frame in an efficient and timely manner.

Chiropractic license

Survey responses (CHR)

Description

A license to practice chiropractic authorizes an individual to examine, diagnose, and assume responsibility for the care of patients.

The practice of chiropractic means utilization of the relationship between the musculo-skeletal structures of the body, the spinal column, and the nervous system in the restoration and maintenance of health, in connection with which patient care is conducted with due regard for first aid, hygienic, nutritional, and rehabilitative procedures and the specific vertebral adjustment and manipulation of the articulations and adjacent tissues of the body.

Chiropractors may administer, sell, distribute, recommend, or provide advice regarding vitamins, minerals, phytonutrients, antioxidants, enzymes, glandular extracts, botanical substances, herbal therapies, homeopathic remedies, drugs that are available without a prescription, or durable and nondurable medical goods and devices (other than home medical equipment as defined in ORC Section [4752.01](#)) to restore or maintain the health of patients. Products must be prepackaged for use by consumers and labeled in accordance with state and federal law.

Chiropractors may take x-rays for diagnostic purposes.

Type (See R.C. 4798.01 for relevant definitions.)

License

If the regulation is a registration, certification, or license requirement, please complete the following:

Number issued annually	88 (average)
Number renewed annually	2600 (Licenses are renewed biennially)
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	No
Education or training requirements	Bachelor's degree and graduate of a Board-approved chiropractic college.
Experience requirements	N/A
Examination requirements (<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>)	The National Board of Chiropractic Examiners (NBCE) is the only testing organization for chiropractic. Applicants must pass four parts of an examination and a physiotherapy exam. (ORC Section 4734.20 .) Total fees = \$4,015. The Board does not receive any proceeds.

If the regulation is a registration, certification, or license requirement, please complete the following:	
	The Board also requires applicants to pass an online, open book, jurisprudence exam. There is no fee for the exam.
Continuing education requirements <i>(Including a description of the curriculum and the process of setting it.)</i>	36 hours of CE is required biennially (34 chiropractic hours and 2 hours on the topic of ethics and professionalism, human trafficking awareness and/or laws and rules of the Board). CE hours may be earned online, in person or via interactive remote learning. The Board does not approve CE programs. Requirements and guidance for licensees to determine acceptable CE is outlined in Administrative Rule 4734-7-02 .
Initial fee	\$250
Duration	Until renewal
Renewal fee <i>(If different from initial fee, please explain why.)</i>	\$500 The application fee is set in statute (ORC 4734.20). The renewal fee is set in rule (ORC 4734-7-01).
Does the Board recognize uniform licensure requirements or allow for reciprocity?	There are no uniform licensure requirements for chiropractic. The Board does allow for reciprocity.
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	There are no similar national registrations, certifications or licenses that could be used as a substitute.

If the regulation is a registration, certification, or license requirement, please complete the following:

Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	No.
Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?	Yes
Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)	The Board has only denied 3 applicants for licensure in the past six years. The Board has maintained the same application and renewal fees since 1997.

Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.

ORC Section [4734.02](#) grants the Board oversight authority of the duties conferred by ORC Chapter 4734 concerning the practice of chiropractic, chiropractors, and the regulation thereof.

ORC Section [4734.31](#) grants the Board authority to disciplinary sanctions.

**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?**

All of the Board's revenue is derived from fees charged by the Board to individuals engaged in the practice of chiropractic. Due to biennial license renewal, revenue is significantly different each year of the biennium.

Anticipated fees derived in the next license renewal year (2022) is approximately \$ 1,300,000.

Anticipated fees derived in non-license renewal year (2023) is approximately \$45,000.

Revenue is used to fund all activities of the Board.

Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?

Federal regulations do not apply to chiropractic as it relates to the Board.

Federal law does not require states to regulate chiropractic.

Chiropractors who wish to bill Medicare must possess a valid license to practice chiropractic.

Chiropractors practicing within the VA system must possess a valid license to practice chiropractic.

What is the "harm" that the regulation seeks to prevent? (See, R.C. 4798.02(B).)

Unlicensed practice and/or aiding and abetting unlicensed practice

Practice by unqualified chiropractors or individuals

Licensure of, or practice by, impaired chiropractors

Sexual abuse, sexual misconduct, or sexual exploitation

Exploitation of patients for personal or financial gain

Failure to properly document care or maintain documentation of care

Willful or gross malpractice

Practicing beyond the scope of practice

What is the “harm” that the regulation seeks to prevent? (See, R.C. 4798.02(B).)

Delegating professional responsibilities to unqualified individuals
Failing to refer patients to another health care practitioner when necessary
Billing fraud
Misleading, deceptive, false, or fraudulent representations, solicitations, and/or advertisements
Disciplinary actions taken in other jurisdictions
Continued practice after certain criminal conviction
Patient abandonment/failure to access records

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

Yes.

The Board currently regulates the profession in the least restrictive way. This is accomplished via:

Education: Newsletters and the Board’s online laws and rules CE provide guidance and interpretation on current laws and rules and issues of emerging concern to prevent violations

Issuing Letters of Admonition and Letters of Warning to address and correct minor violations without imposing formal disciplinary action

Discipline, when warranted, typically contains educational and/or monitoring terms to prevent future violations

The Board’s staff is highly focused on customer service and personally replies to all licensee and public inquiries to provide guidance and interpretation.

Are there any changes the Board would like to see implemented?

Not at this time.

Comparison to other states (How many other states regulate the occupation? How do Ohio’s regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)

All US jurisdiction regulate the practice of chiropractic. Ohio’s regulations are on par with other states and/or are less restrictive.

Surrounding state comparison (LSC)

Chiropractic License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (R.C. 4734.14, 4734.20, 4734.22, and 4734.25; O.A.C. 4734-6-01, 4734-6-06, 4734-6-08, 4734-7-01, and 4734-7-02;	Yes (Ind. Code Ann. 25-10-1-2, 25-10-1-3, 25-10-1-6, and 25-10-1-11; 846 Ind. Admin. Code 1-2-1, 1-4-7, and 1-8-1)	Yes (Ky. Rev. Stat. Ann. 312.018, 312.085, 312.095, 312.115, and 312.175; 201 Ky. Admin. Regs.	Yes (Mich. Comp. Laws 333.16411 and 333.16431; Mich. Admin. Code R. 338.12034 and 338.12037;	Yes (63 Pa. Cons. Stat. 625.501, 625.502, 625.507, and 625.521; 49 Pa. Code 5.6, 5.12, 5.15, and 5.17)	Yes (W. Va. Code Ann. 30-16-2, 30-16-6, 30-16-7, and 30-16-15; W. Va. Code R. 4-1-3 and 4-6-2)

Chiropractic License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<i>email correspondence with Kelly Caudill, Executive Director of Ohio State Chiropractic Board, April 16, 2020)</i>		<i>21:041, 21:055, and 21:070)</i>	<i>Michigan Licensing and Regulatory Affairs (LARA), Application for a Chiropractic License)</i>		
Education or training	Doctor of chiropractic degree from chiropractic school or college	Graduate of accredited chiropractic school or college	Graduate of accredited chiropractic school or college	Graduate of approved chiropractic program or institution	Graduate of approved chiropractic college	Doctor of chiropractic degree from chiropractic school or college
Experience	No	No	No	No	No	No
Exam	Yes	Yes	Yes	Yes	Yes (\$87 fee)	Yes (\$150 fee)
Continuing education	36 hours	24 hours	12 hours	30 hours	24 hours	18 hours
Initial licensure fee	\$250	\$100	\$350 (not more than \$400)	\$129.75	\$25	\$50
License duration	Two years	Two years	One year	Two years	Two years	One year
Renewal fee	\$500	\$100	\$250 (not more than \$500)	\$205.50	\$210	\$300

Acupuncture certificate (for licensed chiropractors)

Survey responses (CHR)

Description

The certificate permits a qualified chiropractor to insert and remove specialized needles, with or without the application of moxibustion or electrical stimulation, to specific areas of the human body.

(Moxibustion means the use of an herbal heat source on one or more acupuncture points.)

Type *(See R.C. 4798.01 for relevant definitions.)*

License

If the regulation is a registration, certification, or license requirement, please complete the following:

Number issued annually

8

Number renewed annually

175

If the regulation is a registration, certification, or license requirement, please complete the following:	
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	No
Education or training requirements	300 hours of Board-approved acupuncture education.
Experience requirements	N/A
Examination requirements <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>The National Board of Chiropractic Examiners (NBCE) offers an acupuncture examination for chiropractors. Applicants must pass the exam. (ORC Section 4734.282)</p> <p>Fee = \$750</p> <p>The Board does not receive any proceeds of NBCE fees.</p>
Continuing education requirements <i>(Including a description of the curriculum and the process of setting it.)</i>	<p>12 hours of CE is required biennially.</p> <p>Licensees who possess an acupuncture certificate are required to earn a total of 36 hours of CE to renew the license (22 chiropractic hours, 12 acupuncture hours and 2 hours of ethics and professionalism, human trafficking awareness and/or laws and rules of the Board.)</p> <p>An acupuncture certificate cannot be renewed without a current chiropractic license.</p> <p>CE hours may be earned online, in person, or via interactive remote learning.</p> <p>The Board does not approve CE programs. Requirements and guidance for licensees to determine acceptable CE is outlined in Administrative Rule 4734-7-02.</p>
Initial fee	\$100

If the regulation is a registration, certification, or license requirement, please complete the following:	
Duration	Until renewal.
Renewal fee <i>(If different from initial fee, please explain why.)</i>	\$100
Does the Board recognize uniform licensure requirements or allow for reciprocity?	There are no uniform licensure requirements. Reciprocity is not an option because the Board's acupuncture education requirements are the highest in the country.
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	Not that the Board is aware of.
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	No.
Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?	Only if the applicant does not meet the conditions for licensure.
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.

ORC Section [4734.281](#) grants the Board oversight authority of the practice of acupuncture when a chiropractor holds a valid certificate issued by the Board.

ORC Section [4734.31](#) grants specific disciplinary sanctions the Board may impose.

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 over the course of the biennium for certificate and renewal fees is approximately \$18,000.

The revenue is used to fund activities of the Board.

Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?

No federal regulations apply.

What is the “harm” that the regulation seeks to prevent? (See, R.C. 4798.02(B).)

Unlicensed practice and/or aiding and abetting unlicensed practice
Practice by unqualified chiropractors
Practice by impaired chiropractors
Sexual abuse, sexual misconduct or sexual exploitation
Exploitation of patients for personal or financial gain
Failure to properly document care or maintain documentation of care
Commission of willful or gross malpractice
Failing to refer patients to another health care practitioner when necessary
Fraud
Misleading, deceptive, false or fraudulent representations, solicitations and advertisements
Disciplinary actions taken in other jurisdictions
Continued practice after certain criminal conviction
Patient abandonment/failure to access records

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

Yes.

The Board currently regulates the profession in the least restrictive way. This is accomplished via:

Education: Newsletters and the Board’s online laws and rules CE provide guidance and interpretation on current laws and rules and issues of emerging concern to prevent violations

Issuing Letters of Admonition and Letters of Warning to address and correct minor violations without imposing formal disciplinary action

Discipline, when warranted, typically contains educational and/or monitoring terms to prevent future violations

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

The Board's staff is highly focused on customer service and personally replies to all licensee and public inquiries to provide guidance and interpretation.

Are there any changes the Board would like to see implemented?

Reduction of the number of educational hours required to obtain the certificate to align with other US jurisdictions. (100 hours of acupuncture training is the prerequisite to take the National acupuncture exam for chiropractic and appears to be the national average from our research.)

Comparison to other states *(How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)*

Approximately 15 states permit chiropractors to perform acupuncture. Ohio's regulations are no more restrictive than other states, with the exception of the educational requirement.

Surrounding state comparison (LSC)

Acupuncture Certificate (for Licensed Chiropractors)						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (<i>R.C. 4734.141, 4734.211, and 4734.281 to 4734.284; O.A.C. 4734-7-01 and 4734-10-01 to 4734-10-03; email correspondence with Kelly Caudill, April 16, 2020</i>)	Yes, professional's license to practice acupuncture (<i>Ind. Code Ann. 25-2.5-2-3 and 25-2.5-2-5; 844 Ind. Admin. Code 13-2-4, 13-2-6, and 13-4-2; Indiana Professional Licensing Agency, Acupuncture FAQs</i>)	N/A – licensed chiropractors are prohibited to treat or attempt to treat by use of acupuncture (<i>Ky. Rev. Stat. 312.017</i>)	N/A – does not offer acupuncture as a specialty for licensed chiropractors (<i>email correspondence with Sara H., Departmental Technician, Bureau of Professional Licensing, April 23, 2020</i>)	N/A – does not issue an acupuncture license for licensed chiropractors or permit chiropractors to practice acupuncture without a license but permits licensed chiropractors to obtain a separate acupuncture license from the State Board of Medicine or State Board of Osteopathic Medicine (<i>49 Pa. Code 5.81</i>)	No license, other than chiropractic license required (<i>W. Va. Code R. 4-1-15 and 4-6-2; email correspondence with Barbara Johnson, Executive Director of West Virginia Board of Chiropractic, April 16 and 17, 2020</i>)
Education or training	State Chiropractic Board-approved courses of study in acupuncture	200 hours acupuncture training	N/A	N/A	N/A	100 hours acupuncture training

Acupuncture Certificate (for Licensed Chiropractors)						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Experience	No	No	N/A	N/A	N/A	No
Exam	Yes	No	N/A	N/A	N/A	Yes
Continuing education (CE)	36 hours (12 hours must be acupuncture CE)	No	N/A	N/A	N/A	None specified separately from chiropractic licensure
Initial licensure fee	\$100	\$150	N/A	N/A	N/A	None specified separately from chiropractic licensure
License duration	Two years	Two years	N/A	N/A	N/A	None specified separately from chiropractic licensure
Renewal fee	\$100	\$100	N/A	N/A	N/A	None specified separately from chiropractic licensure

Special limited license: chiropractic student, volunteer, or special activity

Survey responses (CHR)

Description

No volunteer or special activity licenses have been applied for. Responses provided will pertain to intern (chiropractic students) licenses for preceptorship programs.

Interns are individuals enrolled in doctor of chiropractic degree programs who have completed all requirements for their degree except for the final clinical phase of the program. The special limited license for interns permits the limited practice of chiropractic under direct supervision of an Ohio licensed chiropractor (preceptor).

Type *(See R.C. 4798.01 for relevant definitions.)*

License

If the regulation is a registration, certification, or license requirement, please complete the following:

Number issued annually

27

Number renewed annually

The license is not renewable.

If the regulation is a registration, certification, or license requirement, please complete the following:	
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	No
Education or training requirements	Applicants must have completed all requirements for the doctor of chiropractic degree except for the final clinical phase of the program.
Experience requirements	N/A
Examination requirements (<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>)	N/A
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	N/A
Initial fee	\$75
Duration	For the length of the preceptorship. (Typically 2 months.)
Renewal fee (<i>If different from initial fee, please explain why.</i>)	N/A

If the regulation is a registration, certification, or license requirement, please complete the following:

<p>Does the Board recognize uniform licensure requirements or allow for reciprocity?</p>	<p>N/A</p>
<p>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</p>	<p>N/A</p>
<p>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?</p>	<p>No</p>
<p>Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?</p>	<p>Yes. The Board may refuse or deny an applicant if the applicant does not meet the requirements or has committed any act which indicates the applicant does not possess the character and fitness to practice chiropractic as outlined in ORC Section 4734.31.</p>
<p>Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)</p>	<p>The Board has never denied an intern license.</p>

Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.

ORC Section [4734.02](#) grants the Board oversight authority of the duties conferred by ORC Chapter 4734 concerning the practice of chiropractic, chiropractors, and the regulation thereof.

ORC Section [4734.27](#) grants the Board oversight authority of individuals seeking to participate as an intern in a preceptorship program.

**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?**

Average annual revenue is \$2,025.

The revenue is used to fund activities of the Board.

Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?

No federal regulations apply to chiropractic interns.

What is the “harm” that the regulation seeks to prevent? (*See, R.C. 4798.02(B).*)

The regulation does not seek to prevent harm. The regulation grants chiropractic students the opportunity to intern with an experienced Ohio licensed chiropractor as part of their educational program.

(Applicants for licensure are not required to participate in an intern program in order to be eligible for licensure.)

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

The regulation does not seek to prevent harm.

Are there any changes the Board would like to see implemented?

None at this time.

Comparison to other states *(How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)*

Approximately 37 US jurisdictions permit preceptorships.

Ohio is one of the few states that permits an intern to practice chiropractic in a limited manner. This is less restrictive because the student gains greater experience.

Surrounding state comparison (LSC)

Special Limited License: Chiropractic Student, Volunteer, or Special Activity						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes, but board does not currently issue a special limited license for special activities (<i>R.C. 4734.27; email correspondence with Kelly Caudill, April 14 and 20, 2020</i>)	Yes, for temporary permit and temporary permit for out-of-state licensee (<i>Ind. Code Ann. 25-10-1-5.5, 25-10-1-5.6; 846 Ind. Admin. Code 1-4-7, 1-9-1, and 1-9-2</i>)	No – no temporary licenses for special activities or chiropractic interns, but the Kentucky Board of Chiropractic Examiners does regulate interns and volunteer health services (<i>Ky. Rev. Stat. 312.018; 201 Ky. Admin. Regs. 21:085; email correspondence with Tasha Stewart, Board Administrator of the Kentucky Board of Chiropractic Examiners, April 20 and 21, 2020</i>)	Yes, for special volunteer license for chiropractors and educational limited license (<i>Mich. Comp. Laws 333.16184 and 333.16412; Mich. Admin. Code R. 338.12032; LARA, Application for a Chiropractic License; email correspondence with Bonnie N., Licensing Team, Bureau of Professional Licensing, May 1, 2020</i>)	Yes, for volunteer license or out-of-state/foreign limited license for teaching in graduate chiropractic program, but the Pennsylvania Board of Chiropractic, via email dated June 15, 2020, stated that the Board does not issue volunteer or active/retired licenses (<i>63 Pa. Cons. Stat. 625.505; 49 Pa. Code 5.6, 5.11a, 5.17, and 5.20; Pennsylvania Department of State, Health Licensing Division,</i>	Yes, for special volunteer chiropractor license and temporary license to visiting chiropractors for special, limited-time events (<i>W. Va. Code Ann. 30-16-7a and 30-16-19; email correspondence with Barbara Johnson, April 17, 2020</i>)

Special Limited License: Chiropractic Student, Volunteer, or Special Activity

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
					<i>Volunteer License Application)</i>	
Education or training	Degree of doctor of chiropractic or enrollment in chiropractic program	Graduate of accredited chiropractic school or college; licensed in another state or jurisdiction	Enrollment in chiropractic preceptorship program required for interns	Volunteer: If out of practice for three or more years, documentation of attendance of at least $\frac{2}{3}$ of continuing education requirements Educational: completion of two years in Board-approved chiropractic college	No	No
Experience	No	No	No	No	Limited license: must submit evidence of teaching experience or equivalent Volunteer: must be either:	No

Special Limited License: Chiropractic Student, Volunteer, or Special Activity

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
					1. A nonretired licensee with an active license and inactive practice; or 2. A retired licensee with a lapsed license	
Exam	No	No	N/A	No	Limited license: yes (oral exam) Volunteer retired licensee: no	No
Continuing education	No	No	N/A	Volunteer: yes Educational: no	Volunteer retired licensee: 24 hours	No
Initial licensure fee	\$75	\$50	Intern: \$200 per semester to Board for preceptorship program participation	Volunteer: No Educational: \$54	Limited license: \$30 Volunteer: none	Volunteer: no Temporary: \$100
License duration	Intern: length of preceptor program (typically	Temporary permit: expires the day after the Board releases	N/A	Volunteer: two years Educational: not more than six	Limited license: one year (nonrenewable)	Volunteer: one year

Special Limited License: Chiropractic Student, Volunteer, or Special Activity

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	three to four months) Volunteer: two years	the results of the next Board exam Out-of-state temporary permit: not more than 30 days		months and nonrenewable	Volunteer: two years	Temporary: determined by Board
Renewal fee	N/A	N/A	N/A	Volunteer: none Educational: N/A	Limited license: N/A Volunteer: none	Volunteer: none Temporary: N/A

STATE COSMETOLOGY AND BARBER BOARD (COS)

General information (COS)

Duties

Effective licensing and regulation of cosmetology, branches of cosmetology, barbering, and tanning services in the State of Ohio.

Membership *(Current members, chairperson and other officers, and selection process.)*

Thomas Taneff, Chair

NeCole Cumberlander, Vice Chair

Luke Hanks

Clara Osterhage

Charles Penzone

Jessica Price-Kovach

Kenji Prince

Tasha Sheipline

Kim Thomas

Jennifer Wolfe

Rowena Yeager

Membership *(Current members, chairperson and other officers, and selection process.)*

R.C. 4713.02 is the authority for the creation and appointment of the Ohio State Cosmetology and Barber Board consisting of thirteen members appointed by the governor, with the advice and consent of the senate.

Budget *(Current budget, description of budgeting process, sources of funding, and expected increases or decreases in budget or funding in future years.)*

The Board's budget allocation in FY20 was \$5,425,748 and in FY21 was \$5,716,944. The Board utilizes a zero-based budgeting process when developing the budget and our source of funding is from licensing fees administered by the Board. In FY22/FY23 we are anticipating a revenue shortage due to COVID-19. We have anecdotal stories of individuals joining the underground economy during the COVID-19 shutdown. As well, some individuals were not able to or chose not to reopen following the shutdown. We will not have a better sense as to the extent of this impact until renewals have completed at the end of January 2021.

Workload *(Assess current, past, and anticipated workload. Has the workload increased or decreased significantly in the preceding six years?)*

The Ohio State Cosmetology Board and the Ohio State Barber Board were merged on July 1, 2017 in Am. Sub. H.B. 49, which became effective on January 21, 2018. By combining the two boards while also implementing the state's e-license system resulted in a temporary workload increase. The level of effort has now become steadier overall. During the license renewal period, the workload does increase significantly to serve the licensees but then returns to an expected level following the license renewal period.

Staffing *(How many staff are currently employed by the board? What are their roles? Are staffing levels proportionate to the board's current and anticipated workload?)*

There are currently 41 staff members of the Board which consists of an Executive Director, a Deputy Director, an Agency Counsel, a Supervisor of Inspections/Complaints, an IT specialist, a supervisor/in-house Human Resources, a Barber Examination Manager, a Board Liaison/Administrative Assistant, a Budget Analyst, three customer service representatives, four examiners, an individual who oversees examination scheduling, an individual who oversees continuing education, two administrative action representatives, sixteen inspectors, an account clerk, and four license specialists. Four employees have recently left employment with our agency. Due to the state's current hiring freeze, we have not been able to replace them. As a result, we are currently engaged in an effort to ensure employees are cross-trained to support our staffing needs and to meet customer service expectations.

Administrative hearings and public complaints *(Describe the Board's processes for administering discipline and addressing complaints. Assess the efficiency of the processes.)*

Violations cited during inspections and investigations are governed by the Board's Violation Guidance Matrix. The Matrix establishes a uniform, progressive disciplinary process based on the type and number of occurrences of violations. With most first-time violations, licensees are given an opportunity to correct the issue, and, if corrected by the time of follow-up inspection, they receive a warning. Repeat and subsequent violations typically receive an increasing fine per violation and may also face action to suspend or revoke a license. All disciplinary actions and hearings are processed and conducted in accordance with R.C. Chapter 119 and R.C. Chapters 4709 and 4713, as applicable.

Since adopting the current version of the Matrix in March 2019, which expanded the opportunities for corrective actions and warnings, the Board has been able to reduce its total number of disciplinary actions, which was already efficient and consistent across the state.

Barber license

Survey responses (COS)

Description

The practice of barbering means any one or more of the following when performed upon the head, neck, or face for cosmetic purposes and when performed upon the public for pay, free, or otherwise.

Shaving the face, shaving around the vicinity of the ears and neckline, or trimming facial hair;

Cutting or styling hair;

Facials, skin care, or scalp massages;

Shampooing, bleaching, coloring, straightening, or permanent waving hair;

Cutting, fitting, or forming head caps for wigs or hair pieces.

Type *(See R.C. 4798.01 for relevant definitions.)*

License

If the regulation is a registration, certification, or license requirement, please complete the following:**Number issued annually**

267 new Barber licenses issued in FY20

Number renewed annually

7860 renewals are completed biennially

Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?

Decreased by 2.7% since FY2018. The Cosmetology and Barber boards were merged January 2018. Data for prior years is not readily available.

If the regulation is a registration, certification, or license requirement, please complete the following:	
Education or training requirements	1800-Hour Barber Program in a licensed barber school 1000-Hour Barber program if a COS license is held.
Experience requirements	None
Examination requirements (<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>)	A practical (hands-on) and theory (computer-based) is required to be taken and passed. The Board administers the barber examinations. The theory exam is a national exam and the practical exam is state constructed based on national requirements. Exam fee \$90 Retake exam fee \$45
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	Barbers have not been required to complete CE hours. 8 CE hours will be required to renew a barber license in 2022.
Initial fee	\$30
Duration	2-Year
Renewal fee (<i>If different from initial fee, please explain why.</i>)	\$110; fee is established in 4709.12
Does the Board recognize uniform licensure requirements or allow for reciprocity?	Yes, reciprocity is authorized under R.C. 4709.08.
Are there any similar national registrations, certifications, or licenses?	No

If the regulation is a registration, certification, or license requirement, please complete the following:

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?	Yes, but only if they are exempted under R.C. 4709.03.
Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?	Yes, but if the individual meets the minimum criteria, the discretion is limited to the disciplinary criteria set forth in R.C. 4709.13.
Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)	Barber applicants are required to be 18 years of age to be eligible for licensure.

Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.

The Board has testing authority to ensure minimum competence prior to licensure, and oversight over compliance with the Board’s laws and rules through periodic inspection and complaint investigations. The Board may refuse to issue or renew, or may suspend, revoke, or impose conditions on a license under R.C. 4709.13. The Board may also seek injunctive relief or impose a fine under R.C. 4709.14.

**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?**

\$56,070. Amount is for FY20 which is a non-renewal year. Revenue collected is lower on non-renewal years.
Due to COVID-19 examinations for new licenses was on hold for approximately 3-months due to the restrictions.
Revenue from fees is used for the operations of the Board.

Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?

Not applicable.

What is the “harm” that the regulation seeks to prevent? (See, R.C. 4798.02(B).)

Under the categories listed in R.C. 4798.02(B), the regulation seeks to protect general health, safety, and welfare concerns, and to protect consumers against potential damages by transient providers.
More importantly, though, the regulation seeks to protect consumers from potential serious physical harm through traumatic injury or the spread of contagious or infectious diseases by ensuring minimal competency in proper techniques and safety and infection control procedures. Barbers, under their scope of practice, can apply caustic chemicals to the hair, scalp, and face of consumers, and can use potentially dangerous implements such as straight razors.

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. Licensure testing ensures that barbers have the competency and knowledge to practice in a safe and sanitary manner. Continued licensure ensures that consumers are protected from potentially transient providers, and periodic inspection ensures that barbers are continuing to comply with appropriate safety and sanitation techniques and procedures after initial licensure. There are no other, less restrictive ways to prevent the harm.

Are there any changes the Board would like to see implemented?

Remove good moral character requirement and reduce the minimum age for licensure to 16. See attached document for these and related statutory language suggestions.

Comparison to other states *(How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)*

All 49 other states and the District of Columbia require barbers to be licensed. Ohio's 1,800-hour training requirement is higher than the average of around 1,500 hours.

Surrounding state comparison (LSC)

Barber License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (<i>R.C. 4709.02</i>)	Yes (<i>Ind. Code Ann. 25-8-12.1-1</i>)	Yes (<i>Ky. Rev. Stat. Ann. 317.420</i>)	Yes (<i>Mich. Comp. Laws 339.1104</i>)	Yes (<i>63 Pa. Cons. Stat. 551</i>)	Yes (<i>W. Va. Code Ann. 30-27-1</i>)
Education or training	8 th grade education or an equivalent and 1,800 hours of training from a board-approved barber school (<i>R.C. 4709.07</i>)	High school graduate if 17; 1,500 hours of training in a barber program (<i>Ind. Code Ann. 25-8-12.1-3</i>)	High school diploma or equivalency, graduated from a licensed barbering school with 1,500 hours of training, and six-month apprenticeship (<i>Ky. Rev. Stat. Ann. 317.450(1) and 317.540</i>)	Completed 10 th grade or has an equivalent, 1,800-hour course of study at a licensed barber college (<i>Mich. Comp. Laws 339.1108(1)</i>)	Completed 8 th grade or equivalent and at least 1,250 hours of barbering study and training and not less than nine months in a licensed barber school or shop under a licensed teacher (<i>63 Pa. Cons. Stat. 553</i>)	High school diploma, GED, or has passed the “ability to benefit test” approved by the U.S. Department of Education, and a 1,200 hour course of study (<i>W. Va. Code Ann. 30-27-8; W. Va. Code R. 3-1-4</i>)
Experience	No	No	No	No, but may substitute experience for instruction under certain circumstances (<i>Mich. Comp. Laws 339.1108(3)</i>)	No	No

Barber License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Exam	Yes (<i>R.C. 4709.07</i>)	Yes (<i>Ind. Code Ann. 25-8-12.1-3</i>)	Yes (<i>Ky. Rev. Stat. Ann. 317.450(1)(a)(5)</i>)	Yes (<i>Mich. Comp. Laws 339.1108(1)</i>)	Yes (<i>63 Pa. Cons. Stat. 553</i>)	Yes (<i>W. Va. Code Ann. 30-27-8(5)</i>)
Continuing education	Eight hours biennially (<i>O.A.C. 4713-21-03(B)(1)(a)</i>)	No	No	No	No	Four credit hours per year (<i>W. Va. Code R. 3-11-3</i>)
Initial licensure fee	\$30 plus \$90 exam fee (<i>R.C. 4709.12(A)(1) and (3)</i>)	\$40 (<i>Ind. Code Ann. 25-8-13-12.1</i>)	\$50 (<i>201 Ky. Admin. Regs. 14:180</i>)	\$20 application fee, \$75 exam fee, and \$30 license fee (<i>Mich. Comp. Laws 338.2217</i>)	\$10 application/exam fee (<i>49 Pa. Code 3.103</i>)	\$35 (<i>W. Va. Code R. 3-6-2(2.2)</i>)
License duration	Two years (<i>R.C. 4709.11</i>)	Four years (<i>Ind. Code Ann. 25-8-15.4-9</i>)	One year (<i>Ky. Rev. Stat. Ann. 317.450(9)</i>)	Two years (<i>Mich. Admin. Code R. 339.1003</i>)	Two years (<i>63 Pa. Cons. Stat. 558</i>)	One year (<i>W. Va. Code R. 3-6-2(2.4)</i>)
Renewal fee	\$110 (<i>R.C. 4709.12(A)(4)</i>)	\$40 (<i>820 Ind. Admin. Code 8-5-4</i>)	\$50 (<i>201 Ky. Admin. Regs. 14:180</i>)	\$30 (<i>Mich. Comp. Laws 338.2217</i>)	\$109 (<i>49 Pa. Code 3.103</i>)	\$35 (<i>W. Va. Code R. 3-6-2(2.4)</i>)

Barber teacher or assistant teacher license

Survey responses (COS)

Description

Barber teacher means any person who engages in or attempts to engage in the teaching of the practice of barbering.
Assistant barber teacher means any person who assists a barber teacher in the teaching of the practice of barbering.

Type *(See R.C. 4798.01 for relevant definitions.)*

License

If the regulation is a registration, certification, or license requirement, please complete the following:

Number issued annually	23 New Barber teacher/Asst. Teacher licenses issued in FY20
Number renewed annually	107 Renewals completed biennially

If the regulation is a registration, certification, or license requirement, please complete the following:

Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	The Cosmetology and Barber boards were merged January 2018. Data for prior years is not readily available.
Education or training requirements	Must hold a current barber license and has at least eighteen months of work experience in a licensed barbershop or has been employed as an assistant barber teacher for at least one year.
Experience requirements	Must have either eighteen months of work experience in a licensed barber shop or have been employed as an assistant barber teacher for at least one year. The Board, however, has authority to waive either of these requirements.
Examination requirements (<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>)	Passes a national barber teacher theory examination.
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	Barber Teachers have not been required to complete CE hours. 8 CE hours will be required to renew a barber teacher license in 2022.
Initial fee	\$185 includes the required examination
Duration	2-Year
Renewal fee (<i>If different from initial fee, please explain why.</i>)	\$150; fee is established in 4709.12

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?	No. The Revised Code does not authorize reciprocity for this license.
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	No
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	No
Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?	Yes, but if the individual meets the minimum criteria, the discretion is limited to the disciplinary criteria set forth in R.C. 4709.13. The Board also has discretion to waive the experience requirements.
Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)	None

Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.

The Board has testing authority to ensure minimum competence prior to licensure, and oversight over compliance with the Board’s laws and rules through periodic inspection and complaint investigations. The Board may refuse to issue or renew, or may suspend, revoke, or impose conditions on a license under R.C. 4709.13. The Board may also seek injunctive relief or impose a fine under R.C. 4709.14.

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?

\$4,970. Amount is for FY20 which is a non-renewal year. Revenue collected is lower on non-renewal years. Due to COVID-19 examinations for new licenses was on hold for approximately 3-months due to the restrictions. Revenue from fees is used for the operations of the Board.

Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?

Not applicable

What is the “harm” that the regulation seeks to prevent? (See, R.C. 4798.02(B).)

Under the categories listed in R.C. 4798.02(B), the regulation seeks to protect general health, safety, and welfare concerns, and to protect consumers against potential damages by transient providers. Like with the Board’s practicing licenses, the regulation seeks to protect consumers from potential serious physical harm through traumatic injury or the spread of contagious or infectious diseases by ensuring minimal competency in proper techniques and safety and infection control procedures. Barbers, under their scope of practice, can apply caustic chemicals to the hair, scalp, and face of consumers, and can use potentially dangerous implements such as straight razors. This regulation ensures that barber students receive their instruction from qualified, knowledgeable instructors.

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. Licensure testing ensures that barber teachers have the ability to educate barber students to develop the competency and knowledge to practice in a safe and sanitary manner. Continued licensure ensures that consumers are protected from potentially transient providers, and periodic inspection ensures that barber teachers are continuing to provide effective instruction on the appropriate safety and sanitation techniques and procedures after initial licensure. There are no other, less restrictive ways to prevent the harm.

Are there any changes the Board would like to see implemented?

Remove good moral character requirement. See attached document for this and related statutory language suggestions

Comparison to other states *(How many other states regulate the occupation? How do Ohio's regulations compare to those of other states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)*

43 other states and the District of Columbia require barber teachers/instructors to be licensed. Requirements vary, but typically consist of a period of experience as a licensee or assistant teacher plus specific instructor training hours and an examination. Ohio's requirement of 18 months of experience (or one year as an assistant barber) plus 500 hours of instructor training (established in rule) and an examination is less than the national average, which is closer to two to three years of experience plus around 500 hours of training and an examination.

Surrounding state comparison (LSC)

Barber Teacher or Assistant Teacher License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (<i>R.C. 4709.02(C)</i>)	Yes (<i>Ind. Code Ann. 25-8-6-6</i>)	Yes (<i>Ky. Rev. Stat. Ann. 317.420(3)</i>)	Yes (<i>Mich. Comp. Laws 339.1109</i>)	Yes (<i>49 Pa. Code 3.11</i>)	Yes – certified instructor (<i>W. Va. Code Ann. 30-27-1</i>)
Education or training	Current barber license (<i>R.C. 4709.10(C)(1)</i>)	Licensed barber; high school graduate or equivalent, and completed at least 900 hours in instructor training (<i>820 Ind. Admin. Code 8-4-1</i>)	High school diploma or equivalent (<i>Ky. Rev. Stat. Ann. 317.450(5)</i>)	Licensed barber with one year teaching instruction from a barber college, or six months instruction at a barber college plus 60 semester hours or 90 term hours at a college or university (<i>Mich. Comp. Laws 339.1109</i>)	High school graduate or equivalent who has practiced five years or who has been a manager-barber who has trained for 1,250 hours under a licensed teacher as a teacher-trainee (<i>63 Pa. Cons. Stat. 553</i>)	Passed a teaching techniques course, high school diploma, GED, or “ability to benefit” test approved by the U.S. Department of Education, graduated from a recognized school of barbering, hair styling, aesthetics, nail technology or cosmetology (<i>W. Va. Code R. 3-2-2</i>)
Experience	18 months of work experience or has been an assistant barber teacher for one year (<i>R.C. 4709.10(C)(1)</i>)	None	Practiced for at least 18 months (<i>Ky. Rev. Stat. Ann. 317.450(5)</i>)	Practiced for at least two years (<i>Mich. Comp. Laws 339.1109</i>)	Practiced for at least five years (<i>63 Pa. Cons. Stat. 553</i>)	None

Barber Teacher or Assistant Teacher License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Exam	Yes (<i>R.C. 4709.10(C)(3)</i>)	Yes (<i>820 Ind. Admin. Code 8-3-6</i>)	Yes (<i>Ky. Rev. Stat. Ann. 317.450(5)</i>)	Yes (<i>Mich. Comp. Laws 339.1109</i>)	Yes (<i>63 Pa. Cons. Stat. 553</i>)	Yes (<i>W. Va. Code R. 3-2-2</i>)
Continuing education	Eight hours biennially (<i>O.A.C. 4713-21-03(B)(1)(a)</i>)	No	No	No	No	No
Initial licensure fee	\$185 (<i>R.C. 4709.12(A)(14)</i>)	\$40 (<i>820 Ind. Admin. Code 8-5-1</i>)	\$100 (<i>201 Ky. Admin. Regs. 14:180</i>)	\$20 application fee, \$75 exam fee, and \$40 per year license fee (<i>Mich. Comp. Laws 338.2217</i>)	\$10 application/exam fee (<i>49 Pa. Code 3.103</i>)	\$50 (<i>W. Va. Code R. 3-6-2(2.7)</i>)
License duration	Two years (<i>R.C. 4709.11</i>)	Four years (<i>Ind. Code Ann. 25-8-15.4-9</i>)	One year (<i>Ky. Rev. Stat. Ann. 317.450(9)</i>)	Two years (<i>Mich. Admin. Code R. 339.1003</i>)	Two years (<i>63 Pa. Cons. Stat. 558</i>)	One year (<i>W. Va. Code R. 3-6-2(2.8)</i>)
Renewal fee	\$150 (<i>R.C. 4709.12(A)(15)</i>)	\$40 (<i>820 Ind. Admin. Code 8-5-4</i>)	\$100 (<i>201 Ky. Admin. Regs. 14:180</i>)	\$80 (<i>Mich. Comp. Laws 338.2217</i>)	\$174 (<i>49 Pa. Code 3.103</i>)	\$50 (<i>W. Va. Code R. 3-6-2(2.8)</i>)

Barber student registration

Survey responses (COS)

Description

An application for admission that is required to be filed with the board for each barber student enrolled in a school. The registration includes a copy of the applicant's birth certificate, proof of at least an eighth-grade education, photo of applicant, and the \$40 fee required by the R.C.

Type *(See R.C. 4798.01 for relevant definitions.)*

Registration

If the regulation is a registration, certification, or license requirement, please complete the following:

Number issued annually

676 New Registrations

Number renewed annually

N/A

If the regulation is a registration, certification, or license requirement, please complete the following:	
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	The Cosmetology and Barber boards were merged January 2018. Data for prior years is not readily available.
Education or training requirements	Required to have at least an eighth-grade education and be at least 17 years of age.
Experience requirements	None
Examination requirements (<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>)	NA
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	NA
Initial fee	\$40
Duration	One-time registration per program.
Renewal fee (<i>If different from initial fee, please explain why.</i>)	NA

If the regulation is a registration, certification, or license requirement, please complete the following:

<p>Does the Board recognize uniform licensure requirements or allow for reciprocity?</p>	<p>No, but out-of-state students may be able to transfer training hours to an Ohio barber school and apply for a student registration.</p>
<p>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</p>	<p>No</p>
<p>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?</p>	<p>No</p>
<p>Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?</p>	<p>Yes. R.C. 4709.10 requires the Board to review and approve barber student registrations. Ohio Adm.Code 4713-5-09 states that the Board must notify the school and individual, in writing, of any reason for denial.</p>
<p>Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)</p>	<p>None</p>

Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.

The Board only has authority to provide initial approval or denial of the registration. The Board does monitor student progress through school regulations.

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?

\$24,440 in FY20 Revenue from fees is used for the operations of the Board.

Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?

No. There are, however, federal laws and regulations that relate to student aid for these programs.

What is the “harm” that the regulation seeks to prevent? (See, R.C. 4798.02(B).)

Under the categories listed in R.C. 4798.02(B), the regulation seeks to protect general health, safety, and welfare concerns, and to protect consumers against potential damages by transient providers. More importantly, though, the regulation seeks to protect consumers from potential serious physical harm through traumatic injury or the spread of contagious or infectious diseases by ensuring minimal competency in proper techniques and safety and infection control procedures. Barber students, as part of their training, provide clinic services to the public and can apply caustic chemicals to the hair, scalp, and face of consumers, and use potentially dangerous implements such as straight razors.

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. Student registration allows the Board to monitor student training and progress and ensures that consumers are protected from potentially transient providers. In addition, periodic inspection ensures that students are receiving proper monitoring and instruction when providing clinic services to the public. A less restrictive way to prevent the harm, as suggested by the Board in the attached language, would be to eliminate the registration, Board approval of registration, and the associated fee, and simply have barber schools submit a student enrollment as is done with students training under R.C. Chapter 4713.

Are there any changes the Board would like to see implemented?

Eliminate this registration and associated fee. See attached document for these and related statutory language suggestions.

Comparison to other states *(How many other states regulate the occupation? How do Ohio's regulations compare to those of other states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)*

Most states require barber schools to submit some form of enrollment notification, but the form varies significantly. Some states, like Ohio, require a specific student permit or registration, but most do not. Ohio's regulation is more restrictive than most states due to the fee associated with the student registration.

Surrounding state comparison (LSC)

Barber Student Registration						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes – registration (<i>R.C. 4709.12(A)(13)</i>)	No	Yes – permit card (<i>201 Ky. Admin. Regs. 14:180(4)</i>)	Yes – student license (<i>Mich. Comp. Laws 339.1105</i>)	Yes – registration (<i>63 Pa. Cons. Stat. 555</i>)	Yes – student registration or barber apprentice permit (<i>W. Va. Code Ann. 30-27-12 and 30-27-8a</i>)
Education or training	None	N/A	High school certificate, diploma, transcript, or GED (<i>201 Ky. Admin. Regs. 14:105</i>)	10 th grade or equivalent (<i>Mich. Comp. Laws 339.1105</i>)	8 th grade or equivalent (<i>63 Pa. Cons. Stat. 555</i>)	None for student registrant; barber apprentice must be high school student, or have a high school diploma, GED, or have passed the “ability to benefit test” approved by the U.S. Department of Education (<i>W. Va. Code Ann. 30-27-8a</i>)
Experience	No	N/A	No	No	No	No
Exam	No	N/A	No	No	No	No

Barber Student Registration						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Continuing education	No	N/A	No	No	No	No
Initial licensure fee	\$40 (<i>R.C. 4709.12(A)(13)</i>)	N/A	\$15 (<i>201 Ky. Admin. Regs. 14:180</i>)	\$15 application, \$30 per year license (<i>Mich. Comp. Laws 338.2217</i>)	\$30 certificate of student status (<i>49 Pa. Code 3.103</i>)	\$25 for student registration; \$35 issuance fee, plus \$50 inspection fee, for barber apprentice (<i>W. Va. Code R. 3-6-2</i>)
License duration	Not specified	N/A	Not specified	Two years (<i>Mich. Comp. Laws 339.1105</i>)	No applicable	Student registration is good during the prescribed period of study for the student; barber apprenticeship duration not specified (<i>W. Va. Code Ann. 30-27-12</i>)
Renewal fee	Not specified	N/A	N/A	\$30 per year (<i>Mich. Comp. Laws 338.2217 and 339.1105</i>)	N/A	N/A

Cosmetologist license

Survey responses (COS)

Description	
The art or practice of embellishment, cleansing, beautification, and styling of hair, wigs, postiches, face, body, or nails.	
Type <i>(See R.C. 4798.01 for relevant definitions.)</i>	
License	
If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	1526
Number renewed annually	22,269

If the regulation is a registration, certification, or license requirement, please complete the following:	
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	Increased by 16% since 2014
Education or training requirements	1500-hour basic program in a licensed school of cosmetology 1800-hour advanced program in a licensed school of cosmetology At least an eighth-grade education is required.
Experience requirements	None
Examination requirements (<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>)	Practical (hands-on) and Theory (computer-based) examination is required to be passed. The practical is a state constructed exam based on national standards. The theory is a national examination. All exams are administered by examiners employed by the board.
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	Yes. 8 hours of CE is required to be completed per license renewal period. 1- hour board laws and rules, 2- hours Safety and sanitation, 5- hours scope specific.
Initial fee	\$45
Duration	2-year

If the regulation is a registration, certification, or license requirement, please complete the following:	
Renewal fee <i>(If different from initial fee, please explain why.)</i>	\$55. The renewal fee for the license is higher than the initial license fee due to the costs associated with the eLicense Ohio system. These fees cover costs associated with using and maintaining the license(s) and accounts in the eLicense system and the storage of information relating to the license(s) and account(s).
Does the Board recognize uniform licensure requirements or allow for reciprocity?	Yes, reciprocity is authorized under R.C. 4713.34.
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	No
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	Yes, but only if they are exempted under R.C. 4713.17.
Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?	Yes, but if the individual meets the minimum criteria, the discretion is limited to the disciplinary criteria set forth in R.C. 4713.64.
Other information <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i>	Applicants must be at least sixteen years of age to be licensed.

Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.

The Board has testing authority to ensure minimum competence prior to licensure, and oversight over compliance with the Board's laws and rules through periodic inspection and complaint investigations. The Board may deny issuance or renewal of a license, suspend, or revoke a license, require corrective action courses, and/or impose a fine under R.C. 4713.64. The Board may also seek injunctive relief under R.C. 4713.13.

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?

\$88,855. Amount is for FY20 which is a non-renewal year. Revenue collected is lower in non-renewal years. Due to COVID-19, examinations for new licenses was on hold for approximately three-months due to the restrictions. Revenue from fees is used for the operations of the Board

Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?

Not applicable

What is the “harm” that the regulation seeks to prevent? (See, R.C. 4798.02(B).)

Under the categories listed in R.C. 4798.02(B), the regulation seeks to protect general health, safety, and welfare concerns, and to protect consumers against potential damages by transient providers.

More importantly, though, the regulation seeks to protect consumers from potential serious physical harm through traumatic injury or the spread of contagious or infectious diseases by ensuring minimal competency in proper techniques and safety and infection control procedures. Cosmetologists, under their scope of practice, can apply caustic chemicals to hair, scalp, face, and body of consumers, and can use potentially dangerous implements such as scalpels, microdermabrasion machines, and other electronic and high frequency devices.

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. Licensure testing ensures that cosmetologists have the competency and knowledge to practice in a safe and sanitary manner. Continued licensure ensures that consumers are protected from potentially transient providers, and periodic inspection ensures that cosmetologists are continuing to comply with appropriate safety and sanitation techniques and procedures after initial licensure. There are no other, less restrictive ways to prevent the harm.

Are there any changes the Board would like to see implemented?

Remove good moral character requirement. See attached document for this and related statutory language suggestions.

Comparison to other states (*How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?*)

All 49 other states and the District of Columbia require cosmetologists to be licensed. Ohio's 1,500-hour training requirement is in line with the average of around 1,500 hours

Surrounding state comparison (LSC)

Cosmetologist, Esthetician, Manicurist, and Natural Hair Stylist						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (<i>R.C. 4713.14</i>)	Yes, for cosmetologist, esthetician, and manicurist; no license required for natural hair stylist (<i>Ind. Code Ann. 25-8-9-1, 25-8-11-1, and 25-8-12.5-1</i>)	Yes, for cosmetologist, esthetician, and manicurist; no license required for natural hair stylist (<i>Ky. Rev. Stat. Ann. 317A.020</i>)	Yes, for cosmetologist, esthetician, and manicurist; optional for natural hair stylist (<i>Mich. Comp. Laws 339.1203a</i>)	Yes (<i>63 Pa. Cons. Stat. 508</i>)	Yes, for cosmetologist, esthetician, and manicurist; no license required for natural hair stylist (<i>W. Va. Code Ann. 30-27-1</i>)
Education or training	10 th grade or equivalent and, for cosmetologist, 1,500 school hours	10 th grade or equivalent, and 1,500 school hours for a cosmetologist	High school diploma or equivalent and, for a cosmetologist,	9 th grade or equivalent and, for a cosmetologist, 1,500 school hours or a	10 th grade or equivalent and, for a cosmetologist, 1,250 school hours or 2,000	High school diploma or equivalency and, for a

Cosmetologist, Esthetician, Manicurist, and Natural Hair Stylist

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<p>For the limited licenses of esthetician, 600 school hours; manicurist, 200 school hours; and natural hair stylist, 150 school hours</p> <p>Ohio also offers a license as a hair designer, which requires 1,200 school hours <i>(R.C. 4713.28)</i></p>	<p>10th grade or equivalent and 700 school hours for esthetician</p> <p>8th grade or equivalent and 450 school hours for manicurist</p> <p><i>(Ind. Code Ann. 25-8-9-3, 25-8-12.5-4, and 25-8-11-4; 820 Ind. Admin. Code 4-4-4, 4-4-7.1, and 4-4-5)</i></p>	<p>1,500 school hours</p> <p>For the limited licenses of esthetician, 750 hours and nail technician, 450 hours</p> <p><i>(Ky. Rev. Stat. Ann. 317A.050)</i></p>	<p>two-year apprenticeship</p> <p>For the limited licenses of esthetician, manicurist, or natural hair cultivation, 400 school hours or a six-month apprenticeship</p> <p><i>(Mich. Comp. Laws 339.1207, 339.1209, 339.1210, and 339.1210a)</i></p>	<p>hours as an apprentice</p> <p>For the limited licenses of esthetician, 300 hours; nail technician, 200 hours; and natural hair braiding, 300 hours</p> <p><i>(63 Pa. Cons. Stat. 510 and 511)</i></p>	<p>cosmetologist, 800 school hours</p> <p>For the limited licenses of esthetician, 600 hours and manicurist, 400 hours</p> <p>West Virginia also offers a license in hair styling, which requires 1,000 school hours</p> <p><i>(W. Va. Code R. 3-1-5, 3-1-6, 3-1-9, and 3-1-10)</i></p>
Experience	No	No	No	No	No	No
Exam	Yes <i>(R.C. 4713.28(A)(5))</i>	Yes <i>(Ind. Code Ann. 25-8-9-3, 25-8-11-4, and 25-8-12.5-4)</i>	Yes <i>(Ky. Rev. Stat. Ann. 317A.050)</i>	Yes, for cosmetologist and manicurist Esthetician must pass exam if an exam is available No exam for license to practice	Yes <i>(63 Pa. Cons. Stat. 509)</i>	Yes <i>(W. Va. Code Ann. 30-27-8)</i>

Cosmetologist, Esthetician, Manicurist, and Natural Hair Stylist

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
				natural hair cultivation <i>(Mich. Comp. Laws 339.1207, 339.1209, 339.1210, and 339.1210a)</i>		
Continuing education	Eight hours biennially <i>(O.A.C. 4713-21-03)</i>	No <i>(Ind. Code Ann. 25-0.5-4-7 and 25-1-4-0.3)</i>	No	No	No	Four hours annually, those licensed for 20 years are exempt but must complete three hour sanitation class every other year <i>(W. Va. Code R. 3-11-3 and 3-11-4(4.4))</i>
Initial licensure fee	\$40 application fee and \$75 license fee <i>(R.C. 4713.10)</i>	\$40 application/issuance fee plus the examination fee assessed by the professional examination service <i>(820 Ind. Admin. Code 7-1-</i>	\$75 application fee and \$50 license fee <i>(201 Ky. Admin. Regs. 12:260)</i>	\$15 application fee, \$25 examination fee, \$24 annual license fee <i>(Mich. Comp. Laws 338.2225)</i>	\$10 <i>(49 Pa. Code 7.2)</i>	\$35 license fee; examination fee paid directly to third party examiner <i>(W. Va. Code R. 3-6-2(2.1 and 2.2))</i>

Cosmetologist, Esthetician, Manicurist, and Natural Hair Stylist						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
		<i>1; 820 Ind. Admin. Code 7-1-2)</i>				
License duration	Two years (<i>R.C. 4713.57</i>)	Four years (<i>Ind. Code Ann. 25-1-2-2.1; 820 Ind. Admin. Code 7-1-3</i>)	One year (<i>201 Ky. Admin. Regs. 12:030, Section 11</i>)	Two years (<i>Mich. Admin. Code R. 339.1003</i>)	Two years (<i>63 Pa. Cons. Stat. 525</i>)	One year (<i>W. Va. Code R. 3-6-2(2.4)</i>)
Renewal fee	\$70 (<i>R.C. 4713.10</i>)	\$40 (<i>820 Ind. Admin. Code 7-1-3</i>)	\$50 (<i>201 Ky. Admin. Regs. 12:260</i>)	\$24 (<i>Mich. Comp. Laws 338.2225; Mich. Admin. Code R. 339.1003</i>)	\$67 (<i>49 Pa. Code 7.2</i>)	\$35 (<i>W. Va. Code R. 3-6-2(2.4)</i>)

Esthetician license

Survey responses (COS)

Description
Practice of esthetics means the application of cosmetics, tonics, antiseptics, creams, lotions, or other preparations for the purpose of skin beautification and includes preparation of the skin by manual massage techniques or by use of electrical, mechanical, or other apparatus; enhancement of the skin by skin care, facials, body treatments, hair removal, and other treatments; and eye lash extension services.

Type (See R.C. 4798.01 for relevant definitions.)

License

If the regulation is a registration, certification, or license requirement, please complete the following:

Number issued annually	453
Number renewed annually	1,417
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	Increased by 128% since 2014
Education or training requirements	600-hour basic program in a licensed school of cosmetology 750-hour advanced program in a licensed school of cosmetology At least a tenth-grade education is required.
Experience requirements	None

If the regulation is a registration, certification, or license requirement, please complete the following:

<p>Examination requirements (<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>Practical (hands-on) and Theory (computer-based) examination is required to be passed. The practical is a state constructed exam based on national standards. The theory is a national examination. All exams are administered by examiners employed by the board.</p>
<p>Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)</p>	<p>Yes. 8 hours of CE is required to be completed per license renewal period. 1- hour board laws and rules, 2- hours Safety and sanitation, 5- hours scope specific.</p>
<p>Initial fee</p>	<p>\$45</p>
<p>Duration</p>	<p>2-year</p>
<p>Renewal fee (<i>If different from initial fee, please explain why.</i>)</p>	<p>\$55. The renewal fee for the license is higher than the initial license fee due to the costs associated with the eLicense Ohio system. These fees cover costs associated with using and maintaining the license(s) and accounts in the eLicense system and the storage of information relating to the license(s) and account(s).</p>
<p>Does the Board recognize uniform licensure requirements or allow for reciprocity?</p>	<p>Yes, reciprocity is authorized under R.C. 4713.34.</p>
<p>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</p>	<p>No</p>

If the regulation is a registration, certification, or license requirement, please complete the following:

Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	Yes, but only if they are exempted under R.C. 4713.17.
Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?	Yes, but if the individual meets the minimum criteria, the discretion is limited to the disciplinary criteria set forth in R.C. 4713.64.
Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)	Applicants must be at least sixteen years of age to be licensed.

Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.

The Board has testing authority to ensure minimum competence prior to licensure, and oversight over compliance with the Board's laws and rules through periodic inspection and complaint investigations. The Board may deny issuance or renewal of a license, suspend, or revoke a license, require corrective action courses, and/or impose a fine under R.C. 4713.64. The Board may also seek injunctive relief under R.C. 4713.13.

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?

\$17,650. Amount is for FY20 which is a non-renewal year. Revenue collected is lower in non-renewal years.

Due to COVID-19, examinations for new licenses was on hold for approximately 3-months due to the restrictions.

Revenue from fees is used for the operations of the Board.

Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?

Not applicable

What is the “harm” that the regulation seeks to prevent? (See, R.C. 4798.02(B).)

Under the categories listed in R.C. 4798.02(B), the regulation seeks to protect general health, safety, and welfare concerns, and to protect consumers against potential damages by transient providers. More importantly, though, the regulation seeks to protect consumers from potential serious physical harm through traumatic injury or the spread of contagious or infectious diseases by ensuring minimal competency in proper techniques and safety and infection control procedures. Estheticians, under their scope of practice, can apply caustic chemicals to the face, and body of consumers, and can use potentially dangerous implements such as scalpels, microdermabrasion machines, and other electronic and high frequency devices.

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. Licensure testing ensures that estheticians have the competency and knowledge to practice in a safe and sanitary manner. Continued licensure ensures that consumers are protected from potentially transient providers, and periodic inspection ensures that estheticians are continuing to comply with appropriate safety and sanitation techniques and procedures after initial licensure. There are no other, less restrictive ways to prevent the harm.

Are there any changes the Board would like to see implemented?

Remove good moral character requirement. See attached document for this and related statutory language suggestions.

Comparison to other states *(How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)*

48 other states and the District of Columbia require estheticians/skin care specialists to be licensed (Connecticut permit limited esthetics services without a license). Ohio's 600-hour training requirement is in line with the average of around 600 hours.

Surrounding state comparison (LSC)

Cosmetologist, Esthetician, Manicurist, and Natural Hair Stylist						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (<i>R.C. 4713.14</i>)	Yes, for cosmetologist, esthetician, and manicurist; no license required for natural hair stylist (<i>Ind. Code Ann. 25-8-9-1, 25-8-11-1, and 25-8-12.5-1</i>)	Yes, for cosmetologist, esthetician, and manicurist; no license required for natural hair stylist (<i>Ky. Rev. Stat. Ann. 317A.020</i>)	Yes, for cosmetologist, esthetician, and manicurist; optional for natural hair stylist (<i>Mich. Comp. Laws 339.1203a</i>)	Yes (<i>63 Pa. Cons. Stat. 508</i>)	Yes, for cosmetologist, esthetician, and manicurist; no license required for natural hair stylist (<i>W. Va. Code Ann. 30-27-1</i>)
Education or training	10 th grade or equivalent and, for cosmetologist, 1,500 school hours For the limited licenses of esthetician, 600 school hours; manicurist, 200 school hours; and natural hair stylist, 150 school hours Ohio also offers a license as a hair	10 th grade or equivalent, and 1,500 school hours for a cosmetologist 10 th grade or equivalent and 700 school hours for esthetician 8 th grade or equivalent and 450 school hours for manicurist (<i>Ind. Code Ann. 25-8-9-3, 25-8-12.5-4, and 25-8-</i>	High school diploma or equivalent and, for a cosmetologist, 1,500 school hours For the limited licenses of esthetician, 750 hours and nail technician, 450 hours (<i>Ky. Rev. Stat. Ann. 317A.050</i>)	9 th grade or equivalent and, for a cosmetologist, 1,500 school hours or a two-year apprenticeship For the limited licenses of esthetician, manicurist, or natural hair cultivation, 400 school hours or a	10 th grade or equivalent and, for a cosmetologist, 1,250 school hours or 2,000 hours as an apprentice For the limited licenses of esthetician, 300 hours; nail technician, 200 hours; and natural hair braiding, 300 hours	High school diploma or equivalency and, for a cosmetologist, 800 school hours For the limited licenses of esthetician, 600 hours and manicurist, 400 hours West Virginia also offers a license in hair styling, which

Cosmetologist, Esthetician, Manicurist, and Natural Hair Stylist

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	designer, which requires 1,200 school hours <i>(R.C. 4713.28)</i>	<i>11-4; 820 Ind. Admin. Code 4-4-4, 4-4-7.1, and 4-4-5)</i>		six-month apprenticeship <i>(Mich. Comp. Laws 339.1207, 339.1209, 339.1210, and 339.1210a)</i>	<i>(63 Pa. Cons. Stat. 510 and 511)</i>	requires 1,000 school hours <i>(W. Va. Code R. 3-1-5, 3-1-6, 3-1-9, and 3-1-10)</i>
Experience	No	No	No	No	No	No
Exam	Yes <i>(R.C. 4713.28(A)(5))</i>	Yes <i>(Ind. Code Ann. 25-8-9-3, 25-8-11-4, and 25-8-12.5-4)</i>	Yes <i>(Ky. Rev. Stat. Ann. 317A.050)</i>	Yes, for cosmetologist and manicurist Esthetician must pass exam if an exam is available No exam for license to practice natural hair cultivation <i>(Mich. Comp. Laws 339.1207, 339.1209, 339.1210, and 339.1210a)</i>	Yes <i>(63 Pa. Cons. Stat. 509)</i>	Yes <i>(W. Va. Code Ann. 30-27-8)</i>

Cosmetologist, Esthetician, Manicurist, and Natural Hair Stylist

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Continuing education	Eight hours biennially (<i>O.A.C. 4713-21-03</i>)	No (<i>Ind. Code Ann. 25-0.5-4-7 and 25-1-4-0.3</i>)	No	No	No	Four hours annually, those licensed for 20 years are exempt but must complete three hour sanitation class every other year (<i>W. Va. Code R. 3-11-3 and 3-11-4(4.4)</i>)
Initial licensure fee	\$40 application fee and \$75 license fee (<i>R.C. 4713.10</i>)	\$40 application/issuance fee plus the examination fee assessed by the professional examination service (<i>820 Ind. Admin. Code 7-1-1; 820 Ind. Admin. Code 7-1-2</i>)	\$75 application fee and \$50 license fee (<i>201 Ky. Admin. Regs. 12:260</i>)	\$15 application fee, \$25 examination fee, \$24 annual license fee (<i>Mich. Comp. Laws 338.2225</i>)	\$10 (<i>49 Pa. Code 7.2</i>)	\$35 license fee; examination fee paid directly to third party examiner (<i>W. Va. Code R. 3-6-2(2.1 and 2.2)</i>)
License duration	Two years (<i>R.C. 4713.57</i>)	Four years (<i>Ind. Code Ann. 25-1-2-2.1; 820 Ind. Admin. Code 7-1-3</i>)	One year (<i>201 Ky. Admin. Regs. 12:030, Section 11</i>)	Two years (<i>Mich. Admin. Code R. 339.1003</i>)	Two years (<i>63 Pa. Cons. Stat. 525</i>)	One year (<i>W. Va. Code R. 3-6-2(2.4)</i>)

Cosmetologist, Esthetician, Manicurist, and Natural Hair Stylist						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Renewal fee	\$70 (R.C. 4713.10)	\$40 (820 Ind. Admin. Code 7-1-3)	\$50 (201 Ky. Admin. Regs. 12:260)	\$24 (Mich. Comp. Laws 338.2225; Mich. Admin. Code R. 339.1003)	\$67 (49 Pa. Code 7.2)	\$35 (W. Va. Code R. 3-6-2(2.4))

Hair designer license

Survey responses (COS)

Description
Practice of hair design means embellishing or beautifying hair, wigs, or hairpieces by arranging, dressing, pressing, curling, waving, permanent waving, cleansing, cutting, singeing, bleaching, coloring, braiding, weaving, or similar work. "Practice of hair design" includes utilizing techniques performed by hand that result in tension on hair roots such as twisting, wrapping, weaving, extending, locking, or braiding of the hair.
Type (See R.C. 4798.01 for relevant definitions.)
License

If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	20
Number renewed annually	156
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	Increased by 3% since 2014
Education or training requirements	1200-hour basic program in a licensed school of cosmetology 1440-hour advanced program in a licensed school of cosmetology Must have at least a tenth-grade education
Experience requirements	None
Examination requirements (<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>)	Practical (hands-on) and Theory (computer-based) examination is required to be passed. The practical is a state constructed exam based on national standards. The theory is a national examination. All exams are administered by examiners employed by the board.
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	Yes. eight hours of CE is required to be completed per license renewal period. one-hour board laws and rules, two-hours Safety and sanitation, five-hours scope specific
Initial fee	\$45

If the regulation is a registration, certification, or license requirement, please complete the following:	
Duration	two-year
Renewal fee <i>(If different from initial fee, please explain why.)</i>	\$55. The renewal fee for the license is higher than the initial license fee due to the costs associated with the eLicense Ohio system. These fees cover costs associated with using and maintaining the license(s) and accounts in the eLicense system and the storage of information relating to the license(s) and account(s).
Does the Board recognize uniform licensure requirements or allow for reciprocity?	Yes, reciprocity is authorized under R.C. 4713.34.
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	No
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	Yes, but only if they are exempted under R.C. 4713.17.
Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?	Yes, but if the individual meets the minimum criteria, the discretion is limited to the disciplinary criteria set forth in R.C. 4713.64.
Other information <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i>	Applicants must be at least sixteen years of age to be licensed.

Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.

The Board has testing authority to ensure minimum competence prior to licensure, and oversight over compliance with the Board's laws and rules through periodic inspection and complaint investigations. The Board may deny issuance or renewal of a license, suspend, or revoke a license, require corrective action courses, and/or impose a fine under R.C. 4713.64. The Board may also seek injunctive relief under R.C. 4713.13.

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?

\$1,060. Amount is for FY20 which is a non-renewal year.

Revenue collected is lower in non-renewal years.

Due to COVID-19, examinations for new licenses was on hold for approximately 3-months due to the restrictions. Revenue from fees is used for the operations of the Board.

Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?

Not applicable

What is the “harm” that the regulation seeks to prevent? (See, R.C. 4798.02(B).)

Under the categories listed in R.C. 4798.02(B), the regulation seeks to protect general health, safety, and welfare concerns, and to protect consumers against potential damages by transient providers. More importantly, though, the regulation seeks to protect consumers from potential serious physical harm through traumatic injury or the spread of contagious or infectious diseases by ensuring minimal competency in proper techniques and safety and infection control procedures. Hair Designers, under their scope of practice, can apply caustic chemicals to hair and scalp of consumers, and can use potentially dangerous implements such as razors and heated implements.

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. Licensure testing ensures that hair designers have the competency and knowledge to practice in a safe and sanitary manner. Continued licensure ensures that consumers are protected from potentially transient providers, and periodic inspection ensures that hair designers are continuing to comply with appropriate safety and sanitation techniques and procedures after initial licensure. There are no other, less restrictive ways to prevent the harm. In addition, this license is already a limited alternative to the full cosmetologist license

Are there any changes the Board would like to see implemented?

Remove good moral character requirement. See attached document for this and related statutory language suggestions.

Comparison to other states (How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)

12 other states offer a hair designer/hair stylist license as a limited alternative to a full cosmetologist license (those states that do not offer this limited license require a full cosmetologist license). Ohio's 1,200-hour training requirement is in line with the other states who offer a hair design/hair stylist license (training hours range from 1,000 to 1,450).

Surrounding state comparison (LSC)

Cosmetologist, Esthetician, Manicurist, and Natural Hair Stylist						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (<i>R.C. 4713.14</i>)	Yes, for cosmetologist, esthetician, and manicurist; no license required for natural hair stylist (<i>Ind. Code Ann. 25-8-9-1, 25-8-11-1, and 25-8-12.5-1</i>)	Yes, for cosmetologist, esthetician, and manicurist; no license required for natural hair stylist (<i>Ky. Rev. Stat. Ann. 317A.020</i>)	Yes, for cosmetologist, esthetician, and manicurist; optional for natural hair stylist (<i>Mich. Comp. Laws 339.1203a</i>)	Yes (<i>63 Pa. Cons. Stat. 508</i>)	Yes, for cosmetologist, esthetician, and manicurist; no license required for natural hair stylist (<i>W. Va. Code Ann. 30-27-1</i>)
Education or training	10 th grade or equivalent and, for cosmetologist, 1,500 school hours	10 th grade or equivalent, and 1,500 school hours for a cosmetologist	High school diploma or equivalent and, for a cosmetologist,	9 th grade or equivalent and, for a cosmetologist, 1,500 school hours or a	10 th grade or equivalent and, for a cosmetologist, 1,250 school hours or 2,000	High school diploma or equivalency and, for a

Cosmetologist, Esthetician, Manicurist, and Natural Hair Stylist

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<p>For the limited licenses of esthetician, 600 school hours; manicurist, 200 school hours; and natural hair stylist, 150 school hours</p> <p>Ohio also offers a license as a hair designer, which requires 1,200 school hours <i>(R.C. 4713.28)</i></p>	<p>10th grade or equivalent and 700 school hours for esthetician</p> <p>8th grade or equivalent and 450 school hours for manicurist</p> <p><i>(Ind. Code Ann. 25-8-9-3, 25-8-12.5-4, and 25-8-11-4; 820 Ind. Admin. Code 4-4-4, 4-4-7.1, and 4-4-5)</i></p>	<p>1,500 school hours</p> <p>For the limited licenses of esthetician, 750 hours and nail technician, 450 hours</p> <p><i>(Ky. Rev. Stat. Ann. 317A.050)</i></p>	<p>two-year apprenticeship</p> <p>For the limited licenses of esthetician, manicurist, or natural hair cultivation, 400 school hours or a six-month apprenticeship</p> <p><i>(Mich. Comp. Laws 339.1207, 339.1209, 339.1210, and 339.1210a)</i></p>	<p>hours as an apprentice</p> <p>For the limited licenses of esthetician, 300 hours; nail technician, 200 hours; and natural hair braiding, 300 hours</p> <p><i>(63 Pa. Cons. Stat. 510 and 511)</i></p>	<p>cosmetologist, 800 school hours</p> <p>For the limited licenses of esthetician, 600 hours; and manicurist, 400 hours</p> <p>West Virginia also offers a license in hair styling, which requires 1,000 school hours</p> <p><i>(W. Va. Code R. 3-1-5, 3-1-6, 3-1-9, and 3-1-10)</i></p>
Experience	No	No	No	No	No	No
Exam	Yes <i>(R.C. 4713.28(A)(5))</i>	Yes <i>(Ind. Code Ann. 25-8-9-3, 25-8-11-4, and 25-8-12.5-4)</i>	Yes <i>(Ky. Rev. Stat. Ann. 317A.050)</i>	Yes, for cosmetologist and manicurist Esthetician must pass exam if an exam is available No exam for license to practice	Yes <i>(63 Pa. Cons. Stat. 509)</i>	Yes <i>(W. Va. Code Ann. 30-27-8)</i>

Cosmetologist, Esthetician, Manicurist, and Natural Hair Stylist

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
				natural hair cultivation <i>(Mich. Comp. Laws 339.1207, 339.1209, 339.1210, and 339.1210a)</i>		
Continuing education	Eight hours biennially <i>(O.A.C. 4713-21-03)</i>	No <i>(Ind. Code Ann. 25-0.5-4-7 and 25-1-4-0.3)</i>	No	No	No	Four hours annually, those licensed for 20 years are exempt but must complete three hour sanitation class every other year <i>(W. Va. Code R. 3-11-3 and 3-11-4(4.4))</i>
Initial licensure fee	\$40 application fee and \$75 license fee <i>(R.C. 4713.10)</i>	\$40 application/issuance fee plus the examination fee assessed by the professional examination service <i>(820 Ind. Admin. Code 7-1-1; 820 Ind. Admin. Code 7-1-2)</i>	\$75 application fee and \$50 license fee <i>(201 Ky. Admin. Regs. 12:260)</i>	\$15 application fee, \$25 examination fee, \$24 annual license fee <i>(Mich. Comp. Laws 338.2225)</i>	\$10 <i>(49 Pa. Code 7.2)</i>	\$35 license fee; examination fee paid directly to third party examiner <i>(W. Va. Code R. 3-6-2(2.1 and 2.2))</i>

Cosmetologist, Esthetician, Manicurist, and Natural Hair Stylist						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License duration	Two years (<i>R.C. 4713.57</i>)	Four years (<i>Ind. Code Ann. 25-1-2-2.1; 820 Ind. Admin. Code 7-1-3</i>)	One year (<i>201 Ky. Admin. Regs. 12:030, Section 11</i>)	Two years (<i>Mich. Admin. Code R. 339.1003</i>)	Two years (<i>63 Pa. Cons. Stat. 525</i>)	One year (<i>W. Va. Code R. 3-6-2(2.4)</i>)
Renewal fee	\$70 (<i>R.C. 4713.10</i>)	\$40 (<i>820 Ind. Admin. Code 7-1-3</i>)	\$50 (<i>201 Ky. Admin. Regs. 12:260</i>)	\$24 (<i>Mich. Comp. Laws 338.2225; Mich. Admin. Code R. 339.1003</i>)	\$67 (<i>49 Pa. Code 7.2</i>)	\$35 (<i>W. Va. Code R. 3-6-2(2.4)</i>)

Manicurist license

Survey responses (COS)

Description
Practice of manicuring means cleaning, trimming, shaping the free edge of, or applying polish to the nails of any individual; applying nail enhancements and embellishments to any individual; massaging the hands and lower arms up to the elbow of any individual; massaging the feet and lower legs up to the knee of any individual; using lotions or softeners on the hands and feet of any individual; or any combination of these types of services.

Type (See R.C. 4798.01 for relevant definitions.)

License

If the regulation is a registration, certification, or license requirement, please complete the following:

Number issued annually	616
Number renewed annually	5,016
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	Increased by 61% since 2014
Education or training requirements	200-hour basic program in a licensed school of cosmetology 300-hour advanced program in a licensed school of cosmetology Must have at least a tenth-grade education
Experience requirements	None

If the regulation is a registration, certification, or license requirement, please complete the following:

<p>Examination requirements (<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>Practical (hands-on) and Theory (computer-based) examination is required to be passed. The practical is a state constructed exam based on national standards. The theory is a national examination. All exams are administered by examiners employed by the board.</p>
<p>Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)</p>	<p>Yes. eight hours of CE is required to be completed per license renewal period. one-hour board laws and rules, two-hours Safety and sanitation, five-hours scope specific.</p>
<p>Initial fee</p>	<p>\$45</p>
<p>Duration</p>	<p>two-year</p>
<p>Renewal fee (<i>If different from initial fee, please explain why.</i>)</p>	<p>\$55. The renewal fee for the license is higher than the initial license fee due to the costs associated with the eLicense Ohio system. These fees cover costs associated with using and maintaining the license(s) and accounts in the eLicense system and the storage of information relating to the license(s) and account(s).</p>
<p>Does the Board recognize uniform licensure requirements or allow for reciprocity?</p>	<p>Yes, reciprocity is authorized under R.C. 4713.34.</p>
<p>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</p>	<p>No</p>

If the regulation is a registration, certification, or license requirement, please complete the following:

Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	Yes, but only if they are exempted under R.C. 4713.17.
Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?	Yes, but if the individual meets the minimum criteria, the discretion is limited to the disciplinary criteria set forth in R.C. 4713.64.
Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)	Applicants must be at least sixteen years of age to be licensed.

Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.

The Board has testing authority to ensure minimum competence prior to licensure, and oversight over compliance with the Board's laws and rules through periodic inspection and complaint investigations. The Board may deny issuance or renewal of a license, suspend, or revoke a license, require corrective action courses, and/or impose a fine under R.C. 4713.64. The Board may also seek injunctive relief under R.C. 4713.13.

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?

\$19,530. Amount is for FY20 which is a non-renewal year. Revenue collected is lower in a non-renewal year.

Due to COVID-19, examinations for new licenses was on hold for approximately 3-months due to the restrictions.

Revenue from fees is used for the operations of the Board.

Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?

Not applicable.

What is the “harm” that the regulation seeks to prevent? (See, R.C. 4798.02(B).)

Under the categories listed in R.C. 4798.02(B), the regulation seeks to protect general health, safety, and welfare concerns, and to protect consumers against potential damages by transient providers. More importantly, though, the regulation seeks to protect consumers from potential serious physical harm through traumatic injury or the spread of contagious or infectious diseases by ensuring minimal competency in proper techniques and safety and infection control procedures. Manicurists, under their scope of practice, can use potentially dangerous implements such as nail drills and skin graters. In addition, due to the nature of manicuring and pedicures services, there is a high likelihood of spreading infectious and contagious skin diseases such as MRSA and fungal infections if proper safety and infection control protocols are not followed.

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. Licensure testing ensures that manicurists have the competency and knowledge to practice in a safe and sanitary manner. Continued licensure ensures that consumers are protected from potentially transient providers, and periodic inspection ensures that manicurists are continuing to comply with appropriate safety and sanitation techniques and procedures after initial licensure. There are no other, less restrictive ways to prevent the harm

Are there any changes the Board would like to see implemented?

Remove good moral character requirement. See attached document for this and related statutory language suggestions.

Comparison to other states *(How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)*

48 other states and the District of Columbia require manicurists/nail technicians to be licensed (Connecticut permit limited manicuring services without a license). Ohio's 200-hour training requirement is lower than the average of around 350-400 hours.

Surrounding state comparison (LSC)

Cosmetologist, Esthetician, Manicurist, and Natural Hair Stylist						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (<i>R.C. 4713.14</i>)	Yes, for cosmetologist, esthetician, and manicurist; no license required for natural hair stylist (<i>Ind. Code Ann. 25-8-9-1, 25-8-11-1, and 25-8-12.5-1</i>)	Yes, for cosmetologist, esthetician, and manicurist; no license required for natural hair stylist (<i>Ky. Rev. Stat. Ann. 317A.020</i>)	Yes, for cosmetologist, esthetician, and manicurist; optional for natural hair stylist (<i>Mich. Comp. Laws 339.1203a</i>)	Yes (<i>63 Pa. Cons. Stat. 508</i>)	Yes, for cosmetologist, esthetician, and manicurist; no license required for natural hair stylist (<i>W. Va. Code Ann. 30-27-1</i>)
Education or training	10 th grade or equivalent and, for cosmetologist, 1,500 school hours For the limited licenses of esthetician, 600 school hours; manicurist, 200 school hours; and natural hair stylist, 150 school hours Ohio also offers a license as a hair	10 th grade or equivalent, and 1,500 school hours for a cosmetologist 10 th grade or equivalent and 700 school hours for esthetician 8 th grade or equivalent and 450 school hours for manicurist (<i>Ind. Code Ann. 25-8-9-3, 25-8-12.5-4, and 25-8-</i>	High school diploma or equivalent and, for a cosmetologist, 1,500 school hours For the limited licenses of esthetician, 750 hours and nail technician, 450 hours (<i>Ky. Rev. Stat. Ann. 317A.050</i>)	9 th grade or equivalent and, for a cosmetologist, 1,500 school hours or a two-year apprenticeship For the limited licenses of esthetician, manicurist, or natural hair cultivation, 400 school hours or a	10 th grade or equivalent and, for a cosmetologist, 1,250 school hours or 2,000 hours as an apprentice For the limited licenses of esthetician, 300 hours; nail technician, 200 hours; and natural hair braiding, 300 hours	High school diploma or equivalency and, for a cosmetologist, 800 school hours For the limited licenses of esthetician, 600 hours; and manicurist, 400 hours West Virginia also offers a license in hair styling, which

Cosmetologist, Esthetician, Manicurist, and Natural Hair Stylist

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	designer, which requires 1,200 school hours <i>(R.C. 4713.28)</i>	<i>11-4; 820 Ind. Admin. Code 4-4-4, 4-4-7.1, and 4-4-5)</i>		six-month apprenticeship <i>(Mich. Comp. Laws 339.1207, 339.1209, 339.1210, and 339.1210a)</i>	<i>(63 Pa. Cons. Stat. 510 and 511)</i>	requires 1,000 school hours <i>(W. Va. Code R. 3-1-5, 3-1-6, 3-1-9, and 3-1-10)</i>
Experience	No	No	No	No	No	No
Exam	Yes <i>(R.C. 4713.28(A)(5))</i>	Yes <i>(Ind. Code Ann. 25-8-9-3, 25-8-11-4, and 25-8-12.5-4)</i>	Yes <i>(Ky. Rev. Stat. Ann. 317A.050)</i>	Yes, for cosmetologist and manicurist Esthetician must pass exam if an exam is available No exam for license to practice natural hair cultivation <i>(Mich. Comp. Laws 339.1207, 339.1209, 339.1210, and 339.1210a)</i>	Yes <i>(63 Pa. Cons. Stat. 509)</i>	Yes <i>(W. Va. Code Ann. 30-27-8)</i>

Cosmetologist, Esthetician, Manicurist, and Natural Hair Stylist

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Continuing education	Eight hours biennially (<i>O.A.C. 4713-21-03</i>)	No (<i>Ind. Code Ann. 25-0.5-4-7 and 25-1-4-0.3</i>)	No	No	No	Four hours annually, those licensed for 20 years are exempt but must complete three hour sanitation class every other year (<i>W. Va. Code R. 3-11-3 and 3-11-4(4.4)</i>)
Initial licensure fee	\$40 application fee and \$75 license fee (<i>R.C. 4713.10</i>)	\$40 application/issuance fee plus the examination fee assessed by the professional examination service (<i>820 Ind. Admin. Code 7-1-1; 820 Ind. Admin. Code 7-1-2</i>)	\$75 application fee and \$50 license fee (<i>201 Ky. Admin. Regs. 12:260</i>)	\$15 application fee, \$25 examination fee, \$24 annual license fee (<i>Mich. Comp. Laws 338.2225</i>)	\$10 (<i>49 Pa. Code 7.2</i>)	\$35 license fee; examination fee paid directly to third party examiner (<i>W. Va. Code R. 3-6-2(2.1 and 2.2)</i>)
License duration	Two years (<i>R.C. 4713.57</i>)	Four years (<i>Ind. Code Ann. 25-1-2-2.1; 820 Ind. Admin. Code 7-1-3</i>)	One year (<i>201 Ky. Admin. Regs. 12:030, Section 11</i>)	Two years (<i>Mich. Admin. Code R. 339.1003</i>)	Two years (<i>63 Pa. Cons. Stat. 525</i>)	One year (<i>W. Va. Code R. 3-6-2(2.4)</i>)

Cosmetologist, Esthetician, Manicurist, and Natural Hair Stylist						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Renewal fee	\$70 (R.C. 4713.10)	\$40 (820 Ind. Admin. Code 7-1-3)	\$50 (201 Ky. Admin. Regs. 12:260)	\$24 (Mich. Comp. Laws 338.2225; Mich. Admin. Code R. 339.1003)	\$67 (49 Pa. Code 7.2)	\$35 (W. Va. Code R. 3-6-2(2.4))

Natural hair stylist license

Survey responses (COS)

Description
Practice of natural hair styling means utilizing techniques performed by hand that result in tension on hair roots such as twisting, wrapping, weaving, extending, locking, or braiding of the hair. "Practice of natural hair styling" does not include the application of dyes, reactive chemicals, or other preparations to alter the color or to straighten, curl, or alter the structure of the hair. "Practice of natural hair styling" also does not include embellishing or beautifying hair by cutting or singeing, except as needed to finish off the end of a braid, or by dressing, pressing, curling, waving, permanent waving, or similar work.
Type (See R.C. 4798.01 for relevant definitions.)
License

If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	2
Number renewed annually	7
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	Increased 100% since 2014
Education or training requirements	450-hour basic program in a licensed school of cosmetology 600-hour advanced program in a licensed school of cosmetology Must have at least a tenth-grade education
Experience requirements	None
Examination requirements (<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>)	Practical (hands-on) and Theory (computer-based) examination is required to be passed. The practical is a state constructed exam based on national standards. The theory is a national examination. All exams are administered by examiners employed by the board.
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	Yes. eight hours of CE is required to be completed per license renewal period. One-hour board laws and rules, two-hours Safety and sanitation, five-hours scope specific.
Initial fee	\$45

If the regulation is a registration, certification, or license requirement, please complete the following:	
Duration	two-year
Renewal fee <i>(If different from initial fee, please explain why.)</i>	\$55. The renewal fee for the license is higher than the initial license fee due to the costs associated with the eLicense Ohio system. These fees cover costs associated with using and maintaining the license(s) and accounts in the eLicense system and the storage of information relating to the license(s) and account(s).
Does the Board recognize uniform licensure requirements or allow for reciprocity?	Yes, reciprocity is authorized under R.C. 4713.34
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	No
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	Yes, but only if they are exempted under R.C. 4713.17.
Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?	Yes, but if the individual meets the minimum criteria, the discretion is limited to the disciplinary criteria set forth in R.C. 4713.64.
Other information <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i>	Applicants must be at least sixteen years of age to be licensed.

Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.

The Board has testing authority to ensure minimum competence prior to licensure, and oversight over compliance with the Board's laws and rules through periodic inspection and complaint investigations. The Board may deny issuance or renewal of a license, suspend, or revoke a license, require corrective action courses, and/or impose a fine under R.C. 4713.64. The Board may also seek injunctive relief under R.C. 4713.13.

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?

\$90.00. Amount is for FY20 which is a non-renewal year. Revenue collected is lower in non-renewal years. Due to COVID-19, examinations for new licenses was on hold for approximately 3-months due to the restrictions. Revenue from fees is used for the operations of the Board.

Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?

Not applicable

What is the “harm” that the regulation seeks to prevent? (See, R.C. 4798.02(B).)

Under the categories listed in R.C. 4798.02(B), the regulation seeks to protect general health, safety, and welfare concerns, and to protect consumers against potential damages by transient providers. More importantly, though, the regulation seeks to protect consumers from potential serious physical harm through traumatic injury or the spread of contagious or infectious diseases by ensuring minimal competency in proper techniques and safety and infection control procedures. Natural Hair Stylists, if they do not follow proper techniques, can cause permanent damage to the hair and scalp of consumers.

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. Licensure testing ensures that natural hair stylists have the competency and knowledge to practice in a safe and sanitary manner. Continued licensure ensures that consumers are protected from potentially transient providers, and periodic inspection ensures that natural hair stylists are continuing to comply with appropriate safety and sanitation techniques and procedures after initial licensure. A potential, less restrictive alternative would be to expand the boutique registration for braiding to include all natural hair styling services.

Are there any changes the Board would like to see implemented?

Remove good moral character requirement. See attached document for this and related statutory language suggestions. In addition, while the Board takes no position one way or the other, this license has become seldom used since the creation of the boutique registration for braiding by SB213 in 2016. If the definition of “braiding” was expanded to encompass all practices under the definition of “practice of natural hair styling,” then this license could potentially be eliminated.

Comparison to other states (*How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?*)

9 other states offer a natural hair stylist license as a limited alternative to full cosmetologist or hair designer/hair stylist licenses (28 states provide a regulatory exception for the limited practice of braiding, and the remaining states require a full cosmetologist or hair designer/hair stylist license). Ohio's 450-hour training requirement is higher than most of the other states who offer a natural hair stylist license (training hours average around 300).

Surrounding state comparison (LSC)

Under Ohio law, the practice of “natural hair styling” means utilizing techniques performed by hand that result in tension on hair roots such as twisting, wrapping, weaving, extending, locking, or braiding of the hair.¹¹ A practitioner must be licensed and may practice only in a licensed cosmetology salon, or a registered boutique salon.¹²

This type of practice is similarly defined in Michigan as “natural hair cultivation,”¹³ and in Pennsylvania as “natural hair braiding,”¹⁴ and is subject to licensure in those states. However, licensing in Michigan is optional, as an individual may engage in natural hair cultivation for compensation and may operate an establishment where natural hair cultivation only is practiced without an individual or establishment license.¹⁵ In Pennsylvania it is unlawful to practice natural hair braiding for pay in any place other than a licensed salon.¹⁶

¹¹ R.C. 4713.01.

¹² R.C. 4713.01 and 4713.35. A “boutique salon” is a salon in which an individual engages in boutique services and no other branch of cosmetology. “Boutique services” means braiding, threading, shampooing, and makeup artistry.

¹³ Mich. Comp. Laws 339.1201.

¹⁴ 63 Pa. Cons. Stat. 507.

¹⁵ Mich. Comp. Laws 339.1210a.

¹⁶ 63 Pa. Cons. Stat. 514.

Indiana also similarly defines the practice as “natural hair braiding,” but expressly exempts the practice from regulation.¹⁷ Kentucky and West Virginia do not require a license for that limited practice.

Cosmetologist, Esthetician, Manicurist, and Natural Hair Stylist						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (<i>R.C. 4713.14</i>)	Yes, for cosmetologist, esthetician, and manicurist; no license required for natural hair stylist (<i>Ind. Code Ann. 25-8-9-1, 25-8-11-1, and 25-8-12.5-1</i>)	Yes, for cosmetologist, esthetician, and manicurist; no license required for natural hair stylist (<i>Ky. Rev. Stat. Ann. 317A.020</i>)	Yes, for cosmetologist, esthetician, and manicurist; optional for natural hair stylist (<i>Mich. Comp. Laws 339.1203a</i>)	Yes (<i>63 Pa. Cons. Stat. 508</i>)	Yes, for cosmetologist, esthetician, and manicurist; no license required for natural hair stylist (<i>W. Va. Code Ann. 30-27-1</i>)
Education or training	10 th grade or equivalent and, for cosmetologist, 1,500 school hours For the limited licenses of esthetician, 600 school hours; manicurist, 200 school hours; and natural hair	10 th grade or equivalent, and 1,500 school hours for a cosmetologist 10 th grade or equivalent and 700 school hours for esthetician 8 th grade or equivalent and	High school diploma or equivalent and, for a cosmetologist, 1,500 school hours For the limited licenses of esthetician, 750 hours and nail technician, 450 hours	9 th grade or equivalent and, for a cosmetologist, 1,500 school hours or a two-year apprenticeship For the limited licenses of esthetician, manicurist, or natural hair	10 th grade or equivalent and, for a cosmetologist, 1,250 school hours or 2,000 hours as an apprentice For the limited licenses of esthetician, 300 hours; nail technician, 200	High school diploma or equivalency and, for a cosmetologist, 800 school hours For the limited licenses of esthetician, 600 hours; and manicurist, 400 hours

¹⁷ Ind. Code Ann. 25-8-2-20 and 25-8-1.1-1.

Cosmetologist, Esthetician, Manicurist, and Natural Hair Stylist

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<p>stylist, 150 school hours</p> <p>Ohio also offers a license as a hair designer, which requires 1,200 school hours (R.C. 4713.28)</p>	<p>450 school hours for manicurist</p> <p>(Ind. Code Ann. 25-8-9-3, 25-8-12.5-4, and 25-8-11-4; 820 Ind. Admin. Code 4-4-4, 4-4-7.1, and 4-4-5)</p>	<p>(Ky. Rev. Stat. Ann. 317A.050)</p>	<p>cultivation, 400 school hours or a six-month apprenticeship</p> <p>(Mich. Comp. Laws 339.1207, 339.1209, 339.1210, and 339.1210a)</p>	<p>hours; and natural hair braiding, 300 hours</p> <p>(63 Pa. Cons. Stat. 510 and 511)</p>	<p>West Virginia also offers a license in hair styling, which requires 1,000 school hours</p> <p>(W. Va. Code R. 3-1-5, 3-1-6, 3-1-9, and 3-1-10)</p>
Experience	No	No	No	No	No	No
Exam	<p>Yes (R.C. 4713.28(A)(5))</p>	<p>Yes (Ind. Code Ann. 25-8-9-3, 25-8-11-4, and 25-8-12.5-4)</p>	<p>Yes (Ky. Rev. Stat. Ann. 317A.050)</p>	<p>Yes, for cosmetologist and manicurist</p> <p>Esthetician must pass exam if an exam is available</p> <p>No exam for license to practice natural hair cultivation</p> <p>(Mich. Comp. Laws 339.1207, 339.1209, 339.1210, and 339.1210a)</p>	<p>Yes (63 Pa. Cons. Stat. 509)</p>	<p>Yes (W. Va. Code Ann. 30-27-8)</p>

Cosmetologist, Esthetician, Manicurist, and Natural Hair Stylist

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Continuing education	Eight hours biennially (<i>O.A.C. 4713-21-03</i>)	No (<i>Ind. Code Ann. 25-0.5-4-7 and 25-1-4-0.3</i>)	No	No	No	Four hours annually, those licensed for 20 years are exempt but must complete three hour sanitation class every other year (<i>W. Va. Code R. 3-11-3 and 3-11-4(4.4)</i>)
Initial licensure fee	\$40 application fee and \$75 license fee (<i>R.C. 4713.10</i>)	\$40 application/issuance fee plus the examination fee assessed by the professional examination service (<i>820 Ind. Admin. Code 7-1-1; 820 Ind. Admin. Code 7-1-2</i>)	\$75 application fee and \$50 license fee (<i>201 Ky. Admin. Regs. 12:260</i>)	\$15 application fee, \$25 examination fee, \$24 annual license fee (<i>Mich. Comp. Laws 338.2225</i>)	\$10 (<i>49 Pa. Code 7.2</i>)	\$35 license fee; examination fee paid directly to third party examiner (<i>W. Va. Code R. 3-6-2(2.1 and 2.2)</i>)
License duration	Two years (<i>R.C. 4713.57</i>)	Four years (<i>Ind. Code Ann. 25-1-2-2.1; 820 Ind. Admin. Code 7-1-3</i>)	One year (<i>201 Ky. Admin. Regs. 12:030, Section 11</i>)	Two years (<i>Mich. Admin. Code R. 339.1003</i>)	Two years (<i>63 Pa. Cons. Stat. 525</i>)	One year (<i>W. Va. Code R. 3-6-2(2.4)</i>)

Cosmetologist, Esthetician, Manicurist, and Natural Hair Stylist						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Renewal fee	\$70 (R.C. 4713.10)	\$40 (820 Ind. Admin. Code 7-1-3)	\$50 (201 Ky. Admin. Regs. 12:260)	\$24 (Mich. Comp. Laws 338.2225; Mich. Admin. Code R. 339.1003)	\$67 (49 Pa. Code 7.2)	\$35 (W. Va. Code R. 3-6-2(2.4))

Advanced cosmetologist license

Survey responses (AGO)

Description
A license to work in a salon and practice the branch of cosmetology practiced at the salon.
Type (See R.C. 4798.01 for relevant definitions.)
License. This license is an optional, additional license. It is not required to practice the occupation but may provide additional training and reciprocity options. It is also required to obtain the applicable instructor license, if desired.

If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	146
Number renewed annually	45,974
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	The Advanced license has decreased by 13% since 2014. This partially reflects a change from the managers license requirements to the renamed Advanced license by SB213 in 2016. The restriction requiring a licensee to hold a manager's license to work alone in a salon or to hold an independent contractor license was removed by SB213 in 2016.
Education or training requirements	300 additional hours training in a licensed school of cosmetology or 1800 hours of work experience required and passing the theory examination.
Experience requirements	Can be eligible to test with 1800 hours of work experience
Examination requirements (<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>)	A state constructed Theory (computer-based) examination administered by the board. \$40 exam fee
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	Yes. Eight hours of CE is required to be completed per license renewal period. One-hour board laws and rules, two-hours Safety and sanitation, five-hours scope specific.
Initial fee	\$45
Duration	two-year

If the regulation is a registration, certification, or license requirement, please complete the following:	
Renewal fee <i>(If different from initial fee, please explain why.)</i>	\$55. The renewal fee for the license is higher than the initial license fee due to the costs associated with the eLicense Ohio system. These fees cover costs associated with using and maintaining the license(s) and accounts in the eLicense system and the storage of information relating to the license(s) and account(s).
Does the Board recognize uniform licensure requirements or allow for reciprocity?	No. Ohio is the only state that has an Advanced license.
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	No
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	Yes, but only if they are exempted under R.C. 4713.17.
Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?	Yes, but if the individual meets the minimum criteria, the discretion is limited to the disciplinary criteria set forth in R.C. 4713.64
Other information <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i>	If a person has a basic cosmetology license and passes the required theory exam to upgrade to an advanced license, the person will hold one license that is an Advanced cosmetology license.

Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.

The Board has testing authority to ensure minimum competence prior to licensure, and oversight over compliance with the Board's laws and rules through periodic inspection and complaint investigations. The Board may deny issuance or renewal of a license, suspend, or revoke a license, require corrective action courses, and/or impose a fine under R.C. 4713.64. The Board may also seek injunctive relief under R.C. 4713.13.

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?

\$40, 180. Amount is for FY20 which is a non-renewal year. Revenue collected is lower in non-renewal years.
Due to COVID-19, examinations for new licenses was on hold for approximately 3-months due to the restrictions.
Revenues from fees is used for the operations of the Board.

Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?

Not applicable

What is the “harm” that the regulation seeks to prevent? (See, R.C. 4798.02(B).)

The regulation seeks to prevent the same harms as the basic cosmetology license. The Advanced Cosmetology license also seeks to ensure that those who wish to provide more complicated services or serve as an instructor have received additional training.

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. Licensure testing ensures that advanced cosmetologists have the competency and knowledge to practice in a safe and sanitary manner. Continued licensure ensures that consumers are protected from potentially transient providers, and periodic inspection ensures that advanced cosmetologists are continuing to comply with appropriate safety and sanitation techniques and procedures after initial licensure. This license is an optional license beyond what is needed to practice cosmetology in Ohio.

Are there any changes the Board would like to see implemented?

Remove good moral character requirement. See attached document for this and related statutory language suggestions.

Comparison to other states *(How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)*

Ohio is the only state that has an Advanced license. The license, however, is optional.

Surrounding state comparison (LSC)

In Ohio, an individual holding a practicing license in a branch of cosmetology may be eligible for an advanced license in that branch of cosmetology if the individual has passed an advanced license examination and has either (1) practiced for 1,800 hours in a licensed salon or barber shop or (2) completed an advanced training course of 100 to 300 hours, depending on the branch of cosmetology. An individual may also choose to complete a combined practicing and advanced training course and pass a combined examination to be issued an advanced license. Additionally, an individual must hold an advanced license to be eligible for an instructor license in a branch of cosmetology, on meeting other requirements established by law.¹⁸ None of the surrounding states offer an advanced cosmetology license, and only West Virginia does not require an individual to hold a practicing license to be eligible for an instructor license.¹⁹

¹⁸ R.C. 4713.25, 4713.30, and 4713.31.

¹⁹ Ind. Code Ann. 25-8-6-3, Ky. Rev. Stat. Ann. 317A.050, Mich. Comp. Laws 339.1206, 63 Pa. Cons. Stat. 510, and W. Va. Code Ann. 30-27-16.

Advanced esthetician license

Survey responses (COS)

Description

An individual authorized to work in an esthetics salon, but no other type of salon, and engage in the practice of esthetics, but no other branch of cosmetology.

Type *(See R.C. 4798.01 for relevant definitions.)*

License. This license is an optional, additional license. It is not required to practice the occupation but may provide additional training and reciprocity options. It is also required to obtain the applicable instructor license, if desired.

If the regulation is a registration, certification, or license requirement, please complete the following:

Number issued annually

237

Number renewed annually

3,404

If the regulation is a registration, certification, or license requirement, please complete the following:	
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	<p>Increased by 25% since 2014. The Esthetics arena has expanded in recent years with more focus on healthy and younger looking skin.</p> <p>There have been many new esthetic procedures and chemicals developed.</p>
Education or training requirements	150 additional hours training in a licensed school of cosmetology or 1800 hours of work experience required and passing the theory examination.
Experience requirements	Can be eligible to test with 1800 hours of work experience.
Examination requirements (<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>)	A state constructed Theory (computer-based) examination administered by the board. \$40 exam fee
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	Yes. eight hours of CE is required to be completed per license renewal period. One-hour board laws and rules, two-hours Safety and sanitation, five-hours scope specific.
Initial fee	\$45
Duration	two-year
Renewal fee (<i>If different from initial fee, please explain why.</i>)	\$55. The renewal fee for the license is higher than the initial license fee due to the costs associated with the eLicense Ohio system. These fees cover costs associated with using and maintaining the license(s) and accounts in the eLicense system and the storage of information relating to the license(s) and account(s).

If the regulation is a registration, certification, or license requirement, please complete the following:

<p>Does the Board recognize uniform licensure requirements or allow for reciprocity?</p>	<p>No. Ohio is the only state that has an Advanced license.</p>
<p>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</p>	<p>No</p>
<p>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?</p>	<p>Yes, but only if they are exempted under R.C. 4713.17.</p>
<p>Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?</p>	<p>Yes, but if the individual meets the minimum criteria, the discretion is limited to the disciplinary criteria set forth in R.C. 4713.64</p>
<p>Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)</p>	<p>If a person has a basic esthetics license and passes the required theory exam to upgrade to an advanced license, the person will hold one license that is an Advanced esthetics license.</p>

Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.

The Board has testing authority to ensure minimum competence prior to licensure, and oversight over compliance with the Board’s laws and rules through periodic inspection and complaint investigations. The Board may deny issuance or renewal of a license, suspend, or revoke a license, require corrective action courses, and/or impose a fine under R.C. 4713.64. The Board may also seek injunctive relief under R.C. 4713.13.

**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?**

\$13,935. Amount is for FY20 which is a non-renewal year. Revenue collected is lower in non-renewal years. Due to COVID-19, examinations for new licenses was on hold for approximately 3-months due to the restrictions. Revenues from fees is used for the operations of the Board.

Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?

Not applicable

What is the “harm” that the regulation seeks to prevent? (See, R.C. 4798.02(B).)

The regulation seeks to prevent the same harms as the basic esthetician license. The Advanced Cosmetology license also seeks to ensure that those who wish to provide more complicated services or serve as an instructor have received additional training.

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. Licensure testing ensures that advanced estheticians have the competency and knowledge to practice in a safe and sanitary manner. Continued licensure ensures that consumers are protected from potentially transient providers, and periodic inspection ensures that advanced estheticians are continuing to comply with appropriate safety and sanitation techniques and procedures after initial licensure. This license is an optional license beyond what is needed to practice esthetics in Ohio.

Are there any changes the Board would like to see implemented?

Remove good moral character requirement. See attached document for this and related statutory language suggestions.

Comparison to other states *(How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)*

Ohio is the only state that has an Advanced license. The license, however, is optional.

Advanced hair designer license

Survey responses (COS)

Description

An individual authorized to work in a hair design salon, but no other type of salon, and engage in the practice of hair design, but no other branch of cosmetology.

Type *(See R.C. 4798.01 for relevant definitions.)*

License. This license is an optional, additional license. It is not required to practice the occupation but may provide additional training and reciprocity options. It is also required to obtain the applicable instructor license, if desired.

If the regulation is a registration, certification, or license requirement, please complete the following:

Number issued annually

0

Number renewed annually

121

If the regulation is a registration, certification, or license requirement, please complete the following:	
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	Decreased by 12%
Education or training requirements	240 additional hours training in a licensed school of cosmetology or 1800 hours of work experience required and passing the theory examination.
Experience requirements	Is eligible to test with 1800 hours of work experience
Examination requirements (<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>)	A state constructed Theory (computer-based) examination administered by the board. \$40 exam fee
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	Yes. eight hours of CE is required to be completed per license renewal period. One-hour board laws and rules, two-hours Safety and sanitation, five-hours scope specific.
Initial fee	\$45
Duration	Two-year
Renewal fee (<i>If different from initial fee, please explain why.</i>)	\$55. The renewal fee for the license is higher than the initial license fee due to the costs associated with the eLicense Ohio system. These fees cover costs associated with using and maintaining the license(s) and accounts in the eLicense system and the storage of information relating to the license(s) and account(s).

If the regulation is a registration, certification, or license requirement, please complete the following:

<p>Does the Board recognize uniform licensure requirements or allow for reciprocity?</p>	<p>No. Ohio is the only state that has an Advanced license.</p>
<p>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</p>	<p>No</p>
<p>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?</p>	<p>Yes, but only if they are exempted under R.C. 4713.17.</p>
<p>Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?</p>	<p>Yes, but if the individual meets the minimum criteria, the discretion is limited to the disciplinary criteria set forth in R.C. 4713.64.</p>
<p>Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)</p>	<p>If a person has a basic hair designer license and passes the required theory exam to upgrade to an advanced license, the person will hold one license that is an Advanced Hair Designer license.</p>

Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.

The Board has testing authority to ensure minimum competence prior to licensure, and oversight over compliance with the Board’s laws and rules through periodic inspection and complaint investigations. The Board may deny issuance or renewal of a license, suspend, or revoke a license, require corrective action courses, and/or impose a fine under R.C. 4713.64. The Board may also seek injunctive relief under R.C. 4713.13.

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?

\$225.00. Amount is for FY20 which is a non-renewal year. Revenue collected is lower in non-renewal years. Due to COVID-19, examinations for new licenses was on hold for approximately 3-months due to the restrictions. Revenues from fees are for the operations of the Board.

Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?

Not applicable

What is the “harm” that the regulation seeks to prevent? (See, R.C. 4798.02(B).)

The regulation seeks to prevent the same harms as the basic hair designer license. The Advanced Cosmetology license also seeks to ensure that those who wish to provide more complicated services or serve as an instructor have received additional training.

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. Licensure testing ensures that advanced hair designers have the competency and knowledge to practice in a safe and sanitary manner. Continued licensure ensures that consumers are protected from potentially transient providers, and periodic inspection ensures that advanced hair designers are continuing to comply with appropriate safety and sanitation techniques and procedures after initial licensure. This license is an optional license beyond what is needed to practice hair design in Ohio.

Are there any changes the Board would like to see implemented?

Remove good moral character requirement. See attached document for this and related statutory language suggestions.

Comparison to other states *(How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)*

Remove good moral character requirement. See attached document for this and related statutory language suggestions.

Advanced manicurist license

Survey responses (COS)

Description

An individual authorized to work in a nail salon, but no other type of salon, and engage in the practice of manicuring, but no other branch of cosmetology

Type *(See R.C. 4798.01 for relevant definitions.)*

License. This license is an optional, additional license. It is not required to practice the occupation but may provide additional training and reciprocity options. It is also required to obtain the applicable instructor license, if desired.

If the regulation is a registration, certification, or license requirement, please complete the following:

Number issued annually

168

Number renewed annually

7,796

If the regulation is a registration, certification, or license requirement, please complete the following:	
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	Decreased by 5% since 2014
Education or training requirements	100 additional hours training in a licensed school of cosmetology or 1800 hours of work experience required and passing the theory examination.
Experience requirements	Is eligible to test with 1800 hours of work experience
Examination requirements (<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>)	A state constructed Theory (computer-based) examination administered by the board. \$40 exam fee
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	Yes. eight hours of CE is required to be completed per license renewal period. One-hour board laws and rules, two-hours Safety and sanitation, five-hours scope specific.
Initial fee	\$45
Duration	Two-year
Renewal fee (<i>If different from initial fee, please explain why.</i>)	\$55. The renewal fee for the license is higher than the initial license fee due to the costs associated with the eLicense Ohio system. These fees cover costs associated with using and maintaining the license(s) and accounts in the eLicense system and the storage of information relating to the license(s) and account(s).

If the regulation is a registration, certification, or license requirement, please complete the following:

<p>Does the Board recognize uniform licensure requirements or allow for reciprocity?</p>	<p>No. Ohio is the only state that has an Advanced license.</p>
<p>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</p>	<p>No</p>
<p>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?</p>	<p>Yes, but only if they are exempted under R.C. 4713.17.</p>
<p>Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?</p>	<p>Yes, but if the individual meets the minimum criteria, the discretion is limited to the disciplinary criteria set forth in R.C. 4713.64.</p>
<p>Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)</p>	<p>None.</p>

Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.

The Board has testing authority to ensure minimum competence prior to licensure, and oversight over compliance with the Board’s laws and rules through periodic inspection and complaint investigations. The Board may deny issuance or renewal of a license, suspend, or revoke a license, require corrective action courses, and/or impose a fine under R.C. 4713.64. The Board may also seek injunctive relief under R.C. 4713.13.

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?

\$14,465. Amount is for FY20 which is a non-renewal year. Revenue collected is lower in non-renewal years. Due to COVID-19, examinations for new licenses was on hold for approximately 3-months due to the restrictions. Revenue from fees are used for the operations of the Board.

Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?

Not applicable

What is the “harm” that the regulation seeks to prevent? (See, R.C. 4798.02(B).)

The regulation seeks to prevent the same harms as the basic manicuring license. The Advanced Cosmetology license also seeks to ensure that those who wish to provide more complicated services or serve as an instructor have received additional training.

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. Licensure testing ensures that advanced manicurists have the competency and knowledge to practice in a safe and sanitary manner. Continued licensure ensures that consumers are protected from potentially transient providers, and periodic inspection ensures that advanced manicurists are continuing to comply with appropriate safety and sanitation techniques and procedures after initial licensure. This license is an optional license beyond what is needed to practice manicuring in Ohio.

Are there any changes the Board would like to see implemented?

Remove good moral character requirement. See attached document for this and related statutory language suggestions.

Comparison to other states *(How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)*

Ohio is the only state that has an Advanced license. The license, however, is optional.

Advanced natural hair stylist license

Survey responses (COS)

Description

An individual authorized to work in a natural hair style salon, but no other type of salon, and engage in the practice of natural hair styling, but no other branch of cosmetology.

Type *(See R.C. 4798.01 for relevant definitions.)*

License. This license is an optional, additional license. It is not required to practice the occupation but may provide additional training and reciprocity options. It is also required to obtain the applicable instructor license, if desired.

If the regulation is a registration, certification, or license requirement, please complete the following:

Number issued annually	1
Number renewed annually	39

If the regulation is a registration, certification, or license requirement, please complete the following:	
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	Increased by 42%
Education or training requirements	150 additional hours training in a licensed school of cosmetology or 1800 hours of work experience required and passing the theory examination.
Experience requirements	Is eligible to test with 1800 hours of work experience
Examination requirements (<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>)	A state constructed Theory (computer-based) examination administered by the board. \$40 exam fee
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	Yes. eight hours of CE is required to be completed per license renewal period. One-hour board laws and rules, two-hours Safety and sanitation, five-hours scope specific.
Initial fee	\$45
Duration	Two-year
Renewal fee (<i>If different from initial fee, please explain why.</i>)	\$55. The renewal fee for the license is higher than the initial license fee due to the costs associated with the eLicense Ohio system. These fees cover costs associated with using and maintaining the license(s) and accounts in the eLicense system and the storage of information relating to the license(s) and account(s).

If the regulation is a registration, certification, or license requirement, please complete the following:

<p>Does the Board recognize uniform licensure requirements or allow for reciprocity?</p>	<p>No. Ohio is the only state that has an Advanced license.</p>
<p>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</p>	<p>No</p>
<p>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?</p>	<p>Yes, but only if they are exempted under R.C. 4713.17.</p>
<p>Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?</p>	<p>Yes, but if the individual meets the minimum criteria, the discretion is limited to the disciplinary criteria set forth in R.C. 4713.64.</p>
<p>Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)</p>	<p>If a person has a basic natural hair stylist license and passes the required theory exam to upgrade to an advanced license, the person will hold one license that is an Advanced Natural Hair Stylist license.</p>

Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.

The Board has testing authority to ensure minimum competence prior to licensure, and oversight over compliance with the Board’s laws and rules through periodic inspection and complaint investigations. The Board may deny issuance or renewal of a license, suspend, or revoke a license, require corrective action courses, and/or impose a fine under R.C. 4713.64. The Board may also seek injunctive relief under R.C. 4713.13.

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?

\$70.00. Amount is for FY20 which is a non-renewal year. Revenue collected is lower in non-renewal years. Due to COVID-19, examinations for new licenses was on hold for approximately 3-months due to the restrictions. Revenues from fees are used for the operations of the Board.

Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?

Not applicable

What is the “harm” that the regulation seeks to prevent? (See, R.C. 4798.02(B).)

The regulation seeks to prevent the same harms as the basic manicuring license. The Advanced Cosmetology license also seeks to ensure that those who wish to provide more complicated services or serve as an instructor have received additional training.

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. Licensure testing ensures that advanced natural hair stylists have the competency and knowledge to practice in a safe and sanitary manner. Continued licensure ensures that consumers are protected from potentially transient providers, and periodic inspection ensures that advanced natural hair stylists are continuing to comply with appropriate safety and sanitation techniques and procedures after initial licensure. This license is an optional license beyond what is needed to practice natural hair styling in Ohio

Are there any changes the Board would like to see implemented?

Remove good moral character requirement. See attached document for this and related statutory language suggestions.

In addition, while the Board takes no position one way or the other, this license has become seldom used since the creation of the boutique registration for braiding by SB213 in 2016. If the definition of “braiding” was expanded to encompass all practices under the definition of “practice of natural hair styling,” then this license could potentially be eliminated.

Comparison to other states *(How many other states regulate the occupation? How do Ohio’s regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)*

Ohio is the only state that has an Advanced license. The license, however, is optional.

Cosmetology instructor license

Survey responses (COS)

Description	
An individual authorized to teach the theory and practice of all branches of cosmetology at a school of cosmetology.	
Type <i>(See R.C. 4798.01 for relevant definitions.)</i>	
License	
If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	78
Number renewed annually	3,748

If the regulation is a registration, certification, or license requirement, please complete the following:	
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	Decreased by 30% since 2014. In July 2018 the board, per R.C., began to require passing an examination to receive the license. Much of the decrease came after that date.
Education or training requirements	1000 hours of board-approved cosmetology instructor training as an apprentice instructor or has been employed in the practice of cosmetology for at least 1800 hours of work experience.
Experience requirements	May complete an instructor training program or have 1800 hours of work experience.
Examination requirements (<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>)	A national Theory (computer-based) examination administered by the board. \$40 exam fee
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	Yes. Eight hours of CE is required to be completed per license renewal period. One-hour board laws and rules, two-hours Safety and sanitation, five-hours scope specific.
Initial fee	\$45
Duration	Two-year
Renewal fee (<i>If different from initial fee, please explain why.</i>)	\$55. The renewal fee for the license is higher than the initial license fee due to the costs associated with the eLicense Ohio system. These fees cover costs associated with using and maintaining the license(s) and accounts in the eLicense system and the storage of information relating to the license(s) and account(s).

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?	Yes, reciprocity is authorized under R.C. 4713.34.
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	No
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	No
Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?	Yes, but if the individual meets the minimum criteria, the discretion is limited to the disciplinary criteria set forth in R.C. 4713.64.
Other information <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i>	Must hold a current, active Advanced cosmetology license.

Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.

The Board has testing authority to ensure minimum competence prior to licensure, and oversight over compliance with the Board’s laws and rules through periodic inspection and complaint investigations. The Board may deny issuance or renewal of a license, suspend, or revoke a license, require corrective action courses, and/or impose a fine under R.C. 4713.64. The Board may also seek injunctive relief under R.C. 4713.13.

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?

\$6,755. Amount is for FY20 which is a non-renewal year. Revenue collected is lower in non-renewal years. Due to COVID-19, examinations for new licenses was on hold for approximately 3-months due to the restrictions. Revenue from fees is used for the operations of the Board.

Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?

Not applicable

What is the “harm” that the regulation seeks to prevent? (See, R.C. 4798.02(B).)

Under the categories listed in R.C. 4798.02(B), the regulation seeks to protect general health, safety, and welfare concerns, and to protect consumers against potential damages by transient providers.

Like with the Board’s practicing licenses, the regulation seeks to protect consumers from potential serious physical harm through traumatic injury or the spread of contagious or infectious diseases by ensuring minimal competency in proper techniques and safety and infection control procedures. Cosmetologists, under their scope of practice, can apply caustic chemicals to hair, scalp, face, and body of consumers, and can use potentially dangerous implements such as scalpels, microdermabrasion machines, and other electronic and high frequency devices. This regulation ensures that cosmetology students receive their instruction from qualified, knowledgeable instructors.

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. Licensure testing ensures that cosmetology instructors have the ability to educate cosmetology students to develop the competency and knowledge to practice in a safe and sanitary manner. Continued licensure ensures that consumers are protected from potentially transient providers, and periodic inspection ensures that cosmetology instructors are continuing to provide effective instruction on the appropriate safety and sanitation techniques and procedures after initial licensure. There are no other, less restrictive ways to prevent the harm.

Are there any changes the Board would like to see implemented?

Remove good moral character requirement. See attached document for this and related statutory language suggestions.

Comparison to other states *(How many other states regulate the occupation? How do Ohio's regulations compare to those of other states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)*

44 other states and the District of Columbia require cosmetology teachers/instructors to be licensed. Requirements vary, but typically consist of a period of experience as a licensee or assistant teacher plus specific instructor training hours and an examination. Ohio's requirement of either 1,800 hours of experience plus an examination or 1,000 hours of apprentice instructor training and an examination is less than the national average, which typically requires experience AND a training program in addition to an examination.

Surrounding state comparison (LSC)

Instructor of Cosmetology, Esthetics, or Manicuring						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (<i>R.C. 4713.14(E)</i>)	Yes (<i>Ind. Code Ann. 25-8-6-1</i>)	Yes (<i>Ky. Rev. Stat. Ann. 317A.020 (3)(a)</i>)	Yes (<i>Mich. Comp. Laws 339.1206</i>)	Yes (<i>63 Pa. Cons. Stat. 508</i>)	Yes - instructor certificate (<i>W. Va. Code Ann. 30-27-16</i>)
Education or training	Holds an advanced cosmetologist license, or one of the advanced limited licenses, and has either engaged in the practice for 1,800 hours, or has completed the following instructor training applicable to the licensee: cosmetologist, 1,000 hours; esthetician, 500 hours; hair design, 800 hours; manicurist, 300 hours; natural hair stylist, 400	Holds a cosmetologist license or one of the limited licenses, and 1,000 school hours of instructor training (<i>Ind. Code Ann. 25-8-6-3; 820 Ind. Admin. Code 4-4-7.2</i>)	Must have been licensed as a practitioner for one year and have completed a 750-hour instructor course of study; esthetics or nail technology instructors must also have 50 hours of specialized training in the past two years (<i>Ky. Rev. Stat. Ann. 317A.050(7), (8), (9), and (10)</i>)	Licensed cosmetologist who has completed 500 hours of instructor training (<i>Mich. Comp. Laws 339.1206</i>)	12 th grade or equivalent and 500 hours of instruction in a cosmetology teacher curriculum (<i>49 Pa. Code 7.32b</i>)	High school diploma or equivalent, post-secondary level teaching techniques course, and graduated from a recognized school of barbering, hair styling, aesthetics, nail technology, or cosmetology (<i>W. Va. Code R. 3-2-2</i>)

Instructor of Cosmetology, Esthetics, or Manicuring						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	hours (<i>R.C. 4713.31</i>)					
Experience	No	Six months practice as a cosmetologist or under the limited license practice being taught (<i>820 Ind. Admin. Code 4-3-1</i>)	Four and one-half month apprenticeship (<i>Ky. Rev. Stat. Ann. 317A.050(8)</i>)	Three years of practical experience in natural hair cultivation, hair care services, skin care services, and manicuring services, at least one year must be in a cosmetology establishment (<i>Mich. Comp. Laws 339.1206</i>)	Possess current license (<i>49 Pa. Code 7.32b</i>)	No
Exam	Yes (<i>R.C. 4713.31(J)</i>)	Yes (<i>Ind. Code Ann. 25-8-6-3</i>)	Yes (<i>Ky. Rev. Stat. Ann. 317A.050(8), (9), and (10)</i>)	Yes (<i>Mich. Comp. Laws 339.1206</i>)	Yes (<i>63 Pa. Cons. Stat. 509</i>)	Yes (<i>W. Va. Code Ann. 30-27-16</i>)
Continuing education	Eight hours every two years (<i>O.A.C. 4713-21-03</i>)	No	No	No	No	Four hours annually (<i>W. Va. Code R. 3-11-3</i>)
Initial licensure fee	\$40 application fee and \$75 license fee (<i>R.C. 4713.10</i>)	\$40 application/issuance fee plus the examination fee assessed by the professional	\$75 application fee and \$50 license fee (<i>201</i>)	\$15 application fee, \$25 examination fee, \$24 annual license fee (<i>Mich.</i>)	\$10 (<i>49 Pa. Code 7.2</i>)	\$50 license fee; examination fee paid directly to third party examiner (<i>W. Va.</i>)

Instructor of Cosmetology, Esthetics, or Manicuring						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
		examination service (820 Ind. Admin. Code 7-1-1 and 7-1-2)	<i>Ky. Admin. Regs. 12:260</i>	<i>Comp. Laws 338.2225</i>		<i>Code R. 3-6-2(2.1 and 2.7)</i>
License duration	Two years (<i>R.C. 4713.57</i>)	Four years (<i>Ind. Code Ann. 25-1-2-2.1; 820 Ind. Admin. Code 7-1-3</i>)	One year (<i>201 Ky. Admin. Regs. 12:030, Section 11</i>)	Two years (<i>Mich. Admin. Code R. 339.1003</i>)	Two years (<i>63 Pa. Cons. Stat. 525</i>)	One year (<i>W. Va. Code R. 3-6-2(2.8)</i>)
Renewal fee	\$70 (<i>R.C. 4713.10</i>)	\$40 (<i>820 Ind. Admin. Code 7-1-3</i>)	\$50 (<i>201 Ky. Admin. Regs. 12:260</i>)	\$48 (<i>Mich. Comp. Laws 338.2225; Mich. Admin. Code R. 339.1003</i>)	\$105 (<i>49 Pa. Code 7.2</i>)	\$55 (<i>W. Va. Code R. 3-6-2(2.8)</i>)

Esthetics instructor license

Survey responses (AGO)

Description
An individual who teaches the theory and practice of esthetics, but no other branch of cosmetology, at a school of cosmetology.

Type (See R.C. 4798.01 for relevant definitions.)

License

If the regulation is a registration, certification, or license requirement, please complete the following:

Number issued annually	14
Number renewed annually	131
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	Decreased by 12% since 2014. In July 2018 the board, per ORC, began to require passing an examination to receive the license. Much of the decrease came after that date.
Education or training requirements	500 hours of board-approved esthetics instructor training as an apprentice instructor or has been employed in the practice of esthetics for at least 1800 hours of work experience.
Experience requirements	May complete an instructor training program or have 1800 hours of work experience.
Examination requirements (<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>)	A national Theory (computer-based) examination administered by the board. \$40 exam fee

If the regulation is a registration, certification, or license requirement, please complete the following:	
Continuing education requirements <i>(Including a description of the curriculum and the process of setting it.)</i>	Yes. Eight hours of CE is required to be completed per license renewal period. One-hour board laws and rules, two-hours Safety and sanitation, five-hours scope specific.
Initial fee	\$45
Duration	two-year
Renewal fee <i>(If different from initial fee, please explain why.)</i>	\$55. The renewal fee for the license is higher than the initial license fee due to the costs associated with the eLicense Ohio system. These fees cover costs associated with using and maintaining the license(s) and accounts in the eLicense system and the storage of information relating to the license(s) and account(s).
Does the Board recognize uniform licensure requirements or allow for reciprocity?	Yes, reciprocity is authorized under R.C. 4713.34.
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	No
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	No
Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?	Yes, but if the individual meets the minimum criteria, the discretion is limited to the disciplinary criteria set forth in R.C. 4713.64.

If the regulation is a registration, certification, or license requirement, please complete the following:

Other information (*Significant attributes or prerequisites to licensure not addressed in this chart.*)

Must hold a current, active Advanced esthetics license.

Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.

The Board has testing authority to ensure minimum competence prior to licensure, and oversight over compliance with the Board's laws and rules through periodic inspection and complaint investigations. The Board may deny issuance or renewal of a license, suspend, or revoke a license, require corrective action courses, and/or impose a fine under R.C. 4713.64. The Board may also seek injunctive relief under R.C. 4713.13.

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?

\$765. Amount is for FY20 which is a non-renewal year. Revenue collected is lower in non-renewal years. Due to COVID-19, examinations for new licenses was on hold for approximately 3-months due to the restrictions. Revenue from fees is used for the operations of the Board.

Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?

Not applicable

What is the “harm” that the regulation seeks to prevent? (See, R.C. 4798.02(B).)

Under the categories listed in R.C. 4798.02(B), the regulation seeks to protect general health, safety, and welfare concerns, and to protect consumers against potential damages by transient providers. Like with the Board’s practicing licenses, the regulation seeks to protect consumers from potential serious physical harm through traumatic injury or the spread of contagious or infectious diseases by ensuring minimal competency in proper techniques and safety and infection control procedures. Estheticians, under their scope of practice, can apply caustic chemicals to the face and body of consumers, and can use potentially dangerous implements such as scalpels, microdermabrasion machines, and other electronic and high frequency devices. This regulation ensures that esthetics students receive their instruction from qualified, knowledgeable instructors.

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. Licensure testing ensures that esthetics instructors have to ability to educate esthetics students to develop the competency and knowledge to practice in a safe and sanitary manner. Continued licensure ensures that consumers are protected from potentially transient providers, and periodic inspection ensures that esthetics instructors are continuing to provide effective instruction on the appropriate safety and sanitation techniques and procedures after initial licensure. There are no other, less restrictive ways to prevent the harm.

Are there any changes the Board would like to see implemented?

Remove good moral character requirement. See attached document for this and related statutory language suggestions.

Comparison to other states (*How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?*)

44 other states and the District of Columbia require individual who teach or instruct esthetics to be licensed. Requirements vary, but typically consist of a period of experience as a licensee or assistant teacher plus specific instructor training hours and an examination. Ohio's requirement of either 1,800 hours of experience plus an examination or 500 hours of apprentice instructor training and an examination is less than the national average, which typically requires experience AND a training program in addition to an examination.

Surrounding state comparison (LSC)

Instructor of Cosmetology, Esthetics, or Manicuring						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (<i>R.C. 4713.14(E)</i>)	Yes (<i>Ind. Code Ann. 25-8-6-1</i>)	Yes (<i>Ky. Rev. Stat. Ann. 317A.020 (3)(a)</i>)	Yes (<i>Mich. Comp. Laws 339.1206</i>)	Yes (<i>63 Pa. Cons. Stat. 508</i>)	Yes - instructor certificate (<i>W. Va. Code Ann. 30-27-16</i>)
Education or training	Holds an advanced	Holds a cosmetologist	Must have been licensed as a	Licensed cosmetologist	12 th grade or equivalent and	High school diploma or

Instructor of Cosmetology, Esthetics, or Manicuring						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<p>cosmetologist license, or one of the advanced limited licenses, and has either engaged in the practice for 1,800 hours</p> <p>Has completed the following instructor training applicable to the licensee:</p> <ol style="list-style-type: none"> 1. Cosmetologist 1,000 hours; 2. Esthetician 500 hours; 3. Hair design 800 hours; 4. Manicurist 300 hours; 5. Natural hair stylist 400 hours <p>(R.C. 4713.31)</p>	<p>license or one of the limited licenses, and 1,000 school hours of instructor training (Ind. Code Ann. 25-8-6-3; 820 Ind. Admin. Code 4-4-7.2)</p>	<p>practitioner for one year and have completed a 750-hour instructor course of study</p> <p>Esthetics or nail technology instructors must also have 50 hours of specialized training in the past two years</p> <p>(Ky. Rev. Stat. Ann. 317A.050(7), (8), (9), and (10))</p>	<p>who has completed 500 hours of instructor training (Mich. Comp. Laws 339.1206)</p>	<p>500 hours of instruction in a cosmetology teacher curriculum (49 Pa. Code 7.32b)</p>	<p>equivalent, post-secondary level teaching techniques course, and graduated from a recognized school of barbering, hair styling, aesthetics, nail technology, or cosmetology (W. Va. Code R. 3-2-2)</p>

Instructor of Cosmetology, Esthetics, or Manicuring						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Experience	No	Six months practice as a cosmetologist or under the limited license practice being taught (820 Ind. Admin. Code 4-3-1)	Four and one-half month apprenticeship (Ky. Rev. Stat. Ann. 317A.050(8))	Three years of practical experience in natural hair cultivation, hair care services, skin care services, and manicuring services, at least one year must be in a cosmetology establishment (Mich. Comp. Laws 339.1206)	Possess current license (49 Pa. Code 7.32b)	No
Exam	Yes (R.C. 4713.31(J))	Yes (Ind. Code Ann. 25-8-6-3)	Yes (Ky. Rev. Stat. Ann. 317A.050(8), (9), and (10))	Yes (Mich. Comp. Laws 339.1206)	Yes (63 Pa. Cons. Stat. 509)	Yes (W. Va. Code Ann. 30-27-16)
Continuing education	Eight hours every two years (O.A.C. 4713-21-03)	No	No	No	No	Four hours annually (W. Va. Code R. 3-11-3)
Initial licensure fee	\$40 application fee and \$75 license fee (R.C. 4713.10)	\$40 application/issuance fee plus the examination fee assessed by the professional examination service (820 Ind.	\$75 application fee and \$50 license fee (201 Ky. Admin. Regs. 12:260)	\$15 application fee, \$25 examination fee, \$24 annual license fee (Mich. Comp. Laws 338.2225)	\$10 (49 Pa. Code 7.2)	\$50 license fee; examination fee paid directly to third party examiner (W. Va. Code R. 3-6-2(2.1 and 2.7))

Instructor of Cosmetology, Esthetics, or Manicuring						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
		<i>Admin. Code 7-1-1 and 7-1-2)</i>				
License duration	Two years (<i>R.C. 4713.57</i>)	Four years (<i>Ind. Code Ann. 25-1-2-2.1; 820 Ind. Admin. Code 7-1-3</i>)	One year (<i>201 Ky. Admin. Regs. 12:030, Section 11</i>)	Two years (<i>Mich. Admin. Code R. 339.1003</i>)	Two years (<i>63 Pa. Cons. Stat. 525</i>)	One year (<i>W. Va. Code R. 3-6-2(2.8)</i>)
Renewal fee	\$70 (<i>R.C. 4713.10</i>)	\$40 (<i>820 Ind. Admin. Code 7-1-3</i>)	\$50 (<i>201 Ky. Admin. Regs. 12:260</i>)	\$48 (<i>Mich. Comp. Laws 338.2225; Mich. Admin. Code R. 339.1003</i>)	\$105 (<i>49 Pa. Code 7.2</i>)	\$55 (<i>W. Va. Code R. 3-6-2(2.8)</i>)

Hair design instructor license

Survey responses (COS)

Description
An individual who teaches the theory and practice of hair design, but no other branch of cosmetology, at a school of cosmetology.

Type (See R.C. 4798.01 for relevant definitions.)

License

If the regulation is a registration, certification, or license requirement, please complete the following:

Number issued annually	0
Number renewed annually	4
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	No change
Education or training requirements	800 hours of board-approved hair design instructor training as an apprentice instructor or has been employed in the practice of cosmetology or hair design for at least 1800 hours of work experience.
Experience requirements	May complete an instructor training program or have 1800 hours of work experience.

If the regulation is a registration, certification, or license requirement, please complete the following:	
Examination requirements (<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>)	A national Theory (computer-based) examination administered by the board. \$40 exam fee.
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	Yes. Eight hours of CE is required to be completed per license renewal period. One-hour board laws and rules, two-hours Safety and sanitation, five-hours scope specific.
Initial fee	\$45
Duration	Two-year
Renewal fee (<i>If different from initial fee, please explain why.</i>)	\$55. The renewal fee for the license is higher than the initial license fee due to the costs associated with the eLicense Ohio system. These fees cover costs associated with using and maintaining the license(s) and accounts in the eLicense system and the storage of information relating to the license(s) and account(s).
Does the Board recognize uniform licensure requirements or allow for reciprocity?	Yes, reciprocity is authorized under R.C. 4713.34.
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	No

If the regulation is a registration, certification, or license requirement, please complete the following:

Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	No
Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?	Yes, but if the individual meets the minimum criteria, the discretion is limited to the disciplinary criteria set forth in R.C. 4713.64.
Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)	Must hold a current, active Advanced hair design license.

Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.

The Board has testing authority to ensure minimum competence prior to licensure, and oversight over compliance with the Board's laws and rules through periodic inspection and complaint investigations. The Board may deny issuance or renewal of a license, suspend, or revoke a license, require corrective action courses, and/or impose a fine under R.C. 4713.64. The Board may also seek injunctive relief under R.C. 4713.13.

**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?**

\$0.

Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?

Not applicable

What is the “harm” that the regulation seeks to prevent? (*See, R.C. 4798.02(B).*)

Under the categories listed in R.C. 4798.02(B), the regulation seeks to protect general health, safety, and welfare concerns, and to protect consumers against potential damages by transient providers.

Like with the Board’s practicing licenses, the regulation seeks to protect consumers from potential serious physical harm through traumatic injury or the spread of contagious or infectious diseases by ensuring minimal competency in proper techniques and safety and infection control procedures. Hair Designers, under their scope of practice, can apply caustic chemicals to hair and scalp of consumers, and can use potentially dangerous implements such as razors and heated implements. This regulation ensures that hair design students receive their instruction from qualified, knowledgeable instructors.

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. Licensure testing ensures that hair design instructors have to ability to educate hair design students in order to develop the competency and knowledge to practice in a safe and sanitary manner. Continued licensure ensures that consumers are protected from potentially transient providers, and periodic inspection ensures that hair design instructors are continuing to provide effective instruction on the appropriate safety and sanitation techniques and procedures after initial licensure. There are no other, less restrictive ways to prevent the harm.

Are there any changes the Board would like to see implemented?

Remove good moral character requirement. See attached document for this and related statutory language suggestions.

Comparison to other states *(How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)*

44 other states and the District of Columbia require individual who teach or instruct hair design or hair styling to be licensed (only 5 have a specific hair design or hairstyling instructor license, while the rest require a full cosmetology instructor license). Requirements vary, but typically consist of a period of experience as a licensee or assistant teacher plus specific instructor training hours and an examination. Ohio's requirement of either 1,800 hours of experience plus an examination or 800 hours of apprentice instructor training and an examination is less than the national average, which typically requires experience AND a training program in addition to an examination.

Manicurist instructor license

Survey responses (COS)

Description

An individual who teaches the theory and practice of manicuring, but no other branch of cosmetology, at a school of cosmetology.

Type *(See R.C. 4798.01 for relevant definitions.)*

License

If the regulation is a registration, certification, or license requirement, please complete the following:

Number issued annually

7

Number renewed annually

156

If the regulation is a registration, certification, or license requirement, please complete the following:	
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	Decreased by 29% since 2014. In July 2018 the board, per ORC, began to require passing an examination to receive the license. Much of the decrease came after that date.
Education or training requirements	300 hours of board-approved manicurist instructor training as an apprentice instructor or has been employed in the practice of cosmetology or manicuring for at least 1800 hours of work experience.
Experience requirements	May complete an instructor training program or have 1800 hours of work experience.
Examination requirements (<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>)	A national Theory (computer-based) examination administered by the board. \$40 exam fee
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	Yes. Eight hours of CE is required to be completed per license renewal period. One-hour board laws and rules, two-hours Safety and sanitation, five-hours scope specific.
Initial fee	\$45
Duration	Two-year
Renewal fee (<i>If different from initial fee, please explain why.</i>)	\$55. The renewal fee for the license is higher than the initial license fee due to the costs associated with the eLicense Ohio system. These fees cover costs associated with using and maintaining the license(s) and accounts in the eLicense system and the storage of information relating to the license(s) and account(s).

If the regulation is a registration, certification, or license requirement, please complete the following:

<p>Does the Board recognize uniform licensure requirements or allow for reciprocity?</p>	<p>Yes, reciprocity is authorized under R.C. 4713.34.</p>
<p>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</p>	<p>No</p>
<p>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?</p>	<p>No</p>
<p>Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?</p>	<p>Yes, but if the individual meets the minimum criteria, the discretion is limited to the disciplinary criteria set forth in R.C. 4713.64.</p>
<p>Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)</p>	<p>Must hold a current, active Advanced manicuring license.</p>

Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.

The Board has testing authority to ensure minimum competence prior to licensure, and oversight over compliance with the Board’s laws and rules through periodic inspection and complaint investigations. The Board may deny issuance or renewal of a license, suspend, or revoke a license, require corrective action courses, and/or impose a fine under R.C. 4713.64. The Board may also seek injunctive relief under R.C. 4713.13.

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?

\$450. Amount is for FY20 which is a non-renewal year. Revenue collected is lower in non-renewal years. Due to COVID-19, examinations for new licenses was on hold for approximately 3-months due to the restrictions. Revenues from fees is used for the operations of the Board.

Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?

Not applicable

What is the “harm” that the regulation seeks to prevent? (See, R.C. 4798.02(B).)

Under the categories listed in R.C. 4798.02(B), the regulation seeks to protect general health, safety, and welfare concerns, and to protect consumers against potential damages by transient providers.

Like with the Board’s practicing licenses, the regulation seeks to protect consumers from potential serious physical harm through traumatic injury or the spread of contagious or infectious diseases by ensuring minimal competency in proper techniques and safety and infection control procedures.

Manicurists, under their scope of practice, can use potentially dangerous implements such as nail drills and skin graters. In addition, due to the nature of manicuring and pedicures services, there is a high likelihood of spreading infectious and contagious skin diseases such as MRSA and fungal infections if proper safety and infection control protocols are not followed. This regulation ensures that manicuring students receive their instruction from qualified, knowledgeable instructors.

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. Licensure testing ensures that manicuring instructors have to ability to educate manicuring students to develop the competency and knowledge to practice in a safe and sanitary manner. Continued licensure ensures that consumers are protected from potentially transient providers, and periodic inspection ensures that manicuring instructors are continuing to provide effective instruction on the appropriate safety and sanitation techniques and procedures after initial licensure. There are no other, less restrictive ways to prevent the harm.

Are there any changes the Board would like to see implemented?

Remove good moral character requirement. See attached document for this and related statutory language suggestions.

Comparison to other states *(How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)*

44 other states and the District of Columbia require individual who teach or instruct manicuring to be licensed. Requirements vary, but typically consist of a period of experience as a licensee or assistant teacher plus specific instructor training hours and an examination. Ohio's requirement of either 1,800 hours of experience plus an examination or 300 hours of apprentice instructor training and an examination is less than the national average, which typically requires experience AND a training program in addition to an examination.

Surrounding state comparison (LSC)

Instructor of Cosmetology, Esthetics, or Manicuring						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (<i>R.C. 4713.14(E)</i>)	Yes (<i>Ind. Code Ann. 25-8-6-1</i>)	Yes (<i>Ky. Rev. Stat. Ann. 317A.020 (3)(a)</i>)	Yes (<i>Mich. Comp. Laws 339.1206</i>)	Yes (<i>63 Pa. Cons. Stat. 508</i>)	Yes – instructor certificate (<i>W. Va. Code Ann. 30-27-16</i>)
Education or training	<p>Holds an advanced cosmetologist license, or one of the advanced limited licenses, and has either engaged in the practice for 1,800 hours</p> <p>Has completed the following instructor training applicable to the licensee:</p> <ol style="list-style-type: none"> 1. Cosmetologist 1,000 hours; 2. Esthetician 500 hours; 3. Hair design 800 hours; 	<p>Holds a cosmetologist license or one of the limited licenses, and 1,000 school hours of instructor training (<i>Ind. Code Ann. 25-8-6-3; 820 Ind. Admin. Code 4-4-7.2</i>)</p>	<p>Must have been licensed as a practitioner for one year and have completed a 750-hour instructor course of study</p> <p>Esthetics or nail technology instructors must also have 50 hours of specialized training in the past two years</p> <p>(<i>Ky. Rev. Stat. Ann. 317A.050(7), (8), (9), and (10)</i>)</p>	<p>Licensed cosmetologist who has completed 500 hours of instructor training (<i>Mich. Comp. Laws 339.1206</i>)</p>	<p>12th grade or equivalent and 500 hours of instruction in a cosmetology teacher curriculum (<i>49 Pa. Code 7.32b</i>)</p>	<p>High school diploma or equivalent, post-secondary level teaching techniques course, and graduated from a recognized school of barbering, hair styling, aesthetics, nail technology, or cosmetology (<i>W. Va. Code R. 3-2-2</i>)</p>

Instructor of Cosmetology, Esthetics, or Manicuring						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	4. Manicurist 300 hours; 5. Natural hair stylist 400 hours <i>(R.C. 4713.31)</i>					
Experience	No	Six months practice as a cosmetologist or under the limited license practice being taught <i>(820 Ind. Admin. Code 4-3-1)</i>	Four and one-half month apprenticeship <i>(Ky. Rev. Stat. Ann. 317A.050(8))</i>	Three years of practical experience in natural hair cultivation, hair care services, skin care services, and manicuring services, at least one year must be in a cosmetology establishment <i>(Mich. Comp. Laws 339.1206)</i>	Possess current license <i>(49 Pa. Code 7.32b)</i>	No
Exam	Yes <i>(R.C. 4713.31(J))</i>	Yes <i>(Ind. Code Ann. 25-8-6-3)</i>	Yes <i>(Ky. Rev. Stat. Ann. 317A.050(8), (9), and (10))</i>	Yes <i>(Mich. Comp. Laws 339.1206)</i>	Yes <i>(63 Pa. Cons. Stat. 509)</i>	Yes <i>(W. Va. Code Ann. 30-27-16)</i>
Continuing education	Eight hours every two years <i>(O.A.C. 4713-21-03)</i>	No	No	No	No	Four hours annually <i>(W. Va. Code R. 3-11-3)</i>

Instructor of Cosmetology, Esthetics, or Manicuring						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Initial licensure fee	\$40 application fee and \$75 license fee (<i>R.C. 4713.10</i>)	\$40 application/issuance fee plus the examination fee assessed by the professional examination service (<i>820 Ind. Admin. Code 7-1-1 and 7-1-2</i>)	\$75 application fee and \$50 license fee (<i>201 Ky. Admin. Regs. 12:260</i>)	\$15 application fee, \$25 examination fee, \$24 annual license fee (<i>Mich. Comp. Laws 338.2225</i>)	\$10 (<i>49 Pa. Code 7.2</i>)	\$50 license fee; examination fee paid directly to third party examiner (<i>W. Va. Code R. 3-6-2(2.1 and 2.7)</i>)
License duration	Two years (<i>R.C. 4713.57</i>)	Four years (<i>Ind. Code Ann. 25-1-2-2.1; 820 Ind. Admin. Code 7-1-3</i>)	One year (<i>201 Ky. Admin. Regs. 12:030, Section 11</i>)	Two years (<i>Mich. Admin. Code R. 339.1003</i>)	Two years (<i>63 Pa. Cons. Stat. 525</i>)	One year (<i>W. Va. Code R. 3-6-2(2.8)</i>)
Renewal fee	\$70 (<i>R.C. 4713.10</i>)	\$40 (<i>820 Ind. Admin. Code 7-1-3</i>)	\$50 (<i>201 Ky. Admin. Regs. 12:260</i>)	\$48 (<i>Mich. Comp. Laws 338.2225; Mich. Admin. Code R. 339.1003</i>)	\$105 (<i>49 Pa. Code 7.2</i>)	\$55 (<i>W. Va. Code R. 3-6-2(2.8)</i>)

Natural hair style instructor license

Survey responses (COS)

Description

An individual who teaches the theory and practice of natural hair styling, but no other branch of cosmetology, at a school of cosmetology.

Type *(See R.C. 4798.01 for relevant definitions.)*

License

If the regulation is a registration, certification, or license requirement, please complete the following:

Number issued annually

0

Number renewed annually

2

If the regulation is a registration, certification, or license requirement, please complete the following:

Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	No charge
Education or training requirements	400 hours of board-approved natural hair styling instructor training as an apprentice instructor or has been employed in the practice of cosmetology or natural hair styling for at least 1800 hours of work experience.
Experience requirements	May complete an instructor training program or have 1800 hours of work experience.
Examination requirements (<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>)	A national Theory (computer-based) examination administered by the board. \$40 exam fee
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	Yes. Eight hours of CE is required to be completed per license renewal period. One-hour board laws and rules, two-hours Safety and sanitation, five-hours scope specific.
Initial fee	\$45
Duration	Two-year
Renewal fee (<i>If different from initial fee, please explain why.</i>)	\$55. The renewal fee for the license is higher than the initial license fee due to the costs associated with the eLicense Ohio system. These fees cover costs associated with using and maintaining the license(s) and accounts in the eLicense system and the storage of information relating to the license(s) and account(s).

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?	Yes, reciprocity is authorized under R.C. 4713.34.
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	No
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	No
Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?	Yes, but if the individual meets the minimum criteria, the discretion is limited to the disciplinary criteria set forth in R.C. 4713.64.
Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)	Must hold a current, active Advanced natural hair styling license.

Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.

The Board has testing authority to ensure minimum competence prior to licensure, and oversight over compliance with the Board’s laws and rules through periodic inspection and complaint investigations. The Board may deny issuance or renewal of a license, suspend, or revoke a license, require corrective action courses, and/or impose a fine under R.C. 4713.64. The Board may also seek injunctive relief under R.C. 4713.13.

**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?**

\$0

Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?

Not applicable

What is the “harm” that the regulation seeks to prevent? (See, R.C. 4798.02(B).)

Under the categories listed in R.C. 4798.02(B), the regulation seeks to protect general health, safety, and welfare concerns, and to protect consumers against potential damages by transient providers. Like with the Board’s practicing licenses, the regulation seeks to protect consumers from potential serious physical harm through traumatic injury or the spread of contagious or infectious diseases by ensuring minimal competency in proper techniques and safety and infection control procedures. Natural Hair Stylists, if they do not follow proper techniques, can cause permanent damage to the hair and scalp of consumers. This regulation ensures that natural hairstyling students receive their instruction from qualified, knowledgeable instructors.

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. Licensure testing ensures that natural hairstyle instructors have to ability to educate natural hairstyling students to develop the competency and knowledge to practice in a safe and sanitary manner. Continued licensure ensures that consumers are protected from potentially transient providers, and periodic inspection ensures that natural hair style instructors are continuing to provide effective instruction on the appropriate safety and sanitation techniques and procedures after initial licensure. There are no other, less restrictive ways to prevent the harm.

Are there any changes the Board would like to see implemented?

Remove good moral character requirement. See attached document for this and related statutory language suggestions.

Comparison to other states *(How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)*

44 other states and the District of Columbia require individual who teach or instruct natural hair styling to be licensed (only 7 have a specific natural hair style instructor license, while the rest require a full cosmetology or hair design/hairstyling instructor license). Requirements vary, but typically consist of a period of experience as a licensee or assistant teacher plus specific instructor training hours and an examination. Ohio's requirement of either 1,800 hours of experience plus an examination or 400 hours of apprentice instructor training and an examination is less than the national average, which typically requires experience AND a training program in addition to an examination.

Temporary special occasion work permit

Survey responses (COS)

Description

A temporary special occasion work permit allows persons licensed or registered in another state or country to practice or teach cosmetology or a branch of cosmetology that the person is licensed or registered in their state or country of origin in Ohio for a special occasion. A special occasion must be sponsored by a licensed salon or school. Persons intending to work beyond the scope of the occasion listed on the temporary special occasion permit application shall obtain a license from the board.

Type *(See R.C. 4798.01 for relevant definitions.)*

License (temporary permit)

If the regulation is a registration, certification, or license requirement, please complete the following:

Number issued annually

1

Number renewed annually

Non-Renewable

If the regulation is a registration, certification, or license requirement, please complete the following:	
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	No
Education or training requirements	Must have been licensed or registered in another state or country to practice or teach cosmetology or a branch of cosmetology.
Experience requirements	Must have been licensed or registered for at least 5 year.
Examination requirements (<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>)	N/A
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	N/A
Initial fee	\$50
Duration	Valid up to a maximum of thirty days.
Renewal fee (<i>If different from initial fee, please explain why.</i>)	N/A

If the regulation is a registration, certification, or license requirement, please complete the following:

<p>Does the Board recognize uniform licensure requirements or allow for reciprocity?</p>	<p>No. It is a temporary permit to allow an individual from another jurisdiction to practice the occupation in Ohio.</p>
<p>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</p>	<p>No</p>
<p>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?</p>	<p>Yes, but only if they are exempted under R.C. 4713.17.</p>
<p>Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?</p>	<p>Yes</p>
<p>Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)</p>	<p>None.</p>

Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.

The Board has application oversight to ensure an applicant meets the minimum qualifications prior to issuing a permit, and oversight over compliance with the Board's laws and rules through periodic inspection and complaint investigations. The Board may deny issuance of the permit, suspend, or revoke the permit, require corrective action courses, and/or impose a fine under R.C. 4713.64. The Board may also seek injunctive relief under R.C. 4713.13.

**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?**

\$50

Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?

Not applicable

What is the “harm” that the regulation seeks to prevent? (See, R.C. 4798.02(B).)

The regulation seeks to prevent the same harms as listed in the practicing and instructor licenses discussed above. The permit also seeks to ensure that individuals from another jurisdiction who wish to practice temporarily in the state are knowledgeable of and compliant with Ohio’s safety and infection control protocols and requirements.

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. The permit process allows the Board to ensure that providers from other jurisdictions have the competency and knowledge to practice in a safe and sanitary manner in accordance with Ohio standards. It also allows the Board to monitor these practitioners through periodic inspection to ensure they comply with the appropriate safety and sanitation techniques and procedures while practicing in Ohio. There are no other, less restrictive ways to prevent the harm.

Are there any changes the Board would like to see implemented?

Not specifically for this permit. See attached document for related statutory language suggestions.

Comparison to other states *(How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)*

Ohio's temporary special event permit is unique. However, most states offer some form of provisional license or permit for license individuals from another jurisdiction who wish to temporarily practice in the state. Ohio's regulation is in line with these other types of temporary authorization.

Surrounding state comparison (LSC)

Ohio Cosmetology Law provides for a temporary special occasion work permit that allows persons licensed or registered in another state or country to practice or teach cosmetology or a branch of cosmetology, for which the person holds a license, for a

special occasion. The person applying for the work permit must specify dates requested for the work permit, which cannot exceed one month. A special occasion must be sponsored by a licensed salon or school.²⁰

In West Virginia, an out-of-state licensee may work in a temporary capacity, less than five days, in connection with an event or temporary commercial enterprise, and may be granted a temporary permit to work after submitting a current license certification in this state and paying a fee.²¹

It appears that the laws regulating such practice in Kentucky, Michigan, and Pennsylvania do not provide a special occasion temporary work permit for out of state licensees.

Boutique services registration

Survey responses (COS)

Description
A registration that allows a person to do braiding, threading, shampooing, and makeup artistry in an appropriately licensed salon or boutique salon.

²⁰ R.C. 4713.37; O.A.C. 4713-11-13.

²¹ W. Va. Code Ann. 30-27-5.

Type (See R.C. 4798.01 for relevant definitions.)

License. While the registration does require a registrant to meet certain personal qualifications, the registration is free and training requirements are minimal.

If the regulation is a registration, certification, or license requirement, please complete the following:

Number issued annually	1,020
Number renewed annually	634
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	Yes. The registration was first created by SB213 in 2016.
Education or training requirements	10th grade education, at least 16 years of age, proof of formal training or apprenticeship.
Experience requirements	Verified formal training or apprenticeship in the specific boutique service. There is no time or hours requirement.
Examination requirements (<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>)	N/A

If the regulation is a registration, certification, or license requirement, please complete the following:	
Continuing education requirements <i>(Including a description of the curriculum and the process of setting it.)</i>	1-Hour Board Laws & Rules 4-Hours Safety and Infection Control
Initial fee	\$0
Duration	2-Year
Renewal fee <i>(If different from initial fee, please explain why.)</i>	\$0
Does the Board recognize uniform licensure requirements or allow for reciprocity?	Not specifically. However, the registration is free and only requires an applicant to submit proof of formal training or apprenticeship in the specific boutique service. There is no time or hours requirement.
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	No
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	Yes, but only if they are exempted under R.C. 4713.17.
Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?	Yes, but if the individual meets the minimum criteria, the discretion is limited to the disciplinary criteria set forth in R.C. 4713.64.

If the regulation is a registration, certification, or license requirement, please complete the following:

Other information (*Significant attributes or prerequisites to licensure not addressed in this chart.*)

None

Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.

The Board has application oversight to ensure an applicant meets the minimum qualifications prior to issuing a registration, and oversight over compliance with the Board's laws and rules through periodic inspection and complaint investigations. The Board may deny issuance or renewal of a registration, suspend, or revoke a registration, require corrective action courses, and/or impose a fine under R.C. 4713.64. The Board may also seek injunctive relief under R.C. 4713.13.

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?

\$0

Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?

Not applicable

What is the “harm” that the regulation seeks to prevent? (See, R.C. 4798.02(B).)

Under the categories listed in R.C. 4798.02(B), the regulation seeks to protect general health, safety, and welfare concerns, and to protect consumers against potential damages by transient providers.

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. Licensure testing ensures that boutique service providers have the competency and knowledge to practice in a safe and sanitary manner. Continued licensure ensures that consumers are protected from potentially transient providers, and periodic inspection ensures that boutique service providers are continuing to comply with appropriate safety and sanitation techniques and procedures after initial licensure. There are no other, less restrictive ways to adequately prevent the harm.

Are there any changes the Board would like to see implemented?

Remove good moral character and 10th-grade education requirements. See attached document for these and related statutory language suggestions.

Comparison to other states *(How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)*

Ohio's boutique services registration is unique. 28 states, however, exempt braiding from regulation, and certain other states provide exemptions for threading, shampooing, and makeup artistry. Ohio's regulation is in the middle of these options, as it is more restrictive than a full exemption, but far less restrictive than licensing these boutique services.

Statutory changes proposed by COS

4709.01 Barber definitions.

As used in this chapter:

(A)

(1) Except as provided in division (A)(2) of this section, "the practice of barbering" means any one or more of the following when performed upon the head, neck, or face for cosmetic purposes and when performed upon the public for pay, free, or otherwise:

- (a) Shaving the face, shaving around the vicinity of the ears and neckline, or trimming facial hair;
- (b) Cutting or styling hair;
- (c) Facials, skin care, or scalp massages;
- (d) Shampooing, bleaching, coloring, straightening, or permanent waving hair;
- (e) Cutting, fitting, or forming head caps for wigs or hair pieces.

(2) "The practice of barbering" does not include the practice of natural hair styling.

~~(B)~~ "Sanitary" means free of infectious agents, disease, or infestation by insects or vermin and free of soil, dust, or foreign material.

~~(C)~~~~(B)~~ "Barber" means any person who engages in or attempts to engage in the practice of barbering.

~~(D)~~~~(C)~~ "Barber school" means any establishment premises, building, or part of a building that engages in which students are instructed or attempts to engage in the teaching theories of the and practice practices of barbering.

~~(E)~~~~(D)~~ "Barber teacher instructor" means any person who engages in or attempts authorized to engage in the teaching teach of the theory and practice of barbering.

~~(F)~~~~(E)~~ "Assistant barber teacher instructor" means any person who authorized to assist assist a barber teacher instructor in the teaching of the theory and practice of barbering.

~~(G)~~~~(F)~~ "Barber pole" means a cylinder or pole with alternating stripes of any combination including red and white, and red, white, and blue, which run diagonally along the length of the cylinder or pole.

~~(H)~~~~(G)~~ "The practice Practice of natural hair styling" means work done for a fee or other form of compensation, by any person, utilizing techniques performed by hand that result in tension on hair roots such as twisting, wrapping, weaving, extending, locking, or braiding of the hair, and which work does not include the application of dyes, reactive chemicals, or other preparations to alter the color or to straighten, curl, or alter the structure of the hair has the same meaning as found in section 4713.01 of the Revised Code.

~~(I)~~~~(H)~~ "Braiding" means intertwining the hair in a systematic motion to create patterns in a three-dimensional form, inverting the hair against the scalp along part of a straight or curved row of

~~intertwined hair, or twisting the hair in a systematic motion, and includes extending the hair with natural or synthetic hair fibers~~ has the same meaning as found in section 4713.01 of the Revised Code.

~~(I) "Biennial licensing period" means the two-year period beginning on the first day of September of an even-numbered year and ending on the last day of August of the next even-numbered year.~~

4709.02 Prohibited practices.

Except as provided in this chapter, no person shall do any of the following:

~~(A) Engage in or attempt to engage in the practice of barbering, hold themselves out as a practicing barber, or advertise in a manner that indicates they are a barber, without a barber license issued pursuant to this chapter~~ Practice barbering without a current, valid license under section 4709.07 of the Revised Code or a current, valid temporary pre-examination work permit under section 4709.071 of the Revised Code;

~~(B) Operate or attempt to operate a barber shop without a current, valid barber shop license issued pursuant to this chapter~~ under section 4709.09 of the Revised Code;

~~(C) Engage in or attempt to engage in the teaching of~~ Teach or assist in the teaching of the theory or practice of barbering without a current, valid barber teacher/instructor or assistant barber teacher/instructor license issued pursuant to this chapter under section 4709.10 of the Revised Code;

~~(D) Advertise barbering services unless the establishment and personnel employed therein are licensed pursuant to this chapter;~~

~~(E)~~ (D) Use or display a barber pole for the purpose of advertising or offering barber services to the consuming public without a current, valid barber shop license issued pursuant to this chapter under section 4709.09 of the Revised Code;

~~(F)~~ (E) Operate or attempt to operate a barber school without a current, valid barber school license issued pursuant to this chapter under section 4709.10 of the Revised Code;

~~(G) Teach or attempt to teach any phase of barbering for pay, free, or otherwise without approval from the state cosmetology and barber board;~~

~~(H) Being a barber, knowingly continue the practice of barbering, or being a student, knowingly continue as a student in any barber school, while such person has an infectious, contagious, or communicable disease;~~

~~(I)~~ (E) Obtain or attempt to obtain a license by fraudulent misrepresentation for money, other than the required fee, or any other thing of value Use fraud or deceit in obtaining or making application for a license or permit issued pursuant to this chapter;

~~(J) Practice or attempt to practice barbering by fraudulent misrepresentation;~~

~~(K)~~ (G) Employ another person to perform or himself perform the practice of barbering in a licensed barber shop unless that person is licensed as a barber under this chapter without a current, valid license under section 4709.07 of the Revised Code or a current, valid temporary pre-examination work permit under section 4709.071 of the Revised Code;

~~(L)~~(H) Use any room or place for barbering which is also used for sleeping or residential purposes or other business purposes, unless it is separated by a substantial ceiling-high partition. This does not exclude hair-care products used and sold in barber shops or the sale of clothing and related accessories as authorized by division (F) of section ~~4709.09~~ of the Revised Code.

~~(M)~~ Violate any rule adopted by the board or department of health for barber shops or barber schools.

4709.03 Exemptions.

The following persons are exempt from this chapter while in the proper discharge of their professional duties:

(A) ~~Persons licensed by this state~~ All persons licensed to practice medicine, and surgery, dentistry, and nursing, or any of its branches, in this state, while acting within the scope of practice for the license, permit, or certificate held;

(B) ~~Commissioned medical or surgical officers of the United States army, navy, or marine hospital service, military, and attendants attached to the same, while acting within the scope of practice for the license, permit, or certificate held;~~

~~(C)~~ Nurses registered under Chapter 4723. of the Revised Code;

~~(D)~~(C) Cosmetologists and hair designers licensed under Chapter 4713. of the Revised Code, insofar as their usual and ordinary vocation and profession is concerned as described in section ~~4713.01~~ of the Revised Code while acting within the scope of practice for the license, permit, or certificate held;

~~(E)~~(D) Funeral directors, embalmers, and apprentices licensed or registered under Chapter 4717. of the Revised Code, while acting within the scope of practice for the license, permit, or certificate held;

(E) Volunteers of hospitals, and homes as defined in section 3721.01 of the Revised Code, who render service to registered patients and inpatients who reside in such hospitals or homes. Such volunteers shall not use or work with any chemical products such as permanent wave, hair dye, or chemical hair relaxer, which without proper training would pose a health or safety problem to the patient;

(F) Nurse aides and other employees of hospitals and homes as defined in section 3721.01 of the Revised Code, who practice barbering on registered patients only as part of general patient care services and who do not charge patients directly on a fee for service basis;

(G) Cosmetic therapists and massage therapists who hold current, valid certificates to practice cosmetic or massage therapy issued by the state medical board under section 4731.15 of the Revised Code, while acting within the scope of practice for the license, permit, or certificate held;

(H) Inmates who provide services related to barbering to other inmates, except when those services are provided in a licensed barber school or barber shop within a state correctional institution. The director of rehabilitation and correction shall oversee the services described in division (H) of this section with respect to sanitation and adopt rules governing those types of services provided by inmates.

4709.05 Organization of board.

In addition to any other duty imposed on the state cosmetology and barber board under this chapter or Chapter 4713. of the Revised Code, the board shall do all of the following:

~~(A) Hold regular meetings, at the times and places as it determines for the purpose of conducting the examinations required under this chapter, and hold additional meetings for the transaction of necessary business.~~Regulate the practice of barbering in this state;

~~(B) Maintain a record of its proceedings and a register of persons licensed as barbers. The register shall include each licensee's name, place of business, residence, and licensure date and number, and a record of all licenses issued, refused, renewed, suspended, or revoked. The records are open to public inspection at all reasonable times.~~

~~(C) Ensure that the practice of barbering is conducted only in a licensed barber shop, except when the practice of barbering is performed on a person whose physical or mental disability prevents that person from going to a licensed barber shop;~~

~~(D)~~(B) Conduct or have conducted the examination for applicants to practice as licensed barbers at least four times per year at the times and places the board determines;

~~(E)~~(C) Adopt rules, in accordance with Chapter 119. of the Revised Code, to administer and enforce this chapter and which cover all of the following:

(1) Sanitary~~Infection control~~ standards for the operation of barber shops and barber schools that conform to guidelines established by the department of health;

(2) The content of the examination required of an applicant for a barber license and the required passing scores. The examination shall include a practical demonstration and a written test, shall relate only to the practice of barbering, and shall require the applicant to demonstrate that the applicant has a thorough knowledge of and competence in the proper techniques in the safe use of chemicals used in the practice of barbering.

(3) Continuing education requirements for persons licensed pursuant to this chapter.~~The board may impose continuing education requirements upon a licensee for a violation of this chapter or the rules adopted pursuant thereto or if the board determines that the requirements are necessary to preserve the health, safety, or welfare of the public and the criteria for approving continuing education courses and providers;~~

(4) Requirements for the licensure of barber schools, barber teachers~~instructors~~, and assistant barber teachers~~instructors~~;

(5) Requirements for students of barber schools;

(6) Any other area the board determines appropriate to administer or enforce this chapter.

(7) Conditions an individual must satisfy to qualify for a temporary pre-examination work permit under section 4709.071 of the Revised Code and the conditions and method of renewing a temporary pre-examination work permit under that section. The board may establish additional conditions for a temporary preexamination work permit under section 4709.071 of the Revised Code that is applicable to individuals who are licensed to practice barbering in another state or

country.

~~(F) Prior to adopting any rule under this chapter, indicate at a formal hearing the reasons why the rule is necessary as a protection of the persons who use barber services or as an improvement of the professional standing of barbers in this state;~~

~~(G)(D) FurnishMake available a copy of all infection control rules adopted pursuant to division (C)(1) of this section to each owner or manager of a barber shop and barber school with a copy of all sanitary rules adopted pursuant to division (E) of this section;~~

~~(H) Conduct such investigations and inspections of persons and establishments licensed or unlicensed pursuant to this chapter and for that purpose, any member of the board or any of its authorized agents may enter and inspect any place of business of a licensee or a person suspected of violating this chapter or the rules adopted pursuant thereto, during normal business hours;~~

~~(I) Upon the written request of an applicant and the payment of the appropriate fee, provide to the applicant licensure information concerning the applicant;~~

~~(J)(E) Do all things necessary for the proper administration and enforcement of this chapter.~~

4709.07 License application and examination.

~~(A) Each person who desires to obtain an initial license to practice barbering shall apply to the state cosmetology and barber board, on forms provided by the board. The application form shall include the name of the person applying for the license and evidence that the applicant meets all of the requirements of division (B) of this section. The application shall be accompanied by two signed current photographs of the applicant, in the size determined by that meets the specifications established by the board, that show only the head and shoulders of the applicant, and the examination application fee. The state cosmetology and barber board shall issue a barber license to an applicant who satisfies all of the following conditions:~~

~~(B) In order to take the required barber examination and to qualify for licensure as a barber, an applicant must demonstrate that the applicant meets all of the following:~~

~~(1) Is of good moral character;~~

~~(2)(1) Is at least eighteensixteen years of age;~~

~~(3)(2) Has an eighth grade education or an equivalent education as determined by the state board of education in the state where the applicant resides;~~

~~(3) Has submitted a written application on a form furnished by the board that contains all of the following:~~

~~(a) The name of the person and any other identifying information required by the board;~~

~~(b) A photocopy of the person's current driver's license or other proof of legal residence;~~

~~(c) Proof that the person is qualified to take the examination;~~

~~(d) An oath verifying that the information in the application is true;~~

(e) The application fee under section 4709.12 of the Revised Code.

(4) ~~Has graduated with at least one thousand eight hundred hours of board-approved training from a board-approved barber school or has graduated with at least one thousand hours of training from a board-approved barber school in this state and has a current cosmetology or hair designer license issued pursuant to Chapter 4713. of the Revised Code.; No hours of instruction earned by an applicant five or more years prior to the examination apply to the hours of study required by this division.~~

(5) Submits to having a photograph and biometric fingerprint scans taken by the board;

(6) Passes the required examination;

(7) Pays to the board the license fee under section 4709.12 of the Revised Code.

~~(C)(B) Any applicant who meets all of the requirements of divisions (A) and (B) of this section may take the barber examination at the time and place specified by the board. If the applicant fails to attain at least a seventy-five per cent pass rate on each part of the examination, the applicant is ineligible for licensure; however, the applicant may reapply for examination within ninety days after the date of the release of the examination scores by paying and pay the required reexamination fee. An applicant is only required to take that part or parts of the examination on which the applicant did not receive a score of seventy-five per cent or higher pass. If the applicant fails to reapply for examination within ninety days or fails the second examination, in order to reapply for examination for licensure the applicant shall complete an additional course of study of not less than two hundred hours, in a board-approved barber school. The board shall provide to an applicant, upon request, a report which explains the reasons for the applicant's failure to pass the examination.~~

~~(D) The board shall issue a license to practice barbering to any applicant who, to the satisfaction of the board, meets the requirements of divisions (A) and (B) of this section, who passes the required examination, and pays the initial licensure fee. Every licensed barber shall display the certificate of licensure in a conspicuous place adjacent to or near the licensed barber's work chair, along with a signed current photograph, in the size determined by the board, showing head and shoulders only.~~

4709.071 Temporary pre-examination work permit.

~~(A) The state cosmetology and barber board shall issue a temporary pre-examination work permit to practice barbering to an individual who applies for and is eligible to take an examination conducted under section 4709.07 of the Revised Code, if the individual satisfies all of the following conditions:~~

~~(1) The individual has not previously failed an examination conducted under section 4709.07 of the Revised Code.~~

~~(2) The individual pays to the board the applicable fee.~~

~~(3) The individual satisfies all other conditions established by rules adopted under section 4709.05 of the Revised Code.~~

~~(B) An individual issued a temporary pre-examination work permit under this section may practice until the date the individual is scheduled to take an examination under section 4709.07 of the~~

Revised Code. The individual shall practice under the supervision of an individual holding a current, valid barber license.

(C) A temporary pre-examination work permit is renewable in accordance with rules adopted under section 4709.05 of the Revised Code.

4709.08 Reciprocity.

Any person who holds a current license or registration to practice as a barber in any other state, territory, or district of the United States or country whose requirements for licensure or registration of barbers are substantially equivalent to the requirements of this chapter and rules adopted under it ~~and that extends similar reciprocity to persons licensed as barbers in this state may apply to the state cosmetology and barber board for a barber license. The board shall, without examination, unless the board determines to require an examination, issue a license to practice as a licensed barber~~ barbering in this state if the person meets the requirements of this section, is at least eighteen years of age and of good moral character, and pays the required fees. The board may waive any of the requirements of this section.

4709.09 Application for barber shop license - related businesses.

(A) Each person who desires to obtain a barber shop license shall apply to the state cosmetology and barber board, on forms provided by the board. The board shall issue a barber shop license to a person if the board determines that the person meets all of the requirements of division (B) of this section, ~~and pays the required license and inspection fees~~ fee under section 4709.12 of the Revised Code, and passes an initial inspection.

(B) In order for a person to qualify for a license to operate a barber shop, the barber shop shall meet all of the following requirements:

- (1) Be in the charge and under the immediate supervision of a licensed barber;
- (2) Be equipped to provide running hot and cold water and proper drainage;
- (3) ~~Sanitize and maintain in a sanitary condition, all instruments and supplies~~ Be in compliance with all infection control rules adopted by the board;
- (4) ~~Keep towels and linens clean and sanitary and in a dry, dust-proof container;~~
- (5)(4) Display the shop license and a copy of the board's sanitary rules in a conspicuous place in the working area.

(C) Any licensed barber who leases space in a licensed barber shop and engages in the practice of barbering independent and free from supervision of the owner or manager of the barber shop ~~is considered to be engaged in the operation of a separate and distinct barber shop and shall obtain an independent contractor license to operate a barber shop pursuant to this section by submitting the form provided by the board and paying the fee established by the board in rule.~~

(D) A shop license is not transferable from one owner to another ~~and if an owner or operator of a barber shop permanently ceases offering barber services at the shop, the owner or operator shall~~

~~return the barber shop license to the board within ten days of the cessation of services or from one location to another.~~

~~(E)~~

~~(1) Manicurists licensed under Chapter 4713. of the Revised Code may practice manicuring in a barber shop.~~

~~(2) Tanning facilities issued a permit under section 4713.48 of the Revised Code may be operated in a barber shop.~~

~~(F) Clothing and related accessories may be sold at retail in a barber shop so long as these sales maintain the integrity of the facility as a barber shop.~~

4709.10 Barber schools.

~~(A) Each person who desires to obtain a license to operate a barber school shall apply to the state cosmetology and barber board, on forms provided by the board. The board shall issue a barber school license to a person if the board determines that the person meets and will comply with all of the requirements of division (B) of this section, and pays the required license and inspection fees under section 4709.12 of the Revised Code, and passes an initial inspection.~~

~~(B) In order for a person to qualify for a license to operate a barber school, the barber school to be operated by the person must meet all of the following requirements:~~

~~(1) Have a training facility sufficient to meet the required educational curriculum established by the board, including enough space to accommodate all the facilities and equipment required by rule by the board;~~

~~(2) Provide sufficient licensed teaching personnel to meet the minimum pupil-teacherstudent-instructor ratio established by rule of the board;~~

~~(3) Have established and provide to the board proof that it has met all of the board requirements to operate a barber school, as adopted by rule of the board;~~

~~(4) File with the board a program of its curriculum, accounting for not less than one thousand eight hundred hours of instruction, in the courses of theory and practical demonstration required by rule of the in accordance with board rule;~~

~~(5) File with the board a surety bond in the amount of ten thousand dollars issued by a bonding company licensed to do business in this state. The bond shall be in the form prescribed by the board and conditioned upon the barber school's continued instruction in the theory and practice of barbering. The bond shall continue in effect until notice of its termination is provided to the board. In no event, however, shall the bond be terminated while the barber school is in operation. Any student who is injured or damaged by reason of a barber school's failure to continue instruction in the theory and practice of barbering may maintain an action on the bond against the barber school or the surety, or both, for the recovery of any money or tuition paid in advance for instruction in the theory and practice of barbering which was not received. The aggregate liability of the surety to all students shall not exceed the sum of the bond.~~

~~(6) Maintain adequate record keeping to ensure that it has met the requirements for records of student progress as required by in accordance with board rule;~~

(7) Establish minimum standards for acceptance of student applicants for admission to the barber school. The barber school may establish entrance requirements which are more stringent than those prescribed by the board, but the requirements must at a minimum require the applicant to meet all of the following:

(a) Be at least ~~seventeen~~sixteen years of age;

(b) Be of good moral character;

(c) Have an eighth grade education, or an equivalent education as determined by the state board of education;

~~(d) Submit two signed current photographs of the applicant, in the size determined by the board.~~

~~(8) Have a procedure to submit every student applicant's admission application to the board for the board's review and approval prior to the applicant's admission to the barber school;~~

~~(9) Operate in a manner which reflects credit upon the barbering profession;~~

~~(10) Offer a curriculum of study which covers all aspects of the scientific fundamentals of barbering as specified by rule of the board;~~

~~(11)~~(8) Employ no more than two licensed assistant barber teachers~~instructors~~ for each licensed barber teacher~~instructor~~ employed or fewer than two licensed teachers~~instructors~~ or one licensed teacher~~instructor~~ and one licensed assistant teacher~~instructor~~ at each facility.

~~(C) A school license is not transferable from one owner to another or from one location to another.~~

~~(C) Each person who desires to obtain a barber teacher or assistant barber teacher license shall apply to the board, on forms provided by the board. The board shall only issue a barber teacher license to a person who meets all of the following requirements:~~

~~(1) Holds a current barber license issued pursuant to this chapter and has at least eighteen months of work experience in a licensed barber shop or has been employed as an assistant barber teacher under the supervision of a licensed barber teacher for at least one year, unless, for good cause, the board waives this requirement;~~

~~(2) Meets such other requirements as adopted by rule by the board;~~

~~(3) Passes the required examination; and~~

~~(4) Pays the required fees. If an applicant fails to pass the examination, the applicant may reapply for the examination and licensure no earlier than one year after the failure to pass and provided that during that period, the applicant remains employed as an assistant barber teacher.~~

~~The board shall only issue an assistant barber teacher license to a person who holds a current barber license issued pursuant to this chapter and pays the required fees.~~

~~(D) Any person who meets the qualifications of an assistant teacher pursuant to division (C) of this section, may be employed as an assistant teacher, provided that within five days after the commencement of the employment the barber school submits to the board, on forms provided by the board, the applicant's qualifications.~~

4709.11 License renewal.

Every license issued pursuant to this chapter expires on the thirty-first day of August of each even-numbered year. Each licensee desiring to do so shall, on or before the first day of September of each even-numbered year, renew the licensee's license pursuant to the standard renewal procedure of Chapter 4745. of the Revised Code. ~~Any holder of an expired license shall restore the holder's license before continuing the practice of barbering or the activity for which the holder is licensed under this chapter and pay the appropriate restoration fee. If the person fails to restore the person's license within six years, the person shall pay any required restoration fee and take any examination required for the license under this chapter. If the board adopts rules under section 4709.05 of the Revised Code to establish a continuing education requirement as a condition of renewal for a barber or barber instructor license, the board shall inform each affected licensee of the continuing education requirement that applies to the next biennial licensing period by including that information in the renewal notification it sends the licensee. The notification shall state that the licensee must complete the continuing education requirement by the fifteenth day of August of the next even-numbered year.~~

~~The Board may waive or extend the period for completing any continuing education requirement in accordance with division of (B) of section 4713.60 of the Revised Code.~~

4709.12 Fees.

(A) The state cosmetology and barber board shall charge and collect the following nonrefundable fees:

- (1) For the application to take the barber examination, not more than ninety dollars;
- (2) For an application to retake any one part of the barber examination, not more than forty-five dollars;
- ~~(3)~~ For an application to take the barber examination by an applicant who has previously applied to take, but failed to appear for, the examination, not more than one hundred dollars;
- ~~(3)~~(4) For the initial issuance of a license to practice as a barber, not more than thirty dollars;
- ~~(4)~~(5) For the biennial renewal of the license to practice as a barber, not more than one hundred ten dollars;
- ~~(5)~~(6) For the restoration of an expired barber license, not more than one hundred fifty dollars, and not more than seventy-five dollars for each lapsed year, provided that the total fee shall not exceed six hundred ninety dollars;
- ~~(6)~~(7) For the issuance of a duplicate barber or shop license, not more than forty-five dollars;
- ~~(7)~~(8) For the inspection of a new barber shop, change of ownership, or reopening of premises or facilities formerly operated as a barber shop, and issuance of a shop license or a change of ownership, not more than one hundred ten dollars;
- ~~(8)~~(9) For the biennial renewal of a barber shop license, not more than seventy-five dollars;
- ~~(9)~~(10) For the restoration of a barber shop license, not more than one hundred ten dollars;

~~(10) For each inspection of premises for location of a new barber school, or each inspection of premises for relocation of a currently licensed barber school, not more than seven hundred fifty dollars;~~

(11) For the initial barber school license, not more than one thousand dollars, and not more than one thousand dollars for the renewal of the license;

(12) For the restoration of a barber school license, not more than one thousand dollars;

~~(13) For the issuance of a student registration, not more than forty dollars;~~

~~(14)~~(13) For the examination and issuance of a biennial teacher/instructor license, not more than one hundred eighty-five dollars;

(14) For the issuance of a biennial assistant instructor license, not more than one hundred fifty dollars;

(15) For the renewal of a biennial teacher/instructor or assistant instructor license, not more than one hundred fifty dollars;

(16) For the restoration of an expired teacher/instructor or assistant instructor license, not more than two hundred twenty-five dollars, and not more than sixty dollars for each lapsed year, provided that the total fee shall not exceed four hundred fifty dollars;

(17) For the issuance of a barber license by reciprocity pursuant to section 4709.08 of the Revised Code, not more than three hundred dollars;

~~(18) For providing licensure information concerning an applicant, upon written request of the applicant~~For the preparation and mailing of a licensee's records to another state for a reciprocity license, not more than forty dollars.

~~(19) For a temporary pre-examination work permit under section 4709.071 of the Revised Code, not more than fifteen dollars.~~

~~(B) The board shall adjust the fees biennially, by rule, within the limits established by division (A) of this section, to provide sufficient revenues to meet its expenses.~~

~~(B)~~(C) The board, subject to the approval of the controlling board, may establish fees in excess of the amounts provided in this section, provided that the fees do not exceed the amounts permitted by this section by more than fifty per cent.

~~(C) In addition to any other fee charged and collected under this section, the board shall ask each person renewing a license to practice as a barber whether the person wishes to make a two-dollar voluntary contribution to the Ed Jeffers barber museum. The board shall transmit any contributions to the treasurer of state for deposit into the occupational licensing fund.~~

4709.13 Disciplinary actions.

The state cosmetology and barber board may take disciplinary action for a violation of this chapter or the rules adopted under it in accordance with the provisions of section 4713.64 of the Revised Code.

(A) The state cosmetology and barber board may refuse to issue or renew or may suspend or revoke or impose conditions upon any license issued pursuant to this chapter for any one or more of the following causes:

- (1) Advertising by means of knowingly false or deceptive statements;
- (2) Habitual drunkenness or possession of or addiction to the use of any controlled drug prohibited by state or federal law;
- (3) Immoral or unprofessional conduct;
- (4) Continuing to be employed in a barber shop wherein rules of the board or department of health are violated;
- (5) Employing any person who does not have a current Ohio license to perform the practice of barbering;
- (6) Owning, managing, operating, or controlling any barber school or portion thereof, wherein the practice of barbering is carried on, whether in the same building or not, without displaying a sign at all entrances to the places where the barbering is carried on, indicating that the work therein is done by students exclusively;
- (7) Owning, managing, operating, or controlling any barber shop, unless it displays a recognizable sign or barber pole indicating that it is a barber shop, and the sign or pole is clearly visible at the main entrance to the shop;
- (8) Violating any sanitary rules approved by the department of health or the board;
- (9) Employing another person to perform or personally perform the practice of barbering in a licensed barber shop unless that person is licensed as a barber under this chapter;
- (10) Gross incompetence.

(B)

(1) The board may refuse to renew or may suspend or revoke or impose conditions upon any license issued pursuant to this chapter for conviction of or plea of guilty to a felony committed after the person has been issued a license under this chapter, shown by a certified copy of the record of the court in which the person was convicted or pleaded guilty.

(2) A conviction or plea of guilty to a felony committed prior to being issued a license under this chapter shall not disqualify a person from being issued an initial license under this chapter.

(C) Prior to taking any action under division (A) or (B) of this section, the board shall provide the person with a statement of the charges against the person and notice of the time and place of a hearing on the charges. The board shall conduct the hearing according to Chapter 119. of the Revised Code. Any person dissatisfied with a decision of the board may appeal the board's decision to the court of common pleas in Franklin county.

(D) The board may adopt rules in accordance with Chapter 119. of the Revised Code, specifying additional grounds upon which the board may take action under division (A) of this section.

4709.14 Injunctive relief.

The state cosmetology and barber board may seek injunctive relief for a violation of this chapter or the rules adopted under it in accordance with the provisions of section 4713.13 of the Revised Code.

~~(A) If the state cosmetology and barber board determines that any person is violating or threatening to violate any provision of this chapter or the rules adopted pursuant thereto and such violation or threatened violation is a threat to the health or safety of persons who use barber services, the board may apply to a court of competent jurisdiction in the county in which the violation or threatened violation occurred or will occur for injunctive relief and such other relief to prevent further violations. The attorney general shall, at the board's request, represent the board in any such action.~~

~~(B) If the board determines, after a hearing conducted in accordance with Chapter 119, of the Revised Code, that any person has violated any provision of this chapter or the rules adopted pursuant thereto, the board may, in addition to any other action it may take or any other penalty imposed pursuant to this chapter, impose one or more fines upon the person. In no event, however, shall the fines imposed under this division exceed five hundred dollars for a first offense or one thousand dollars for each subsequent offense.~~

~~(C) A person who allegedly has violated a provision of this chapter for which the board proposes to impose a fine may pay the board the amount of the fine and waive the right to an adjudicatory hearing conducted under Chapter 119, of the Revised Code and described in division (B) of this section.~~

4709.23 Approval from board for teaching.

No phase of barbering shall be taught for pay, free, or otherwise, without approval from the state cosmetology and barber board.

4709.99 Penalty.

Whoever violates this chapter or any rule adopted pursuant thereto shall be fined not less than one hundred nor more than five hundred dollars for a first offense; for each subsequent violation of the same provision, the person shall be fined not less than five hundred nor more than one thousand dollars.

4709.28 Qualifications for barber instructor license and assistant barber instructor license.

(A) The state cosmetology and barber board shall issue a barber instructor license to an applicant who satisfies all of the following applicable conditions:

(1) Is at least eighteen years of age;

(2) Holds a current, valid barber license issued pursuant to this chapter and either;

(a) Has at least eighteen months of work experience in a licensed barber shop; or

(b) Has been employed as an assistant barber instructor under the supervision of a licensed barber for at least one year.

(3) Pays the required fee under section 4709.12 of the Revised Code;

(4) Passes the required examination; and

(5) Meets such other requirements as adopted by the board in rule.

(B) The state cosmetology and barber board shall issue an assistant barber instructor license to an applicant who satisfies all of the following applicable conditions:

(1) Is at least eighteen years of age;

(2) Holds a current, valid barber license issued pursuant to this chapter;

(3) Pays the required fee under section 4709.12 of the Revised Code; and

(4) Meets such other requirements as adopted by the board in rule.

4709.29 Restoring expired license.

A barber license or barber instructor license that has not been renewed for any reason other than because it has been revoked, suspended, or classified inactive, is expired. An expired license may be restored if the person who held the license meets all of the following applicable conditions:

(A) Pays to the state cosmetology and barber board the restoration fee established under section 4709.12 of the Revised Code;

(B) In the case of a barber license that has been expired for more than two consecutive license renewal periods, completes any outstanding continuing education requirements for each license renewal period that has elapsed since the license was last issued or renewed, up to a maximum of twenty-four hours. At least four of those hours shall include a course pertaining to infection control and safety methods.

4709.30 License classified inactive.

(A) If the state cosmetology and barber board adopts a continuing education requirement under section 4709.05 of the Revised Code, it may develop a procedure by which a person who holds a license to practice barbering or a barber instructor license and who is not currently engaged in the practice of barbering or teaching the theory and practice of barbering, but who desires to be so engaged in the future, may apply to the board to have the person's license classified inactive. If the board develops such a procedure, a person seeking to have the person's license classified inactive shall apply to the board on a form provided by the board and pay the fee established by rule.

(B) The board shall not restore an inactive license until the person holding the license submits proof satisfactory to the board that the person has completed the continuing education that a rule adopted under section 4709.05 of the Revised Code requires.

4713.01 Cosmetologist definitions.

As used in this chapter:

"Apprentice instructor" means ~~an individual person~~ holding a practicing license issued by the state cosmetology and barber board who is engaged in learning or acquiring knowledge of the occupation of an instructor of a branch of cosmetology at a school of cosmetology.

~~"Barber" has the same meaning as found in division (B) of section 4709.01 of the Revised Code.~~

~~"Barber shop" means a business licensed under section 4709.09 of the Revised Code.~~

"Beauty salon" means a salon in which ~~an individual person~~ is authorized to engage in all branches of cosmetology.

"Biennial licensing period" means the two-year period beginning on the first day of February of an odd-numbered year and ending on the last day of January of the next odd-numbered year.

"Boutique salon" means a salon in which ~~an individual person~~ engages in boutique services and no other branch of cosmetology.

"Boutique services" means braiding, threading, shampooing, and makeup artistry.

~~"Braiding" means intertwining the hair in a systematic motion to create patterns in a three-dimensional form, inverting the hair including patterns that are inverted, upright, or singled against the scalp that follow along part of a straight or curved row of intertwined hair, or partings. It may include twisting, locking, beading, crocheting, wrapping, or similarly manipulating the hair in a systematic motion, and includes extending the hair with natural while adding bulk or length with human hair, synthetic hair fibers, or both, and using simple devices such as clips, combs, crochet hooks, blunt-tipped needles, and hairpins. "Braiding" does not include the use of chemical hair-joining agents such as synthetic tape, keratin bonds, or fusion bonds to weave or fuse individual strands or wefts; application of dyes, reactive chemicals, or other preparations to alter the color or straighten, curl, or alter the structure of hair; or embellishing or beautifying hair by cutting or singeing, except as needed to finish the end of synthetic fibers used to add bulk to or lengthen hair.~~

~~"Branch of cosmetology" means the practice of cosmetology, practice of esthetics, practice of hair design, practice of manicuring, practice of natural hair styling, or practice of boutique services.~~

~~"Cosmetic therapy" has the same meaning as in section 4731.15 of the Revised Code.~~

"Cosmetologist" means ~~an individual person~~ authorized to engage in all branches of cosmetology in a licensed facility.

~~"Cosmetology" means the art or practice of embellishment, cleansing, beautification, and styling of hair, wigs, postiches, face, body, or nails providing services described under the branches of cosmetology.~~

"Cosmetology instructor" means ~~an individual person~~ authorized to teach the theory and practice of all branches of cosmetology at a school of cosmetology.

"Esthetician" means ~~an individual person~~ who engages in the practice of esthetics but no other branch of cosmetology in a licensed facility.

"Esthetics instructor" means ~~an individual~~ person who teaches the theory and practice of esthetics, but no other branch of cosmetology, at a school of cosmetology.

"Esthetics salon" means a salon in which ~~an individual~~ person engages in the practice of esthetics but no other branch of cosmetology.

"Eye lash extensions" include temporary and semi-permanent enhancements designed to add length, thickness, and fullness to natural eyelashes.

"Hair designer" means ~~an individual~~ person who engages in the practice of hair design but no other branch of cosmetology in a licensed facility.

"Hair design instructor" means ~~an individual~~ person who teaches the theory and practice of hair design, but no other branch of cosmetology, at a school of cosmetology.

"Hair design salon" means a salon in which ~~an individual~~ person engages in the practice of hair design but no other branch of cosmetology.

"Hair removal" includes tweezing, waxing, sugaring, and threading. "Hair removal" does not include electrolysis.

"Independent contractor" means ~~an individual~~ person who is not an employee of a barber shop or salon but practices barbering or a branch of cosmetology within a ~~salon in a~~ licensed facility.

"Instructor license" means a license to teach the theory and practice of a branch of cosmetology at a school of cosmetology.

"Licensed facility" means any premises, building, or part of a building licensed under ~~section 4713.41~~ sections 4709 or 4713 of the Revised Code in which barbering, cosmetology, or tanning services are authorized by the state cosmetology and barber board to be performed.

~~"Advanced cosmetologist" means an individual authorized to work in a beauty salon and engage in all branches of cosmetology.~~

~~"Advanced esthetician" means an individual authorized to work in an esthetics salon, but no other type of salon, and engage in the practice of esthetics, but no other branch of cosmetology.~~

~~"Advanced hair designer" means an individual authorized to work in a hair design salon, but no other type of salon, and engage in the practice of hair design, but no other branch of cosmetology.~~

~~"Advanced license" means a license to work in a salon and practice the branch of cosmetology practiced at the salon issued under section 4713.30 of the Revised Code.~~

~~"Advanced manicurist" means an individual authorized to work in a nail salon, but no other type of salon, and engage in the practice of manicuring, but no other branch of cosmetology.~~

~~"Advanced natural hair stylist" means an individual authorized to work in a natural hair style salon, but no other type of salon, and engage in the practice of natural hair styling, but no other branch of cosmetology.~~

"Makeup artistry" means the application of cosmetics for the purpose of skin beautification. "Makeup artistry" does not include any other services described in the practice of any other branch of cosmetology.

"Manicurist" means ~~an individual person~~ who engages in the practice of manicuring but no other branch of cosmetology in a licensed facility.

"Manicurist instructor" means ~~an individual person~~ who teaches the theory and practice of manicuring, but no other branch of cosmetology, at a school of cosmetology.

"Nail salon" means a salon in which ~~an individual person~~ engages in the practice of manicuring but no other branch of cosmetology.

"Natural hair stylist" means ~~an individual person~~ who engages in the practice of natural hair styling but no other branch of cosmetology in a licensed facility.

"Natural hair style instructor" means ~~an individual person~~ who teaches the theory and practice of natural hair styling, but no other branch of cosmetology, at a school of cosmetology.

"Natural hair style salon" means a salon in which ~~an individual person~~ engages in the practice of natural hair styling but no other branch of cosmetology.

~~"Practice of braiding" means utilizing the technique of intertwining hair in a systematic motion to create patterns in a three-dimensional form, including patterns that are inverted, upright, or singled against the scalp that follow along straight or curved partings. It may include twisting or locking the hair while adding bulk or length with human hair, synthetic hair, or both and using simple devices such as clips, combs, and hairpins. "Practice of braiding" does not include application of weaving, bonding, and fusion of individual strands or wefts; application of dyes, reactive chemicals, or other preparations to alter the color or straighten, curl, or alter the structure of hair; embellishing or beautifying hair by cutting or singeing, except as needed to finish the ends of synthetic fibers used to add bulk to or lengthen hair.~~

"Practice of cosmetology" means the practice of all branches of cosmetology.

"Practice of esthetics" means the application of cosmetics, tonics, antiseptics, creams, lotions, or other preparations for the purpose of skin beautification and includes preparation of the skin by manual massage techniques or by use of electrical, mechanical, or other apparatus; enhancement of the skin by skin care, facials, body treatments, hair removal, and other treatments; and eye lash extension services.

"Practice of hair design" means embellishing or beautifying hair, wigs, or hairpieces by arranging, dressing, pressing, curling, waving, permanent waving, cleansing, cutting, singeing, bleaching, coloring, braiding, weaving, ~~bonding and fusion of individual strands or wefts~~, or similar work. "Practice of hair design" includes utilizing techniques performed by hand that result in tension on hair roots such as twisting, wrapping, weaving, extending, locking, or braiding of the hair.

"Practice of manicuring" means cleaning, trimming, shaping the free edge of, or applying polish to the nails of any ~~individual person~~; applying nail enhancements and embellishments to any ~~individual person~~; massaging the hands and lower arms up to the elbow of any ~~individual person~~; massaging the feet and lower legs up to the knee of any ~~individual person~~; using lotions or softeners on the hands and feet of any ~~individual person~~; or any combination of these types of services.

"Practice of natural hair styling" means utilizing techniques performed by hand that result in tension on hair roots such as twisting, wrapping, weaving, bonding and fusion of individual strands or wefts, extending, locking, or braiding of the hair. "Practice of natural hair styling" does not include the application of dyes, reactive chemicals, or other preparations to alter the color or to straighten, curl, or alter the structure of the hair. "Practice of natural hair styling" also does not include embellishing or beautifying hair by cutting or singeing, except as needed to finish off the end of a braid, or by dressing, pressing, curling, waving, permanent waving, or similar work.

"Practicing license" means a license to practice a branch of cosmetology in a licensed facility.

"Salon" means a licensed facility on any premises, building, or part of a building in which an individual person engages in the practice of one or more branches of cosmetology. "Salon" does not include a barber shop licensed under Chapter 4709. of the Revised Code. "Salon" does not mean a tanning facility, although a tanning facility may be located in a salon.

"School of cosmetology" means any premises, building, or part of a building in which students are instructed in the theories and practices of one or more branches of cosmetology.

"Shampooing" means the act of cleansing and conditioning an individual person's hair under the supervision of an individual person licensed under this chapter and in preparation to immediately receive a service from a licensee.

"Student" means an individual person, other than an apprentice instructor, who is engaged in learning or acquiring knowledge of the practice of a branch of cosmetology at a school of cosmetology.

"Tanning facility" means any premises, building, or part of a building that contains one or more rooms or booths with any of the following:

- (A) Equipment or beds used for tanning human skin by the use of fluorescent sun lamps using ultraviolet or other artificial radiation;
- (B) Equipment or booths that use chemicals applied to human skin, including chemical applications commonly referred to as spray-on, mist-on, or sunless tans;
- (C) Equipment or beds that use visible light for cosmetic purposes.

"Threading" includes a service that results in the removal of hair from its follicle from around the eyebrows and from other parts of the face with the use of a single strand of thread and an astringent, if the service does not use chemicals of any kind, wax, or any implements, instruments, or tools to remove hair.

4713.02 State board of cosmetology.

(A) There is hereby created the state cosmetology and barber board, consisting of all of the following members appointed by the governor, with the advice and consent of the senate:

- (1) One individual person holding a current, valid cosmetologist or cosmetology instructor license at the time of appointment;
- (2) Two individual persons holding current, valid cosmetologist licenses and actively engaged in managing beauty salons for a period of not less than five years at the time of appointment;

(3) One individual person who holds a current, valid independent contractor license at the time of appointment and practices a branch of cosmetology;

(4) One individual person who represents individual persons who teach the theory and practice of a branch of cosmetology at a vocational or career-technical school;

(5) One owner or executive actively engaged in the daily operations of a licensed school of cosmetology;

(6) One owner of at least five licensed salons;

(7) One individual person who is either a certified nurse practitioner or clinical nurse specialist holding a current, valid license to practice nursing as an advanced practice registered nurse issued under Chapter 4723. of the Revised Code or a physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery;

(8) One individual person representing the general public;

(9) One individual person who ~~holds a current, valid tanning permit and who has owned or managed~~ represents the tanning facility for at least five years immediately preceding the individual's appointment~~industry~~;

(10) One individual person who holds a current, valid esthetician license and who has been actively practicing esthetics for a period of not less than five years immediately preceding the ~~individual's~~ person's appointment;

(11) Two barbers, ~~one of whom is an employer barber and one of whom is employed as a barber~~, both of whom have been licensed as barbers in this state for at least five years immediately preceding their appointment.

(B) The superintendent of public instruction shall nominate three individual persons for the governor to choose from when making an appointment under division (A)(4) of this section.

(C) All members shall be at least twenty-five years of age, residents of the state, and citizens of the United States. No more than two members, at any time, shall be graduates of the same school of cosmetology. Not more than one member shall have a common financial connection with any school of cosmetology, salon, barber school, or barber shop.

Terms of office are for five years. Terms shall commence on the first day of November and end on the thirty-first day of October. Each member shall hold office from the date of appointment until the end of the term for which appointed. In case of a vacancy occurring on the board, the governor shall, in the same manner prescribed for the regular appointment to the board, fill the vacancy by appointing a member. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of such term. Any member shall continue in office subsequent to the expiration date of the member's term until the member's successor takes office, or until a period of sixty days has elapsed, whichever occurs first. Before entering upon the discharge of the duties of the office of member, each member shall take, and file with the secretary of state, the oath of office required by Section 7 of Article XV, Ohio Constitution.

The members of the board shall receive an amount fixed pursuant to Chapter 124. of the Revised Code per diem for every meeting of the board which they attend, together with their necessary expenses, and mileage for each mile necessarily traveled.

The members of the board shall annually elect, from among their number, a chairperson and a vice-chairperson. The executive director appointed pursuant to section 4713.06 of the Revised Code shall serve as the board's secretary.

(D) The board shall prescribe the duties of its officers and establish an office within Franklin county. The board shall keep all records and files at the office and have the records and files at all reasonable hours open to public inspection in accordance with section 149.43 of the Revised Code and any rules adopted by the board in compliance with this state's record retention policy. The board also shall adopt a seal for the authentication of its orders, communications, and records.

(E) The governor may remove any member for cause prior to the expiration of the member's term of office.

(F) Whenever the term "state board of cosmetology" is used, referred to, or designated in statute, rule, contract, grant, or other document, the use, reference, or designation shall be deemed to mean the "state cosmetology and barber board" or the executive director of the state cosmetology and barber board, whichever is appropriate in context. Whenever the term "barber board" is used, referred to, or designated in statute, rule, contract, grant, or other document, the use, reference, or designation shall be deemed to mean the "state cosmetology and barber board" or the executive director of the state cosmetology and barber board, whichever is appropriate in context.

4713.03 Meetings of board.

The state cosmetology and barber board shall hold meetings to transact its business at least four times a year. The board may hold additional meetings as, in its judgment, are necessary. The board shall meet at the times and places it selects.

4713.04 Single member may act for board.

The state cosmetology and barber board may authorize any of its members, in writing, to undertake any proceedings authorized by this chapter, and the finding or order of such members is the finding of the board when confirmed by it.

4713.05 Depositing receipts.

All receipts of the state cosmetology and barber board shall be deposited into the state treasury to the credit of the occupational licensing and regulatory fund. All vouchers of the board shall be approved by the board chairperson or executive director, or both, as authorized by the board.

4713.06 Executive director - staff.

The state cosmetology and barber board shall annually appoint an executive director. The executive director may not be a member of the board, but subsequent to appointment, shall serve as secretary of the board. The executive director, before entering upon the discharge of the executive director's duties, shall file with the secretary of state a good and sufficient bond payable to the state, to ensure the faithful performance of duties of the office of executive director. The bond shall be in an amount the board requires. The premium of the bond shall be paid from appropriations made to the board for operating purposes. Whenever the term "executive director

of the state board of cosmetology" or the term "executive director of the barber board," or variations thereof, is used, referred to, or designated in statute, rule, contract, grant, or other document, the use, reference, or designation shall be deemed to mean the "executive director of the state cosmetology and barber board."

The board may employ inspectors, examiners, consultants on contents of examinations, clerks, or ~~individuals~~persons as necessary for the administration of this chapter and Chapter 4709. of the Revised Code. ~~All inspectors and examiners shall be licensed cosmetologists pursuant to this chapter or licensed barbers pursuant to Chapter 4709. of the Revised Code.~~

The board may appoint inspectors to inspect and investigate all facilities regulated by this chapter and Chapter 4709. of the Revised Code, including tanning facilities, to ensure compliance with this chapter and Chapter 4709. of the Revised Code, the rules adopted by the board, and the board's policies, in accordance with division (A)(11) of section 4713.07 of the Revised Code.

4713.07 Duties of board.

(A) The state cosmetology and barber board shall do all of the following:

(1) Regulate the practice of cosmetology and all of its branches in this state;

(2) Investigate or inspect, when evidence appears to demonstrate that ~~an individual~~person has violated any provision of this chapter or any rule adopted pursuant to it, the activities or premises of a license holder or unlicensed ~~individual~~person;

(3) Adopt rules in accordance with section 4713.08 of the Revised Code;

(4) Prescribe and make available application forms to be used by ~~individuals~~persons seeking admission to an examination conducted under section 4713.24 of the Revised Code or a license or registration issued under this chapter;

(5) Prescribe and make available application forms to be used by ~~individuals~~persons seeking renewal of a license or registration issued under this chapter;

(6) Provide a toll-free number and an online service to receive complaints alleging violations of this chapter or Chapter 4709. of the Revised Code;

(7) Report to the proper prosecuting officer violations of section 4713.14 of the Revised Code ~~of which the board is aware, where applicable;~~

(8) Submit a written report annually to the governor that provides all of the following:

(a) A discussion of the conditions in this state of ~~barbering and~~ the branches of cosmetology;

(b) An evaluation of board activities intended to aid or protect consumers;

(c) A brief summary of the board's proceedings during the year the report covers;

(d) A statement of all money that the board received and expended during the year the report covers.

(9) Keep a record of all of the following:

(a) The board's proceedings;

(b) The name and last known physical address, electronic mail address, and telephone number of each ~~individual~~person issued a license or registration under this chapter;

(c) The date and number of each license, permit, and registration that the board issues.

(10) Assist ex-offenders and military veterans who hold licenses issued by the board to find employment within salons or other facilities within this state;

(11) Require inspectors appointed pursuant to section 4713.06 of the Revised Code to conduct inspections of licensed or permitted facilities, including salons and boutique salons, schools of cosmetology, barber schools, barber shops, and tanning facilities, within ninety days of the opening for business of a licensed facility, upon complaints reported to the board, within ninety days after a violation was documented at a facility, and at least once every two years. Any ~~individual~~person, ~~after providing the individual's name and contact information,~~ may report to the board any information the ~~individual~~person may have that appears to show a violation of any provision of this chapter or rule adopted under it or a violation of any provision of Chapter 4709. of the Revised Code or rule adopted by the board pursuant to Chapter 4709. of the Revised Code. In the absence of bad faith, any ~~individual~~person who reports information of that nature or who testifies before the board in any adjudication conducted under Chapter 119. of the Revised Code shall not be liable for damages in a civil action as a result of the report or testimony. For the purpose of inspections, an independent contractor shall be added to the board's records as an individual salon.

(12) Supply a copy of the poster created pursuant to division (B) of section 5502.63 of the Revised Code to each person authorized to operate a salon, school of cosmetology, tanning facility, or other type of facility under this chapter;

(13) All other duties that this chapter imposes on the board.

(B) The board may delegate any of the duties listed in division (A) of this section or in section 4709.05 to the executive director of the board or to ~~an~~ an ~~individual~~person designated by the executive director.

4713.071 Annual report.

(A) The state cosmetology and barber board shall annually submit a written report to the governor, president of the senate, and speaker of the house of representatives. The report shall list all of the following for the preceding ~~twelve-month period~~fiscal year, as defined in section 9.34 of the Revised Code:

(1) The number of students enrolled in courses at licensed public and private schools of cosmetology and barbering;

(2) The number of students graduating from licensed public and private schools of cosmetology and barbering;

(3) The annual cost for students to attend each licensed public or private school of cosmetology and barbering;

(4) The loan default rates for licensed public and private schools of cosmetology and barbering;

(5) The first-time licensure passage rate for graduates of all public and private schools of cosmetology and barbering;

(6) The total number of new and renewal licenses in each profession;

(7) The total number of complaint-driven inspections conducted by the board;

(8) The total number and type of violations, including a list of the top ten violations, which shall aid in the identification of focus areas for continuing education purposes;

(9) The twenty salons and individuals/persons cited with the most violations for unlicensed workers;

(10) The number of adjudications or other disciplinary action taken by the board.

(B) The board shall include in the final report under division (A) of this section any recommendations it has for changes to this chapter or Chapter 4709. of the Revised Code.

4713.08 Administrative rules.

(A) The state cosmetology and barber board shall adopt rules in accordance with Chapter 119. of the Revised Code as necessary to implement this chapter. The rules shall do all of the following:

(1) Govern the practice of the branches of cosmetology;

(2) Specify conditions an individual/person must satisfy to qualify for a temporary pre-examination work permit under section 4713.22 of the Revised Code and the conditions and method of renewing a temporary pre-examination work permit under that section;

(3) Provide for the conduct of examinations under section 4713.24 of the Revised Code;

(4) Specify conditions under which the board will take into account, under section 4713.32 of the Revised Code, instruction an applicant for a license under section 4713.28, 4713.30, or 4713.31 of the Revised Code received more than five years before the date of application for the license;

(5) Provide for the granting of waivers under section 4713.29 of the Revised Code;

(6) Specify conditions an applicant must satisfy for the board to issue the applicant a license under section 4713.34 of the Revised Code without the applicant taking an examination conducted under section 4713.24 of the Revised Code;

(7) Specify locations in which glamour photography services in which a branch of cosmetology is practiced may be provided;

(8) Establish conditions and the fee for a temporary special occasion work permit under section 4713.37 of the Revised Code and specify the amount of time such a permit is valid;

(9) Specify conditions an applicant must satisfy for the board to issue the applicant an independent contractor license under section 4713.39 of the Revised Code and the fee for issuance and renewal of the license;

(10) Establish conditions under which food may be sold at a salon;

(11) Specify which professions regulated by a professional regulatory board of this state may be practiced in a salon under section 4713.42 of the Revised Code;

(12) Establish standards for the provision of cosmetic therapy, massage therapy, or other professional service in a salon pursuant to section 4713.42 of the Revised Code;

(13) Establish standards for board approval of, and the granting of credits for, training in branches of cosmetology at schools of cosmetology licensed in this state;

(14) Establish the manner in which a school of cosmetology licensed under section 4713.44 of the Revised Code may offer post-secondary and advanced practice programs;

(15) Establish ~~sanitary~~infection control standards for the practice of the branches of cosmetology, salons, and schools of cosmetology;

(16) Establish the application process for obtaining a tanning facility permit under section 4713.48 of the Revised Code, including the amount of the fee for an initial or renewed permit;

(17) Establish standards for installing and operating a tanning facility in a manner that ensures the health and safety of consumers, including infection control standards and standards that do all of the following:

(a) Establish a maximum safe time of exposure to radiation and a maximum safe temperature at which sun lamps may be operated;

(b) Require consumers to wear protective eyeglasses;

(c) Require consumers to be supervised as to the length of time consumers use the facility's sun lamps;

(d) Require the operator to prohibit consumers from standing too close to sun lamps and to post signs warning consumers of the potential effects of radiation on ~~individuals~~persons taking certain medications and of the possible relationship of the radiation to skin cancer;

(e) Require the installation of protective shielding for sun lamps and handrails for consumers;

(f) Require floors to be dry during operation of lamps;

(g) Establish procedures an operator must follow in making reasonable efforts in compliance with section 4713.50 of the Revised Code to determine the age of ~~an individual~~person seeking to use sun lamp tanning services.

(18)

~~(a)~~ If the board, under section 4713.61 of the Revised Code, develops a procedure for classifying licenses inactive, do both of the following:

~~(+)(a)~~ Establish a fee for having a license classified inactive that reflects the cost to the board of providing the inactive license service. ~~If one or more renewal periods have elapsed since the license was valid, the fee shall not include lapsed renewal fees for more than three of those renewal periods;~~

~~(h)(b) Specify the continuing education that an individual person whose license has been classified inactive must complete to have the license restored. The continuing education shall be sufficient to ensure the minimum competency in the use or administration of a new procedure or product required by a licensee necessary to protect public health and safety. The requirement shall not exceed the cumulative number of hours of continuing education that the individual person would have been required to complete had the individual person retained an active license.~~

~~(b) In addition, the board may specify the conditions and method for granting a temporary work permit to practice a branch of cosmetology to an individual whose license has been classified inactive.~~

(19) Establish a fee for approval of a continuing education program under section 4713.62 of the Revised Code that is adequate to cover any expense the board incurs in the approval process;

(20) Anything else necessary to implement this chapter.

(B)

~~(1) The rules adopted under division (A)(2) of this section may establish additional conditions for a temporary pre-examination work permit under section 4713.22 of the Revised Code that are applicable to individual persons who practice a branch of cosmetology in another state or country.~~

~~(2) The rules adopted under division (A)(18)(b) of this section may establish additional conditions for a temporary work permit that are applicable to individuals who practice a branch of cosmetology in another state.~~

(C) The conditions specified in rules adopted under division (A)(6) of this section may include that an applicant is applying for a license to practice a branch of cosmetology for which the board determines an examination is unnecessary.

(D) The rules adopted under division (A)(11) of this section shall not include a profession if practice of the profession in a salon is a violation of a statute or rule governing the profession.

~~(E) The sanitary infection control standards established under division (A)(15) of this section shall focus in particular on precautions to be employed to prevent infectious or contagious diseases being created or spread. The board shall consult with the Ohio department of health when establishing the sanitary standards.~~

(F) The fee established by rules adopted under division (A)(16) of this section shall cover the cost the board incurs in inspecting tanning facilities and enforcing the board's rules but may not exceed one hundred dollars per location of such facilities.

4713.081 Posting copies of sanitary infection control standards.

The state cosmetology and barber board shall furnish a copy of the sanitary infection control standards established by rules adopted under section 4713.08 of the Revised Code to each individual person to whom the board issues a practicing license, advanced license, license to operate a salon or school of cosmetology, or boutique services registration. The board also shall furnish a copy of the sanitary infection control standards to each individual person providing cosmetic therapy, massage therapy, or other professional service in a salon under section 4713.42 of the Revised Code. A salon or school of cosmetology provided a copy of the sanitary infection control standards shall post the standards in a public and conspicuous place in the salon or school.

4713.082 Posting copies of tanning facility standards.

The state cosmetology and barber board shall furnish a copy of the standards established by rules adopted under section 4713.08 of the Revised Code for installing and operating a tanning facility to each ~~individual person~~ to whom the board issues a permit to operate a tanning facility. ~~And~~ ~~an~~ ~~individual person~~ provided a copy of the standards shall post the standards in a public and conspicuous place in the tanning facility.

4713.09 Continuing education.

The state cosmetology and barber board may adopt rules in accordance with section 4713.08 of the Revised Code to establish a continuing education requirement, not to exceed eight hours in a biennial licensing period, as a condition of renewal for a practicing license, advanced license, instructor license, or boutique services registration. These hours may include training in identifying and addressing the crime of trafficking in persons as described in section 2905.32 of the Revised Code. At least two of the eight hours of the continuing education requirement must be achieved in courses concerning safety and ~~sanitation~~infection control, and at least one hour of the eight hours of the continuing education requirement must be achieved in courses concerning law and rule updates.

4713.10 Fees.

(A) The state cosmetology and barber board shall charge and collect the following non-refundable fees:

- (1) For a temporary pre-examination work permit under section 4713.22 of the Revised Code, not more than fifteen dollars;
- (2) For initial application to take an examination under section 4713.24 of the Revised Code, not more than forty dollars;
- (3) For application to take an examination under section 4713.24 of the Revised Code by an applicant who has previously applied to take, but failed to appear for, the examination, not more than fifty-five dollars;
- (4) For application to re-take an examination under section 4713.24 of the Revised Code by an applicant who has previously appeared for, but failed to pass, the examination, not more than forty dollars;
- (5) For the issuance of a license under section 4713.28, 4713.30, or 4713.31 of the Revised Code, not more than seventy-five dollars;
- (6) For the issuance of a license under section 4713.34 of the Revised Code, not more than seventy dollars;
- (7) For renewal of a license issued under section 4713.28, 4713.30, 4713.31, or 4713.34 of the Revised Code, not more than seventy dollars;
- (8) For the issuance, ~~or renewal,~~ or the change of name or ownership of a cosmetology school license, not more than two hundred fifty dollars;

(9) For the issuance of a new salon license or the change of name or ownership of a salon license under section 4713.41 of the Revised Code, not more than one hundred dollars;

(10) For the renewal of a salon license under section 4713.41 of the Revised Code, not more than ninety dollars;

(11) For the restoration of an expired license that may be restored pursuant to section 4713.63 of the Revised Code, an amount equal to the sum of the current license renewal fee and a lapsed renewal fee of not more than forty-five dollars per license renewal period that has elapsed since the license was last issued or renewed. If one or more renewal periods have elapsed since the license was valid, the fee shall not include lapsed renewal fees for more than three of those renewal periods;

(12) For the issuance of a duplicate of any license, not more than thirty dollars;

(13) For the preparation and mailing of a licensee's records to another state for a reciprocity license, not more than fifty dollars;

(14) For the processing of any fees related to a check from a licensee returned to the board for insufficient funds, an additional thirty dollars.

(B) The board shall adjust the fees biennially, by rule, within the limits established by division (A) of this section, to provide sufficient revenues to meet its expenses.

(C) The board may ~~establish an installment plan for the payment of fines and fees and may reduce fees as considered appropriate by the board.~~

(D) At the request of a person who is temporarily unable to pay a fee imposed under division (A) of this section, or on its own motion, the board may extend the date payment is due by up to ninety days. If the fee remains unpaid after the date payment is due, the amount of the fee shall be certified to the attorney general for collection in the form and manner prescribed by the attorney general. The attorney general may assess the collection cost to the amount certified in such a manner and amount as prescribed by the attorney general.

4713.11 Fees in excess of statutory amounts.

The state cosmetology and barber board, subject to the approval of the controlling board, may establish fees in excess of the amounts provided by section 4713.10 of the Revised Code, provided that any fee increase does not exceed the amount permitted by more than fifty per cent.

4713.13 Injunctions.

Whenever in the judgment of the state cosmetology and barber board any ~~individualperson~~ has engaged in or is about to engage in any acts or practices that constitute a violation of this chapter ~~or chapter 4709. of the Revised Code, or any rule adopted under this~~either chapter, the board may apply to the appropriate court for an order enjoining the acts or practices, and upon a showing by the board that the ~~individualperson~~ has engaged in the acts or practices, the court shall grant an injunction, restraining order, or other order as may be appropriate.

4713.14 Prohibited acts.

No ~~individualperson~~ shall do any of the following:

(A) Use fraud or deceit in making application for a license, permit, or registration;

(B) Aid or abet any ~~individual~~ person or entity in any of the following:

(1) Violating this chapter or a rule adopted under it;

(2) Obtaining a license, permit, or registration fraudulently;

(3) Falsely pretending to hold a current, valid license or permit.

(C) Practice a branch of cosmetology, for pay, free, or otherwise, without one of the following authorizing the practice of that branch of cosmetology:

(1) A current, valid license under section 4713.28, 4713.30, or 4713.34 of the Revised Code;

(2) A current, valid temporary pre-examination work permit issued under section 4713.22 of the Revised Code;

(3) A current, valid temporary special occasion work permit issued under section 4713.37 of the Revised Code;

~~(4) A current, valid temporary work permit issued under rules adopted by the board pursuant to section 4713.08 of the Revised Code;~~

~~(5)~~(4) A current, valid registration under section 4713.69 of the Revised Code.

(D) Employ ~~an individual~~ person to practice a branch of cosmetology if the person does not hold one of the following authorizing the practice of that branch of cosmetology:

(1) A current, valid license under section 4713.28, 4713.30, or 4713.34 of the Revised Code;

(2) A current, valid temporary pre-examination work permit issued under section 4713.22 of the Revised Code;

(3) A current, valid temporary special occasion work permit issued under section 4713.37 of the Revised Code;

~~(4) A current, valid temporary work permit issued under rules adopted by the board pursuant to section 4713.08 of the Revised Code;~~

~~(5)~~(4) A current, valid registration under section 4713.69 of the Revised Code.

(E)

Except for apprentice instructors and as provided in section 4713.45 of the Revised Code, teach the theory or practice of a branch of cosmetology at a school of cosmetology without either of the following authorizing the teaching of that branch of cosmetology:

(1) A current, valid license under section 4713.31 or 4713.34 of the Revised Code;

(2) A current, valid temporary special occasion work permit issued under section 4713.37 of the Revised Code.

(F) Advertise or operate a glamour photography service in which a branch of cosmetology is practiced unless the ~~individual~~person practicing the branch of cosmetology holds either of the following authorizing the practice of that branch of cosmetology:

(1) A current, valid license under section 4713.28, 4713.30, or 4713.34 of the Revised Code;

(2) A current, valid temporary special occasion work permit issued under section 4713.37 of the Revised Code.

(G) Advertise or operate a glamour photography service in which a branch of cosmetology is practiced at a location not specified by rules adopted under section 4713.08 of the Revised Code;

(H) Practice a branch of cosmetology at a salon as an independent contractor without a current, valid independent contractor license issued under section 4713.39 of the Revised Code;

(I) Operate a salon without a current, valid license under section 4713.41 of the Revised Code;

(J) Provide cosmetic therapy or massage therapy at a salon for pay, free, or otherwise without a current, valid license issued by the state medical board under section 4731.15 of the Revised Code or provide any other professional service at a salon for pay, free, or otherwise without a current, valid license or certificate issued by the professional regulatory board of this state that regulates the profession;

(K) Teach a branch of cosmetology at a salon, unless the ~~individual~~person receiving the instruction holds either of the following authorizing the practice of that branch of cosmetology:

(1) A current, valid license under section 4713.28, 4713.30, or 4713.34 of the Revised Code;

(2) A current, valid temporary pre-examination work permit issued under section 4713.22 of the Revised Code.

(L) Operate a school of cosmetology without a current, valid license under section 4713.44 of the Revised Code;

(M) At a salon or school of cosmetology, do any of the following:

(1) Use or possess a cosmetic product containing an ingredient that the United States food and drug administration has prohibited by regulation;

(2) Use a cosmetic product in a manner inconsistent with a restriction established by the United States food and drug administration by regulation;

(3) Use or possess a liquid nail monomer containing any trace of methyl methacrylate (MMA).

(N) While in charge of a salon or school of cosmetology, permit any ~~individual~~person to sleep in, or use for residential purposes, any room used wholly or in part as the salon or school of cosmetology;

(O) Maintain, as an established place of business for the practice of one or more of the branches of cosmetology, a room used wholly or in part for sleeping or residential purposes;

(P) Operate a tanning facility that is offered to the public for a fee or other compensation without a current, valid permit under section 4713.48 of the Revised Code;

(Q) Practice a branch of cosmetology in a location other than a licensed facility unless otherwise exempted under section 4713.16 or 4713.17 of the Revised Code;

(R) Use any of the services or arts that are part of cosmetology to treat or attempt to cure a physical or mental disease or ailment.

4713.141 Examining product sample.

An inspector employed by the state cosmetology and barber board may take a sample of a product used or sold in a salon or school of cosmetology for the purpose of examining the sample, or causing an examination of the sample to be made, to determine whether division (M) of section 4713.14 of the Revised Code has been violated.

Should the results of the test prove that division (M) of section 4713.14 of the Revised Code has been violated, the board shall take action in accordance with section 4713.64 of the Revised Code. A fine imposed under that section shall include the cost of the test. The person's license may be suspended or revoked.

4713.15 No treatment of physical or mental disease.

This chapter does not permit any of the services or arts that are part of the practice of a branch of cosmetology to be used for the treatment or cure of a physical or mental disease or ailment.

4713.16 Exemptions.

(A) This chapter does not prohibit any of the following:

(1) Practicing a branch of cosmetology without a license or registration if the ~~individual person~~ does so for free at the ~~individual person's~~ home for a family member who resides in the same household as the ~~individual person~~;

(2) The retail sale, or trial demonstration by application to the skin for purposes of retail sale, of cosmetics, preparations, tonics, antiseptics, creams, lotions, wigs, or hairpieces without a practicing license or registration;

(3) The retailing, at a salon, of cosmetics, preparations, tonics, antiseptics, creams, lotions, wigs, hairpieces, clothing, or any other items that pose no risk of creating unsanitary conditions at the salon;

(4) The provision of glamour photography services at a licensed salon if either of the following is the case:

(a) A branch of cosmetology is not practiced as part of the services.

(b) If a branch of cosmetology is practiced as part of the services, the part of the services that is a branch of cosmetology is performed by ~~an individual~~ person who holds either of the following authorizing the ~~individual~~ person to practice that branch of cosmetology:

(i) A current, valid license under section 4713.28, 4713.30, or 4713.34 of the Revised Code;

(ii) A current, valid temporary special occasion work permit issued under section 4713.37 of the Revised Code.

(5) A student engaging, as a student, in work connected with a branch of cosmetology taught at the school of cosmetology at which the student is enrolled;

(6) Practicing a branch of cosmetology without a license or registration if the ~~individual~~ person does so for free for the purpose of researching or developing a cosmetic as defined in section 3715.01 of the Revised Code.

~~(7) The practice of a branch of cosmetology by a person licensed under this chapter on a dead human body at a facility licensed under Chapter 4717. of the Revised Code.~~

(B) A student in a career-technical program learning a branch of cosmetology may continue developing skills in the respective branch of cosmetology after completing the required coursework or obtaining a license in the respective branch of cosmetology by working in the licensed career-technical school clinic if the student does not receive any compensation. This allowance terminates upon the graduation of the student from the career-technical school.

4713.17 Exceptions.

(A) The following persons are exempt from the provisions of this chapter, except, as applicable, section 4713.42 of the Revised Code:

(1) All ~~individuals~~ persons authorized to practice medicine, surgery, dentistry, and nursing, or any of its branches, in this state, while acting within the scope of practice for the license, permit, or certificate held;

(2) Commissioned surgical and medical officers of the United States ~~army, navy, air force, or marine hospital service~~ military when engaged in the actual performance of their official duties, and attendants attached to same, while acting within the scope of practice for the license, permit, or certificate held;

(3) Funeral directors, embalmers, and apprentices licensed or ~~registered~~ certified under Chapter 4717. of the Revised Code, while acting within the scope of practice for the license, permit, or certificate held;

(4) Persons who are engaged in the retail sale, cleaning, or beautification of wigs and hairpieces but who do not engage in any other act constituting the practice of a branch of cosmetology;

(5) Volunteers of hospitals, and homes as defined in section 3721.01 of the Revised Code, who render service to registered patients and inpatients who reside in such hospitals or homes. Such volunteers shall not use or work with any chemical products such as permanent wave, hair dye, or chemical hair relaxer, which without proper training would pose a health or safety problem to the patient.

(6) Nurse aides and other employees of hospitals and homes as defined in section 3721.01 of the Revised Code, who practice a branch of cosmetology on registered patients only as part of general patient care services and who do not charge patients directly on a fee for service basis;

(7) Cosmetic therapists and massage therapists who hold current, valid licenses to practice cosmetic or massage therapy issued by the state medical board under section 4731.15 of the Revised Code, ~~to the extent their actions are authorized by their licenses~~ while acting within the scope of practice for the license, permit, or certificate held;

(8) Inmates who provide services related to a branch of cosmetology to other inmates, except when those services are provided in a licensed school of cosmetology within a state correctional institution ~~for females~~.

(B) The director of rehabilitation and correction shall oversee the services described in division (A)(8) of this section with respect to ~~sanitation~~infection control and adopt rules governing those types of services provided by inmates.

4713.20 License application and examination.

Each individualperson who seeks admission to an examination conducted under section 4713.24 of the Revised Code shall submit both of the following to the state cosmetology and barber board:

(A) As part of a license application, proof that the individualperson satisfies all conditions to obtain the license for which the examination is conducted, other than the requirement to have passed the examination;

(B) A set of the individual'sperson's biometric fingerprint ~~seanscans~~ taken at the board's offices.

4713.21 Reapplying for examination.

Both of the following may apply again under section 4713.20 of the Revised Code for admission to an examination conducted under section 4713.24 of the Revised Code:

(A) ~~An~~ individualperson who failed to appear for an examination that the individualperson was previously scheduled to take;

(B) ~~An~~ individualperson who appeared for a previously scheduled examination but failed to pass it.

4713.22 Temporary pre-examination work permit.

(A) The state cosmetology and barber board shall issue a temporary pre-examination work permit to ~~an~~ individualperson who applies under section 4713.20 of the Revised Code for admission to an examination conducted under section 4713.24 of the Revised Code, if the individualperson satisfies all of the following conditions:

(1) Is seeking a practicing license or an instructor license;

(2) Has not previously failed an examination conducted under section 4713.24 of the Revised Code to determine the applicant's fitness to practice or instruct the branch of cosmetology for which the individualperson seeks a license;

(3) Pays to the board the applicable fee;

(4) Satisfies all other conditions established by rules adopted under section 4713.08 of the Revised Code.

(B) An individual person issued a temporary pre-examination work permit may practice the branch of cosmetology for which the individual person seeks a practicing license until the date the individual person is scheduled to take an examination under section 4713.24 of the Revised Code. The individual person shall practice under the supervision of an individual person holding a current, valid license appropriate for the type of salon in which the permit holder practices.

(C) An individual person issued a temporary pre-examination work permit may instruct the branch of cosmetology for which the individual person seeks an instructor license for a period not to exceed one hundred twenty days.

(D) A temporary pre-examination work permit is renewable in accordance with rules adopted under section 4713.08 of the Revised Code.

4713.24 Examinations.

(A) The state cosmetology and barber board shall conduct an examination for each individual person who satisfies the requirements established by section 4713.20 of the Revised Code for admission to the examination. Examinations for licensure for any branch of cosmetology shall assess the ability of a prospective cosmetology professional to maintain a safe and sanitary place of service delivery. The board may develop and administer the appropriate examination or enter into an agreement with a national testing service to develop the examination, administer the examination, or both. The examination shall be specific to the type of license the individual person seeks and satisfy all of the following conditions:

(1) Include both practical demonstrations and written or oral tests related to the type of license the individual person seeks;

(2) Relate only to a branch of cosmetology, but not be confined to any special system or method;

(3) Be consistent in both practical and technical requirements for the type of license the individual person seeks;

(4) Be of sufficient thoroughness to satisfy the board as to the individual's person's skill in and knowledge of the branch of cosmetology for which the examination is conducted.

(B) ~~Not later than two years after September 13, 2016, the~~ The board shall create a curriculum and an examination for individuals persons seeking licensure to become an instructor and shall conduct an examination for each individual person who satisfies the requirements established pursuant to section 4713.31 of the Revised Code for admission to the examination.

(C) The board shall adopt rules regarding the equipment or supplies an individual person is required to bring to an examination described in this section.

(D) The board shall not release the questions developed for the examinations and the practical demonstrations used in the testing process, except for the following purposes:

(1) Reviewing or rewriting of any part of the examination on a periodic basis as prescribed in rules adopted under section 4713.08 of the Revised Code;

(2) Testing of individualperson in another state for admission to the profession of cosmetology or any of its branches as required under a contract or by means of a license with that state;

(3) Complying with a public records request after which the questions or the demonstrations have become a public record under division (F) of this section and otherwise may lawfully be released.

(E) The examination papers and the scored results of the practical demonstrations of each individualperson examined by the board shall be open for inspection by the individualperson or the individual'sperson's attorney for at least ninety days following the announcement of the individual'sperson's grade, except for papers that under the terms of a contract with a testing service are not available for inspection. On written request of ~~ana~~ individualperson or the individual'sperson's attorney made to the board not later than ninety days after announcement of the individual'sperson's grade, the board shall have the individual'sperson's practical examination papers regraded manually.

(F) Test materials, examinations, or evaluation tools used in an examination for licensure under this chapter that the board develops or contracts with a private or government entity to administer shall become public records under section 149.43 of the Revised Code fifteen years after the materials, examinations, or tools were first used in an assessment for licensure, unless the release of the record is otherwise prohibited by state or federal law, or the record is deemed to be the proprietary information of a private entity.

4713.25 Examination for advanced license.

(A) The state cosmetology and barber board may administer a separate advanced cosmetologist examination for individualspersons who complete an advanced cosmetologist training course separate from a cosmetologist training course. The board may combine the advanced cosmetologist examination with the cosmetologist examination for individualspersons who complete a combined cosmetologist and advanced cosmetologist training course.

(B) The board may administer a separate advanced esthetician examination for individualspersons who complete an advanced esthetician training course separate from an esthetician training course. The board may combine the advanced esthetician examination with the esthetician examination for individualspersons who complete an esthetician and advanced esthetician training course.

(C) The board may administer a separate advanced hair designer examination for individualspersons who complete an advanced hair designer training course separate from a hair designer training course. The board may combine the advanced hair designer examination with the hair designer examination for individualspersons who complete a hair designer and advanced hair designer training course.

(D) The board may administer a separate advanced manicurist examination for individualspersons who complete an advanced manicurist training course separate from a manicurist training course. The board may combine the advanced manicurist examination with the manicurist examination for individualspersons who complete a manicurist and advanced manicurist training course.

(E) The board may administer a separate advanced natural hair stylist examination for individualspersons who complete an advanced natural hair stylist training course separate from a natural hair stylist training course. The board may combine the advanced natural hair stylist

examination with the natural hair stylist examination for ~~individuals~~persons who complete a natural hair stylist and advanced natural hair stylist training course.

4713.26 Examinee furnishes own model:

~~Each individual admitted to an examination conducted under section 4713.24 of the Revised Code shall furnish the individual's own model.~~

4713.28 License qualifications.

(A) The state cosmetology and barber board shall issue a practicing license to an applicant who satisfies all of the following applicable conditions:

(1) Is at least sixteen years of age;

~~(2) Is of good moral character;~~

~~(3)~~(2) Has the equivalent of an Ohio public school tenth grade education;

(4)(3) Has submitted a written application on a form furnished by the board that contains all of the following:

(a) The name of the ~~individual~~person and any other identifying information required by the board;

~~(b) A recent photograph of the individual that meets the specifications established by the board;~~

~~(c)~~(b) A photocopy of the ~~individual's~~person's current driver's license or other proof of legal residence;

~~(d)~~(c) Proof that the ~~individual~~person is qualified to take the applicable examination as required by section 4713.20 of the Revised Code;

(e) An oath verifying that the information in the application is true;

(f) The applicable application fee.

(4) Submits to having a photograph taken by the board;

(5) Passes an examination conducted under division (A) of section 4713.24 of the Revised Code for the branch of cosmetology the applicant seeks to practice;

(6) Pays to the board the applicable license fee;

(7) In the case of an applicant for an initial cosmetologist license, has successfully completed at least one thousand five hundred hours of board-approved cosmetology training in a school of cosmetology licensed in this state, except that only one thousand hours of board-approved cosmetology training in a school of cosmetology licensed in this state is required of ~~an~~ ~~individual~~person licensed as a barber under Chapter 4709. of the Revised Code;

(8) In the case of an applicant for an initial esthetician license, has successfully completed at least six hundred hours of board-approved esthetics training in a school of cosmetology-licensed-in-this state;

(9) In the case of an applicant for an initial hair designer license, has successfully completed at least one thousand two hundred hours of board-approved hair designer training in a school of cosmetology-licensed-in-this state, except that only one thousand hours of board-approved hair designer training in a school of cosmetology licensed in this state is required of ~~an~~ an individual person licensed as a barber under Chapter 4709. of the Revised Code;

(10) In the case of an applicant for an initial manicurist license, has successfully completed at least two hundred hours of board-approved manicurist training in a school of cosmetology-licensed-in this state;

(11) In the case of an applicant for an initial natural hair stylist license, has successfully completed at least four hundred fifty hours of instruction in subjects relating to ~~sanitation~~ infection control, scalp care, anatomy, hair styling, communication skills, and laws and rules governing the practice of cosmetology.

(B) The board shall not deny a license to any applicant based on prior incarceration or conviction for any crime. If the board denies ~~an individual person~~ a license or license renewal, the reasons for such denial shall be put in writing.

4713.29 Waiving license condition.

In accordance with rules adopted under section 4713.08 of the Revised Code, the state cosmetology and barber board may waive a condition established by section 4713.28 of the Revised Code for a license to practice a branch of cosmetology for an applicant who practices that branch of cosmetology in a state or country that does not license or register branches of cosmetology.

4713.30 Qualifications for advanced license.

The state cosmetology and barber board shall issue an advanced license to an applicant who satisfies all of the following applicable conditions:

(A) Is at least sixteen years of age;

~~(B) Is of good moral character;~~

~~(C)~~ (B) Has the equivalent of an Ohio public school tenth grade education;

~~(D)~~ (C) Pays to the board the applicable application fee;

(D) Submits to having a photograph taken by the board;

(E) Passes the appropriate advanced license examination;

(F) In the case of an applicant for an initial advanced cosmetologist license, does either of the following:

~~(1) Has a licensed advanced cosmetologist or owner of a licensed beauty salon located in this or another state certify toSubmits proof, as determined by the board, that the applicant has practiced as a cosmetologist for at least one thousand eight hundred hours in a licensed beauty salon;~~

(2) Has a school of cosmetology licensed in this state certify to the board that the applicant has successfully completed, in addition to the hours required for licensure as a cosmetologist, at least three hundred hours of board-approved advanced cosmetologist training.

(G) In the case of an applicant for an initial advanced esthetician license, does either of the following:

~~(1) Has the licensed advanced esthetician, licensed advanced cosmetologist, or owner of a licensed esthetics salon or licensed beauty salon located in this or another state certify toSubmits proof, as determined by the board, that the applicant has practiced esthetics for at least one thousand eight hundred hours as an esthetician in a licensed esthetics salon or as a cosmetologist in a licensed beauty salon;~~

(2) Has a school of cosmetology licensed in this state certify to the board that the applicant has successfully completed, in addition to the hours required for licensure as an esthetician or cosmetologist, at least one hundred fifty hours of board-approved advanced esthetician training.

(H) In the case of an applicant for an initial advanced hair designer license, does either of the following:

~~(1) Has the licensed advanced hair designer, licensed advanced cosmetologist, or owner of a licensed hair design salon or licensed beauty salon located in this or another state certify toSubmits proof, as determined by the board, that the applicant has practiced hair design for at least one thousand eight hundred hours as a hair designer in a licensed hair design salon or as a cosmetologist in a licensed beauty salon;~~

(2) Has a school of cosmetology licensed in this state certify to the board that the applicant has successfully completed, in addition to the hours required for licensure as a hair designer or cosmetologist, at least two hundred forty hours of board-approved advanced hair designer training.

(I) In the case of an applicant for an initial advanced manicurist license, does either of the following:

~~(1) Has the licensed advanced manicurist, licensed advanced cosmetologist, or owner of a licensed nail salon, licensed beauty salon, or licensed barber shop located in this or another state certify toSubmits proof, as determined by the board, that the applicant has practiced manicuring for at least one thousand eight hundred hours as a manicurist in a licensed nail salon or licensed barber shop or as a cosmetologist in a licensed beauty salon or licensed barber shop;~~

(2) Has a school of cosmetology licensed in this state certify to the board that the applicant has successfully completed, in addition to the hours required for licensure as a manicurist or cosmetologist, at least one hundred hours of board-approved advanced manicurist training.

(J) In the case of an applicant for an initial advanced natural hair stylist license, does either of the following:

~~(1) Has the licensed advanced natural hair stylist, licensed advanced cosmetologist, or owner of a licensed natural hair style salon or licensed beauty salon located in this or another state certify toSubmits proof, as determined by the board, that the applicant has practiced natural hair styling~~

for at least one thousand eight hundred hours as a natural hair stylist in a licensed natural hair style salon or as a cosmetologist in a licensed beauty salon;

(2) Has a school of cosmetology licensed in this state certify to the board that the applicant has successfully completed, in addition to the hours required for licensure as natural hair stylist or cosmetologist, at least one hundred fifty hours of board-approved advanced natural hair stylist training.

~~(K) Pays to the board the applicable license fee.~~

4713.31 Qualifications for instructor license.

The state cosmetology and barber board shall issue an instructor license to an applicant who satisfies all of the following applicable conditions:

(A) Is at least eighteen years of age;

~~(B) Is of good moral character;~~

~~(C) Has the equivalent of an Ohio public school twelfth grade education;~~

~~(D) Pays to the board the applicable application fee;~~

~~(E) Submits to having a photograph taken by the board;~~

(E) In the case of an applicant for an initial cosmetology instructor license, holds a current, valid advanced cosmetologist license issued in this state and does either of the following:

(1) ~~Has the licensed advanced cosmetologist or owner of the licensed beauty salon in which the applicant has been employed certify to~~Submits proof, as determined by the board, that the applicant has engaged in the practice of cosmetology in a licensed beauty salon for at least one thousand eight hundred hours;

(2) Has a school of cosmetology licensed in this state certify to the board that the applicant has successfully completed one thousand hours of board-approved cosmetology instructor training as an apprentice instructor.

(F) In the case of an applicant for an initial esthetics instructor license, holds a current, valid advanced esthetician or advanced cosmetologist license issued in this state and does either of the following:

(1) ~~Has the licensed advanced esthetician, licensed advanced cosmetologist, or owner of the licensed esthetics salon or licensed beauty salon in which the applicant has been employed certify to~~Submits proof, as determined by the board, that the applicant has engaged in the practice of esthetics in a licensed esthetics salon or practice of cosmetology in a licensed beauty salon for at least one thousand eight hundred hours;

(2) Has a school of cosmetology licensed in this state certify to the board that the applicant has successfully completed at least five hundred hours of board-approved esthetics instructor training as an apprentice instructor.

(G) In the case of an applicant for an initial hair design instructor license, holds a current, valid advanced hair designer or advanced cosmetologist license and does either of the following:

~~(1) Has the licensed advanced hair designer, licensed advanced cosmetologist, or owner of the licensed hair design salon or licensed beauty salon in which the applicant has been employed certify to~~Submits proof, as determined by the board, that the applicant has engaged in the practice of hair design in a licensed hair design salon or practice of cosmetology in a licensed beauty salon for at least one thousand eight hundred hours;

(2) Has a school of cosmetology licensed in this state certify to the board that the applicant has successfully completed at least eight hundred hours of board-approved hair design instructor's training as an apprentice instructor.

(H) In the case of an applicant for an initial manicurist instructor license, holds a current, valid advanced manicurist or advanced cosmetologist license and does either of the following:

~~(1) Has the licensed advanced manicurist, licensed advanced cosmetologist, or owner of the licensed nail salon or licensed beauty salon in which the applicant has been employed certify to~~Submits proof, as determined by the board, that the applicant has engaged in the practice of manicuring in a licensed nail salon or practice of cosmetology in a licensed beauty salon for at least one thousand eight hundred hours;

(2) Has a school of cosmetology licensed in this state certify to the board that the applicant has successfully completed at least three hundred hours of board-approved manicurist instructor training as an apprentice instructor.

(I) In the case of an applicant for an initial natural hair style instructor license, holds a current, valid advanced natural hair stylist or advanced cosmetologist license and does either of the following:

~~(1) Has the licensed advanced natural hair stylist, licensed advanced cosmetologist, or owner of the licensed natural hair style salon or licensed beauty salon in which the applicant has been employed certify to~~Submits proof, as determined by the board, that the applicant has engaged in the practice of natural hair styling in a licensed natural hair style salon or practice of cosmetology in a licensed beauty salon for at least one thousand eight hundred hours;

(2) Has a school of cosmetology licensed in this state certify to the board that the applicant has successfully completed at least four hundred hours of board-approved natural hair style instructor training as an apprentice instructor.

(J) In the case of all applicants, passes an examination conducted under division (B) of section 4713.24 of the Revised Code for the branch of cosmetology the applicant seeks to instruct.

(K) Pays to the board the applicable license fee.

4713.32 Hours of instruction.

When determining the total hours of instruction received by an applicant for a license under section 4713.28, 4713.30, or 4713.31 of the Revised Code, the state cosmetology and barber board shall not take into account more than ten hours of instruction per day. The board shall take into account instruction received more than five years prior to the date of application for the license in accordance with rules adopted under section 4713.08 of the Revised Code.

4713.34 Reciprocity.

The state cosmetology and barber board shall issue a license to practice a branch of cosmetology or instructor license to an applicant who is licensed or registered in another state or country to practice that branch of cosmetology or teach the theory and practice of that branch of cosmetology, as appropriate, if all of the following conditions are satisfied:

(A) The applicant satisfies all of the following conditions:

(1) Is not less than eighteen years of age;

~~(2) Is of good moral character;~~

~~(3) (2)~~ In the case of an applicant for a practicing license, passes an examination conducted under section 4713.24 of the Revised Code for the license the applicant seeks, unless the applicant satisfies conditions specified in rules adopted under section 4713.08 of the Revised Code for the board to issue the applicant a license without taking the examination;

~~(4) (3)~~ Pays the applicable fee.

(B) At the time the applicant obtained the license or registration in the other state or country, the requirements in this state for obtaining the license the applicant seeks were substantially equal to the other state or country's requirements.

~~(C) The jurisdiction that issued the applicant's license or registration extends similar reciprocity to individuals holding a license issued by the board.~~

4713.35 Permitted practices.

~~AA~~ ~~individual~~ ~~person~~ who holds a current, valid cosmetologist or advanced cosmetologist license issued by the state cosmetology and barber board may engage in the practice of one or more branches of cosmetology as the ~~individual~~ ~~person~~ chooses in a licensed facility.

~~AA~~ ~~individual~~ ~~person~~ who holds a current, valid esthetician or advanced esthetician license issued by the board may engage in the practice of esthetics but no other branch of cosmetology in a licensed facility.

~~AA~~ ~~individual~~ ~~person~~ who holds a current, valid hair designer or advanced hair designer license issued by the board may engage in the practice of hair design but no other branch of cosmetology in a licensed facility.

~~AA~~ ~~individual~~ ~~person~~ who holds a current, valid manicurist or advanced manicurist license issued by the board may engage in the practice of manicuring but no other branch of cosmetology in a licensed facility.

~~AA~~ ~~individual~~ ~~person~~ who holds a current, valid natural hair stylist or advanced natural hair stylist license issued by the board may engage in the practice of natural hair styling but no other branch of cosmetology in a licensed facility.

~~AA~~ ~~individual~~ ~~person~~ who holds a current, valid cosmetology instructor license issued by the board may teach the theory and practice of one or more branches of cosmetology at a school of cosmetology as the ~~individual~~ ~~person~~ chooses.

~~Any individual person~~ who holds a current, valid esthetics instructor license issued by the board may teach the theory and practice of esthetics, but no other branch of cosmetology, at a school of cosmetology.

~~Any individual person~~ who holds a current, valid hair design instructor license issued by the board may teach the theory and practice of hair design, but no other branch of cosmetology, at a school of cosmetology.

~~Any individual person~~ who holds a current, valid manicurist instructor license issued by the board may teach the theory and practice of manicuring, but no other branch of cosmetology, at a school of cosmetology.

~~Any individual person~~ who holds a current, valid natural hair style instructor license issued by the board may teach the theory and practice of natural hair styling, but no other branch of cosmetology, at a school of cosmetology.

~~Any individual person~~ who holds a current, valid boutique registration with the board may engage in the practice of boutique services but no other branch of cosmetology.

4713.36 Location of manicuring practice.

~~A licensed manicurist or licensed advanced manicurist may engage in the practice of manicuring at a nail salon or beauty salon licensed under section 4713.41 of the Revised Code or a barber shop licensed under Chapter 4709. of the Revised Code.~~

4713.37 Temporary special occasion work permit.

(A) The state cosmetology and barber board may issue a temporary special occasion work permit to ~~any individual person~~ who satisfies all of the following conditions:

(1) Has been licensed or registered in another state or country to practice a branch of cosmetology or teach the theory and practice of a branch of cosmetology for at least five years;

(2) Is a recognized expert in the practice or teaching of the branch of cosmetology the ~~individual person~~ practices or teaches;

(3) Is to practice that branch of cosmetology or teach the theory and practice of that branch of cosmetology in this state as part of a promotional or instructional program for not more than the amount of time a temporary special occasion work permit is effective;

(4) Satisfies all other conditions for a temporary special occasion work permit established by rules adopted under section 4713.08 of the Revised Code;

(5) Pays the fee established by rules adopted under section 4713.08 of the Revised Code.

(B) ~~Any individual person~~ issued a temporary special occasion work permit may practice the branch of cosmetology the ~~individual person~~ practices in another state or country, or teach the theory and practice of the branch of cosmetology the ~~individual person~~ teaches in another state or country, until the expiration date of the permit. A temporary special occasion work permit is valid for the period of time specified in rules adopted under section 4713.08 of the Revised Code.

4713.39 License as independent contractor.

The state cosmetology and barber board shall issue a license to engage in the practice of a branch of cosmetology as an independent contractor to an applicant who pays the applicable fee; holds a current, valid license for ~~barbering or the type of salon in which the applicant will practice that~~ branch of cosmetology the applicant will practice; and satisfies the conditions for the license established by rules adopted under section 4713.08 of the Revised Code.

4713.41 Salon requirements.

The state cosmetology and barber board shall issue a license to operate a salon, including a boutique salon, to an applicant who pays the applicable fee and affirms that all of the following conditions will be met:

(A)

(1) ~~An individual person~~ holding a current, valid cosmetologist license or boutique services registration pertaining to the branch of cosmetology services performed at the salon or boutique salon, shall have charge of and immediate supervision over the salon at all times when the salon is open for business except as permitted under division (A)(2) of this section.

(2) A business establishment that is engaged primarily in retail sales but is also licensed as a salon shall have present ~~an individual person~~ holding a current, valid license or registration to practice in that type of salon in charge of and in immediate supervision of the salon during posted or advertised service hours, if the practice of cosmetology is restricted to those posted or advertised service hours.

(B) The salon is equipped to do all of the following:

(1) Provide potable running hot and cold water and proper drainage;

(2) ~~Sanitize~~Disinfect all instruments and supplies used in the branch of cosmetology provided at the salon;

(3) If cosmetic therapy, massage therapy, or other professional service is provided at the salon under section 4713.42 of the Revised Code, sanitize all instruments and supplies used in the cosmetic therapy, massage therapy, or other professional service.

(C) Except as provided in sections 4713.42 and 4713.49 of the Revised Code, only the branch of cosmetology that the salon is licensed to provide is practiced at the salon.

(D) The salon is kept in a clean and sanitary condition and properly ventilated.

(E) No food is sold at the salon in a manner inconsistent with rules adopted under section 4713.08 of the Revised Code.

(F) A notice that contains a toll-free number and online process for reporting alleged violations of this chapter, as prescribed by the board of cosmetology, is posted at the salon in a common area for all customers of salon services.

4713.42 Cosmetic or massage therapy in barber shops or salons.

~~Any individual person~~ holding a current, valid license issued under section 4731.15 of the Revised Code to provide cosmetic therapy or massage therapy may provide cosmetic therapy or massage therapy, as appropriate, in a barber shop or salon. ~~Any individual person~~ holding a current, valid license or certificate issued by a professional regulatory board of this state may practice the ~~individual person's~~ profession in a barber shop or salon if the ~~individual person's~~ profession is authorized by rules adopted under section 4713.08 of the Revised Code to practice in a barber shop or salon.

~~Any individual person~~ providing cosmetic therapy, massage therapy, or other professional service in a barber shop or salon pursuant to this section shall satisfy the standards established by rules adopted under ~~sections~~ sections 4709.05 and 4713.08 of the Revised Code.

4713.44 License to operate a school of cosmetology.

(A) The state cosmetology and barber board shall issue a license to operate a school of cosmetology to an applicant who pays the applicable fee and satisfies all of the following requirements:

(1) Maintains a course of practical training and technical instruction for the branch or branches of cosmetology to be taught at the school equal to the requirements for admission to an examination under section 4713.24 of the Revised Code that ~~any individual person~~ must pass to obtain a license to practice that branch or those branches of cosmetology;

(2) Possesses or makes available apparatus and equipment sufficient for the ready and full teaching of all subjects of the curriculum;

(3) Maintains ~~individual persons~~ licensed under section 4713.31 or 4713.34 of the Revised Code to teach the theory and practice of the branches of cosmetology;

(4) Notifies the board of the enrollment of each new student, keeps a record devoted to the different practices, establishes grades, and holds examinations in order to certify the students' completion of the prescribed course of study before the issuance of certificates of completion;

(5) In the case of a school of cosmetology that offers clock hours for the purpose of satisfying minimum hours of training and instruction, keeps a daily record of the attendance of each student;

(6) On the date that an apprentice cosmetology instructor begins cosmetology instructor training at the school, certifies the name of the apprentice cosmetology instructor to the board along with the date on which the apprentice's instructor training began;

(7) Instructs not more than six apprentice cosmetology instructors at any one time;

(8) Files with the board a good and sufficient surety bond executed by the ~~individual person~~, firm, or corporation operating the school of cosmetology as principal and by a surety company as surety in the amount of ten thousand dollars; provided, that this requirement does not apply to a vocational or career-technical school program conducted by a city, exempted village, local, or joint vocational school district. The bond shall be in the form prescribed by the board and be conditioned upon the school's continued instruction in the theory and practice of the branches of cosmetology.

Every bond shall continue in effect until notice of its termination is given to the board by registered mail and every bond shall so provide.

(9) Establishes and maintains an internal procedure for processing complaints filed against the school and for providing students with instructions on how to file a complaint directly with the board pursuant to section 4713.641 of the Revised Code.

(B) A school of cosmetology holding a license issued under division (A) of this section is an educational institution and is authorized to offer educational programs beyond secondary education, advanced practice programs, or both in accordance with rules adopted by the board pursuant to section 4713.08 of the Revised Code.

(C) A school of cosmetology holding a license to operate a school of cosmetology on September 29, 2013, shall establish and maintain an internal procedure for processing complaints filed against the school and shall provide each of the school's students with instructions on how to file a complaint directly with the board pursuant to section 4713.641 of the Revised Code.

4713.45 Practices of school of cosmetology.

(A) A school of cosmetology may do the following:

(1) In accordance with rules adopted under section 4713.08 of the Revised Code, a school of cosmetology operated by a public entity or a private person may offer clock hours, credit hours, or competency-based credits for the purpose of satisfying minimum hours of training and instruction;

(2) Allow an apprentice cosmetology instructor the regular quota of students prescribed by the state cosmetology and barber board if a cosmetology instructor is present;

(3) Compensate an apprentice cosmetology instructor;

(4) Subject to division (B) of this section, employ ~~an~~ an individual person who does not hold a current, valid instructor license to teach subjects related to a branch of cosmetology.

(B) A school of cosmetology shall have a licensed cosmetology instructor present when ~~an~~ an individual person employed pursuant to division (A)(4) of this section teaches at the school, unless the individual person is one of the following:

(1) ~~An~~ An individual person with a current, valid teacher's certificate or educator license issued by the state board of education;

(2) ~~An~~ An individual person with a bachelor's degree in the subject the person teaches at the school;

(3) ~~An~~ An individual person also employed by a university or college to teach the subject the person teaches at the school.

(C) A school of cosmetology shall annually review the subjects and coursework required to receive an initial cosmetology license and advanced license and, in doing so, shall incorporate standards adopted by the state cosmetology and barber board pursuant to division (A)(13) of section 4713.08 of the Revised Code.

4713.46 Actions against school.

A student who is injured or damaged by reason of the failure of a school of cosmetology to continue instruction in the theory and practice of a branch of cosmetology may maintain an action on the bond against the school, or surety named therein, or both of them, for the recovery of any money or tuition paid in advance for instruction in the theory and practice of a branch of cosmetology that was not received. The aggregate liability of the surety to all students shall not exceed the sum of the bond.

4713.48 Permit to operate tanning facility.

(A) The state cosmetology and barber board shall issue a permit to operate a tanning facility to an applicant if all of the following conditions are satisfied:

(1) The applicant applies in accordance with the application process adopted by rules adopted under section 4713.08 of the Revised Code.

(2) The applicant pays to the treasurer of state the fee established by those rules.

(3) An initial inspection of the premises indicates that the tanning facility has been installed and will be operated in accordance with those rules.

(B) A permit holder shall post the permit in a public and conspicuous place on any premises where the tanning facility is located. ~~An individual person~~ shall obtain a separate permit for each of the premises owned or operated by that ~~individual person~~ at which the ~~individual person~~ seeks to operate a tanning facility.

(C) To continue operating, a permit holder shall biennially renew the permit by the last day of January of each odd-numbered year. The board shall renew the permit upon the holder's payment to the treasurer of state of the biennial renewal fee.

4713.49 Tanning facility at salon or school.

The owner or manager of a ~~barber shop, salon, or school~~ that has a permit issued under section 4713.48 of the Revised Code may operate a tanning facility at the ~~barber shop, salon, or school~~.

4713.50 Age restrictions for tanning services.

(A) A tanning facility operator or employee shall make reasonable efforts, in accordance with procedures established under section 4713.08 of the Revised Code, to determine whether ~~an individual person~~ seeking to use the facility's sun lamp tanning services is less than sixteen years of age, at least sixteen but less than eighteen years of age, or eighteen years of age or older.

(B)

(1) A tanning facility operator or employee shall not allow ~~an individual person~~ who is eighteen years of age or older to use the facility's sun lamp tanning services without first obtaining the consent of the ~~individual person~~. The consent shall be evidenced by the ~~individual person's~~ signature on the form developed by the state cosmetology and barber board under section 4713.51 of the Revised Code. The consent is valid indefinitely.

(2) A tanning facility operator or employee shall not allow ~~an individual person~~ who is at least sixteen but less than eighteen years of age to use the facility's sun lamp tanning services without

first obtaining the consent of a parent or legal guardian of the individual person. The consent shall be evidenced by the signature of the parent or legal guardian on the form developed by the board under section 4713.51 of the Revised Code. The form must be signed in the presence of the operator or an employee of the tanning facility. The consent is valid for ninety days from the date the form is signed. A tanning facility operator or employee shall not allow an individual person who is at least sixteen but less than eighteen years of age to use the facility's sun lamp tanning services for more than forty-five sessions during the ninety-day period covered by the consent. No such session may be longer than the maximum safe time of exposure specified in rules adopted under division (A)(17) of section 4713.08 of the Revised Code.

(3) A tanning facility operator or employee shall not allow an individual person who is less than sixteen years of age to use the facility's sun lamp tanning services unless both of the following apply:

(a) The tanning facility operator or employee obtains the consent of a parent or legal guardian of the individual person prior to each session of the use of the facility's sun lamp tanning services. The consent shall be evidenced by the signature of the parent or legal guardian on the form developed by the board under section 4713.51 of the Revised Code. The form must be signed in the presence of the operator or an employee of the tanning facility.

(b) A parent or legal guardian of the individual person is present at the tanning facility for the duration of each session of the use of the facility's sun lamp tanning services.

(c) For purposes of division (B) of this section, an electronic signature may be used to provide and may be accepted as a signature evidencing consent.

4713.51 Consent form.

The state cosmetology and barber board shall develop a form for use by tanning facility operators and employees in complying with the consent requirements of division (B) of section 4713.50 of the Revised Code. The form must describe the potential health effects of radiation from sun lamps, including a description of the possible relationship of the radiation to skin cancer. In developing the form, the board shall consult with the department of health, dermatologists, and tanning facility operators. The board shall make the form available on the internet web site maintained by the board.

4713.55 License contents.

Every license issued by the state cosmetology and barber board shall be signed by the chairperson and attested by the executive director of the board, with the seal of the board attached.

The board shall specify on each practicing license that the board issues the branch of cosmetology that the license entitles the holder to practice. The board shall specify on each advanced license that the board issues ~~the type of salon in which the license entitles the holder to work and the branch of cosmetology that the license entitles the holder to practice.~~ The board shall specify on each instructor license that the board issues the branch of cosmetology that the license entitles the holder to teach. The board shall specify on each salon license that the board issues the branch of cosmetology that the license entitles the holder to offer. The board shall specify on each independent contractor license that the board issues ~~the branch of cosmetology that the license entitles the holder to offer within a licensed salon~~ that the holder is only entitled to practice a branch of cosmetology within a licensed salon for which a current, valid license is held. Such licenses are prima-facie evidence of the right of the holder to practice or teach the branch of cosmetology that the license specifies.

4713.56 Posting license or certificate.

Every holder of a practicing license, instructor license, independent contractor license, or boutique service registration issued by the state cosmetology and barber board shall maintain the board-issued, wallet-sized license or electronically generated license certification or registration and a current government-issued photo identification that can be produced upon inspection or request.

~~Every holder of a license to operate a salon issued by the board shall display the license in a public and conspicuous place in the salon.~~

Every holder of a license to operate a barber school or school of cosmetology issued by the board shall display the license in a public and conspicuous place in the school.

Every ~~individual~~person who provides cosmetic therapy, massage therapy, or other professional service in a salon under section 4713.42 of the Revised Code shall maintain the ~~individual person's~~ professional license or certificate or electronically generated license certification or registration and a state of Ohio issued photo identification that can be produced upon inspection or request.

4713.57 Expiration of licenses.

A license or registration issued by the state cosmetology and barber board pursuant to this chapter is valid until the last day of January of the odd-numbered year following its original issuance or renewal, unless the license is revoked or suspended prior to that date. Renewal shall be done in accordance with the standard renewal procedure of Chapter 4745. of the Revised Code. The board may refuse to renew a license if the ~~individual~~person holding the license has an outstanding unpaid fine levied under section 4713.64 of the Revised Code.

4713.58 Reissuance of license.

(A) Except as provided in division (B) of this section, on payment of the renewal fee and submission of proof satisfactory to the state cosmetology and barber board that any applicable continuing education requirements have been completed, ~~an individual~~person currently licensed as:

(1) A cosmetology instructor who has previously been licensed as a cosmetologist or an advanced cosmetologist, is entitled to the reissuance of a cosmetologist or advanced cosmetologist license;

(2) An esthetics instructor who has previously been licensed as an esthetician or an advanced esthetician, is entitled to the reissuance of an esthetician or advanced esthetician license;

(3) A hair design instructor who has previously been licensed as a hair designer or an advanced hair designer, is entitled to the reissuance of a hair designer or advanced hair designer license;

(4) A manicurist instructor who has previously been licensed as a manicurist or an advanced manicurist, is entitled to the reissuance of a manicurist or advanced manicurist license;

(5) A natural hair style instructor who has previously been licensed as a natural hair stylist or an advanced natural hair stylist, is entitled to the reissuance of a natural hair stylist or advanced natural hair stylist license.

(B) No individual person is entitled to the reissuance of a license under division (A) of this section if the license was revoked or suspended or the individual person has an outstanding unpaid fine levied under section 4713.64 of the Revised Code.

4713.59 Continuing education.

If the state cosmetology and barber board adopts rules under section 4713.09 of the Revised Code to establish a continuing education requirement as a condition of renewal for a practicing license, advanced license, or instructor license, the board shall inform each affected licensee of the continuing education requirement that applies to the next biennial licensing period by including that information in the renewal notification it sends the licensee. The notification shall state that the licensee must complete the continuing education requirement by the fifteenth day of January of the next odd-numbered year.

Hours completed in excess of the continuing education requirement may not be applied to the next biennial licensing period.

4713.60 Renewals.

(A) Except as provided in division (C) of this section, ~~an individual person~~ seeking a renewal of a license to practice a branch of cosmetology, advanced license, instructor license, or boutique services registration shall ~~include provide in the renewal application~~ provide satisfactory proof of completion of any applicable continuing education requirements established by rules adopted under section 4713.09 of the Revised Code.

(B) If an applicant fails to provide satisfactory proof of completion of any applicable continuing education requirements, the board shall notify the applicant that the application is incomplete. The board shall not renew the license or registration until the applicant provides satisfactory proof of completion of any applicable continuing education requirements. The board may provide the applicant with an extension of up to ninety days in which to complete the continuing education requirement. In providing for the extension, the board may charge the licensee or registrant a fine of up to one hundred dollars.

(C) The board may waive, or extend the period for completing, any continuing education requirement if a licensee or registrant applies to the board and provides proof satisfactory to the board of being unable to complete the requirement within the time allowed because of any of the following:

(1) An emergency;

(2) An unusual or prolonged illness;

(3) Active duty service in any branch of the armed forces of the United States or a reserve component of the armed forces of the United States, including the Ohio national guard or the national guard of any other state.

The board shall determine the period of time during which each extension is effective and shall inform the applicant. The board shall also inform the applicant of the continuing education requirements that must be met to have the license or registration renewed. If an extension is granted for less than one year, the continuing education requirement for that year, in addition to the required continuing education for the succeeding year, must be completed in the succeeding year. In all other cases the board may waive all or part of the continuing education requirement on a case-by-case basis. Any required continuing education shall be completed and satisfactory

proof of its completion submitted to the board by a date specified by the board. Every license or registration that has not been renewed in the timeframe specified in section 4713.57 of the Revised Code and for which the continuing education requirement has not been waived or extended shall be considered expired.

4713.61 License classified inactive.

(A) If the state cosmetology and barber board adopts a continuing education requirement under section 4713.09 of the Revised Code, it may develop a procedure by which ~~an individual person~~ who holds a license to practice a branch of cosmetology, advanced license, or instructor license and who is not currently engaged in the practice of the branch of cosmetology or teaching the theory and practice of the branch of cosmetology, but who desires to be so engaged in the future, may apply to the board to have the ~~individual person's~~ license classified inactive. If the board develops such a procedure, ~~an individual person~~ seeking to have the ~~individual person's~~ license classified inactive shall apply to the board on a form provided by the board and pay the fee established by rules adopted under section 4713.08 of the Revised Code.

(B) The board shall not restore an inactive license until ~~the later of the following:~~

~~(1) The date that the individual person holding the license submits proof satisfactory to the board that the individual person has completed the continuing education that a rule adopted under section 4713.08 of the Revised Code requires;~~

~~(2) The last day of January of the next odd-numbered year following the year the license is classified inactive.~~

~~(C) An individual who holds an inactive license may engage in the practice of a branch of cosmetology if the individual holds a temporary work permit as specified in rules adopted by the board under section 4713.08 of the Revised Code.~~

4713.62 Continuing education approval of program.

(A) ~~An~~ individual person holding a practicing license, advanced license, instructor license, or boutique services registration may satisfy a continuing education requirement established by rules adopted under section 4713.09 of the Revised Code only by completing continuing education programs approved under division (B) of this section.

(B) The state cosmetology and barber board shall approve a continuing education program if all of the following conditions are satisfied:

(1) The person operating the program submits to the board a written application for approval.

(2) The person operating the program pays to the board a fee established by rules adopted under section 4713.08 of the Revised Code.

(3) The program is operated by an employee, officer, or director of a nonprofit professional association, college or university, proprietary continuing education institutions providing programs approved by the board, vocational school, postsecondary proprietary school of cosmetology licensed by the board, salon licensed by the board, or manufacturer of supplies or equipment used in the practice of a branch of cosmetology.

(4) The program will do at least one of the following:

- (a) Enhance the professional competency of the affected licensees or registrants;
 - (b) Protect the public;
 - (c) Educate the affected licensees or registrants in the application of the laws and rules regulating the practice of a branch of cosmetology.
- (5) The person operating the program provides the board a tentative schedule of when the program will be available so that the board can make the schedule readily available to all licensees and registrants throughout the state.

4713.63 Restoring expired license.

A practicing license, advanced license, or instructor license that has not been renewed for any reason other than because it has been revoked, suspended, or classified inactive, or because the license holder has been given a waiver or extension under section 4713.60 of the Revised Code, is expired. An expired license may be restored if the ~~individual~~ person who held the license meets all of the following applicable conditions:

- (A) Pays to the state cosmetology and barber board the restoration fee established under section 4713.10 of the Revised Code;
- (B) In the case of a practicing license or advanced license that has been expired for more than two consecutive license renewal periods, completes eight hours of continuing education for each license renewal period that has elapsed since the license was last issued or renewed, up to a maximum of twenty-four hours. At least four of those hours shall include a course pertaining to ~~sanitation~~ infection control and safety methods.

~~The board shall deposit all fees it receives under division (B) of this section into the general revenue fund.~~

4713.64 Violations.

- (A) The state cosmetology and barber board may take disciplinary action under this chapter or ~~chapter 4709. of the Revised Code~~ for any of the following:
 - (1) Failure to comply with the safety, ~~sanitation~~ infection control, and licensing requirements of this chapter or chapter 4709. of the Revised Code or rules adopted under ~~either chapter~~;
 - (2) Continued practice by ~~any~~ individual ~~person~~ knowingly having an infectious or contagious disease;
 - (3) Habitual drunkenness or addiction to any habit-forming drug;
 - (4) Willful false and fraudulent or deceptive advertising;
 - (5) Falsification of any record or application required to be filed with the board;
 - (6) Failure to pay a fine or abide by a suspension order issued by the board;
 - (7) Failure to cooperate with an investigation or inspection;

(8) Failure to respond to a subpoena;

(9) Conviction of or plea of guilty to a violation of section 2905.32 of the Revised Code;

(10) In the case of a salon or barber shop, any ~~individual's~~ person's conviction of or plea of guilty to a violation of section 2905.32 of the Revised Code for an activity that took place on the premises of the salon or barber shop.

(B) On determining that there is cause for disciplinary action, the board may do one or more of the following:

(1) Deny, revoke, or suspend, or impose conditions upon a license, permit, or registration issued by the board under this chapter or chapter 4709, of the Revised Code;

(2) Impose a fine;

(3) Require the holder of a license, permit, or registration issued under this chapter or chapter 4709, of the Revised Code to take corrective action courses.

(C)

(1) Except as provided in divisions (C)(2) and (3) of this section, the board shall take disciplinary action pursuant to an adjudication under Chapter 119, of the Revised Code.

(2) The board may take disciplinary action without conducting an adjudication under Chapter 119, of the Revised Code against ~~an individual person~~ or salon or barber shop who violates division (A)(9) or (10) of this section. After the board takes such disciplinary action, the board shall give written notice to the subject of the disciplinary action of the right to request a hearing under Chapter 119, of the Revised Code.

(3) In lieu of an adjudication, the board may enter into a consent agreement with the holder of a license, permit, or registration issued under this chapter or chapter 4709, of the Revised Code. A consent agreement that is ratified by a majority vote of a quorum of the board members is considered to constitute the findings and orders of the board with respect to the matter addressed in the agreement. If the board does not ratify a consent agreement, the admissions and findings contained in the agreement are of no effect, and the case shall be scheduled for adjudication under Chapter 119, of the Revised Code.

(D) The amount and content of corrective action courses and other relevant criteria shall be established by the board in rules adopted under section 4713.08 of the Revised Code.

(E)

(1) The board may impose a separate fine for each offense listed in division (A) of this section. The amount of the first fine issued for a violation as the result of an inspection shall be not more than two hundred fifty dollars if the violator has not previously been fined for that offense. Any fines issued for additional violations during such an inspection shall not be more than one hundred dollars for each additional violation. The fine shall be not more than five hundred dollars if the violator has been fined for the same offense once before. Any fines issued for additional violations during a second inspection shall not be more than two hundred dollars for each additional violation. The fine shall be not more than one thousand dollars if the violator has been fined for the same offense two or more times before. Any fines issued for additional violations during a third inspection shall not be more than three hundred dollars for each additional violation.

(2) The board shall issue an order notifying a violator of a fine imposed under division (E)(1) of this section. The notice shall specify the date by which the fine is to be paid. The date shall be less than forty-five days after the board issues the order.

(3) At the request of a violator who is temporarily unable to pay a fine, or upon its own motion, the board may extend the time period within which the violator shall pay the fine up to ninety days after the date the board issues the order.

~~(4) If a violator fails to pay a fine by the date specified in the board's order and does not request an extension within ten days after the date the board issues the order, or if the violator fails to pay the fine within the extended time period as described in division (E)(3) of this section, the board shall add to the fine an additional penalty equal to ten per cent of the fine.~~

~~(5) If a violator fails to pay a fine within ninety days after the board issues the order, the board shall add to the fine interest at a rate specified by the board in rules adopted under section 4713.08 of the Revised Code.~~

~~(6)(4) If the fine, including any interest or additional penalty, remains unpaid on the ninety-first day after the board issues an order under division (E)(2) of this section, the amount of the fine and any interest or additional penalty shall be certified to the attorney general for collection in the form and manner prescribed by the attorney general. The attorney general may assess the collection cost to the amount certified in such a manner and amount as prescribed by the attorney general.~~

(F) In the case of an offense of failure to comply with division (A) or (B)(2) or (3) of section 4713.50 of the Revised Code, the board shall impose a fine of five hundred dollars if the violator has not previously been fined for that offense. If the violator has previously been fined for the offense, the board may impose a fine in accordance with this division or take another action in accordance with division (B) of this section.

(G) The board shall notify a licensee or registrant who is in violation of division (A) of this section and the owner of the salon ~~or barber shop~~ in which the conditions constituting the violation were found. The ~~individualperson~~ receiving the notice of violation and the owner of the salon ~~or barber shop~~ may request a hearing pursuant to section 119.07 of the Revised Code. If the ~~individualperson~~ or owner fails to request a hearing or enter into a consent agreement thirty days after the date the board, in accordance with section 119.07 of the Revised Code and division (J) of this section, notifies the ~~individualperson~~ or owner of the board's intent to act against the ~~individualperson~~ or owner under division (A) of this section, the board by a majority vote of a quorum of the board members may take the action against the ~~individualperson~~ or owner without holding an adjudication hearing.

(H) The board, after a hearing in accordance with Chapter 119. of the Revised Code or pursuant to a consent agreement, may suspend a license, permit, or registration if the licensee, permit holder, or registrant fails to correct an unsafe condition that exists in violation of the board's rules or fails to cooperate in an inspection. If a violation of this chapter ~~or chapter 4709. of the Revised Code~~ or rules adopted under ~~either chapter~~ has resulted in a condition reasonably believed by an inspector to create an immediate danger to the health and safety of any ~~individualperson~~ using the facility, the inspector may suspend the license or permit of the facility or the ~~individualperson~~ responsible for the violation without a prior hearing until the condition is corrected or until a hearing in accordance with Chapter 119. of the Revised Code is held or a consent agreement is entered into and the board either upholds the suspension or reinstates the license, permit, or registration.

(I) The board shall not take disciplinary action against ~~an individualperson~~ licensed to operate a salon, ~~barber shop, barber school,~~ or school of cosmetology for a violation of this chapter ~~or chapter~~

~~4709. of the Revised Code that was committed by an individualperson licensed to practice barbering or a branch of cosmetology, while practicing within the salon, barber shop, or school, when the individual'sperson's actions were beyond the control of the salon owner or school.~~

(J) In addition to the methods of notification required under section 119.07 of the Revised Code, the board may send the notices required under divisions (C)(2), (E)(2), and (G) of this section by any delivery method that is traceable and requires that the delivery person obtain a signature to verify that the notice has been delivered. The board also may send the notices by electronic mail, provided that the electronic mail delivery system certifies that a notice has been received.

4713.641 Complaints.

~~Any student or former student of a school of cosmetology licensed under division (A) of section 4713.44 of the Revised Codeperson may file a complaint with the state cosmetology and barber board alleging that the schoola person or a salon, barber shop, barber school, school of cosmetology, or tanning facility has violated division (A) of section 4713.64this chapter or chapter 4709. of the Revised Code or rules adopted under either chapter. The complaint shall be in writing and signed by the individual bringing the complaint. Upon receiving a complaint, the board shall initiate a preliminary investigation to determine whether it is probable that a violation was committed. If the board determines after preliminary investigation that it is not probable that a violation was committed, the board shall notify the individualperson who filed the complaint of the board's findings and that the board will not issue apursue formal complaintaction in the matter. If the board determines after a preliminary investigation that it is probable that a violation was committed, the board shallmay proceed against the schoolperson or salon, barber shop, barber school, school of cosmetology, or tanning facility pursuant to the board's authority under section 4713.64 of the Revised Code and in accordance with the hearing and notice requirements prescribed in Chapter 119. of the Revised Code. A complaint filed under this section is confidential and is not a public record under section 149.43 of the Revised Code.~~

4713.65 Effect of child support default on license.

On receipt of a notice pursuant to section 3123.43 of the Revised Code, the state cosmetology and barber board shall comply with sections 3123.41 to 3123.50 of the Revised Code and any applicable rules adopted under section 3123.63 of the Revised Code with respect to a license issued pursuant to this chapter or licenses issued pursuant to Chapter 4709. of the Revised Code.

4713.66 Investigation and inspection of premises.

~~(A) The state cosmetology and barber board, on its own motion or on receipt of a written complaint, may investigate or inspect the activities or premises of an individualperson or entity who is alleged to have violated this chapter or chapter 4709. of the Revised Code or rules adopted under either chapter, regardless of whether the individualperson or entity holds a license or registration issued under this chapter or chapter 4709. of the Revised Code.~~

~~(B) If, based on its investigation, the board determines that there is reasonable cause to believe that an individual or entity has violated this chapter or rules adopted under it, the board shall afford the individual or entity an opportunity for a hearing. Notice shall be given and any hearing conducted in accordance with Chapter 119. of the Revised Code.~~

~~(C) The board shall maintain a transcript of the hearing and issue a written opinion to all parties, citing its findings and ground for any action it takes. Any action shall be taken in accordance with section 4713.64 of the Revised Code.~~

4713.68 Compliance with law regarding sanctions for human trafficking.

The state cosmetology and barber board shall comply with section 4776.20 of the Revised Code.

4713.69 Boutique services registration.

(A) The state cosmetology and barber board shall issue a boutique services registration to an applicant who satisfies all of the following applicable conditions:

(1) Is at least sixteen years of age;

~~(2) Is of good moral character;~~

~~(3) Has the equivalent of an Ohio public school tenth grade education;~~

~~(4)~~(2) Has submitted a written application on a form prescribed by the board containing all of the following:

(a) The applicant's name and home address;

(b) The applicant's home telephone number and cellular telephone number, if any;

(c) The applicant's electronic mail address, if any;

(d) The applicant's date of birth;

~~(e) The address and telephone number where boutique services will be performed. The address shall not contain a post office box number.~~

~~(f)~~(e) Whether the applicant has an occupational license, certification, or registration to provide beauty services in another state, and if so, what type of license and in what state;

~~(g)~~(f) Whether the applicant has ever had an occupational license, certification, or registration suspended, revoked, or denied in any state;

~~(h)~~(g) An affidavit or certificate providing proof of formal training or apprenticeship under ~~an individual person~~ providing such services.

~~(B) The place of business where boutique services are performed must comply with the safety and sanitation requirements for licensed salon facilities as described in section 4713.41 of the Revised Code.~~

~~(C)~~(B) The board shall specify the manner by which boutique services registrants shall fulfill the continuing education requirements set forth in section 4713.09 of the Revised Code.

4713.99 Penalty.

Whoever violates ~~section~~sections 4709.02 or 4713.14 of the Revised Code is guilty of a misdemeanor of the fourth degree on a first offense; on each subsequent offense, such ~~individual~~person is guilty of a misdemeanor of the third degree.

STATE DENTAL BOARD (DEN)

General information (DEN)

Duties

The vision, mission and core values are presented below.

Vision Statement

Healthy Ohioans through excellence in dentistry.

Mission Statement

The State Dental Board is entrusted to promote service excellence in dentistry and to protect the public through licensure, education and enforcement of standards with fairness and integrity.

Core Values

The core values of the State Dental Board are imbedded in the acronym S.E.R.V.I.C.E. as follows:

S – Stewardship

E – Excellence

R – Respect

V – Virtuousness

I – Integrity

C – Communication

E – Ethics

Membership *(Current members, chairperson and other officers, and selection process.)*

The Dental Board consists of 13 members who are appointed by the Governor. Nine of the members are dentists, three are dental hygienists and one is a public member. Listed below are the current board members:

Dr. Kumar Subramanian, Dentist, President

Dr. Canise Bean, Dentist, Vice-president

Dr. Timothy Kyger, Dentist, Secretary

Dr. Andrew Zucker, Dentist, Vice-secretary

Dr. Ted Bauer, Dentist

Dr. Faisal Quereshy, Dentist

Dr. Kathy Brisley-Sedon, Dentist

Dr. Murali Lakireddy, Dentist

Dr. Paul Kelley, Dentist

Ms. Jamillee Krob, Dental Hygienist

Ms. Mary Kaye Scaramucci, Dental Hygienist

Ms. Michele Carr, Dental Hygienist

Vacant, Public member

Budget *(Current budget, description of budgeting process, sources of funding, and expected increases or decreases in budget or funding in future years.)*

The Dental Board's budget is prepared in accordance with the process set forth by OBM. A biennial budget request is prepared based on historical expenditures, anticipated needs and anticipated revenue. Once the Blue Book is made available, the Board then provides budget testimony in front of committees in the House and the Senate. Once the biennial budget is signed off by the Governor, the Board implements the enacted budget. Expenditures are closely tracked to ensure they are within budget. Revenue is tracked to ensure that it is in line with projections.

Budget *(Current budget, description of budgeting process, sources of funding, and expected increases or decreases in budget or funding in future years.)*

In odd-numbered fiscal years, less revenue is collected resulting in a deficit. However, this deficit is offset by a surplus in even-numbered fiscal years when more revenue is collected. This anomaly is due to the revenue pattern of lower cost license renewals (e.g. EFDAs & Radiographers) occurring in odd-numbered fiscal years and higher cost license renewals (e.g. Dentists & Dental Hygienists) occurring in even-numbered fiscal years. Over the typical biennium budget cycle, the Board runs a slight surplus in aggregate.

The Dental Board has only one source of funding and that is from initial application fees and renewal fees for licenses, registrations, certificates and permits. There is no GRF funding or grant funding received by the Board.

Please refer to the accompanying Statement of Revenues and Expenses for FY 19 and FY 20.

**STATEMENT OF REVENUES AND EXPENSES
FY 19 and FY 20**

	FY19 (odd year)	FY20 (even year)
REVENUE:		
LICENSURE FEES	\$797,174.50	\$3,289,515.00
EXPENSES:		
PAYROLL	\$1,144,733.48	\$1,172,396.99
PURCHASED PERSONNEL SERVICES	\$40,481.73	\$32,901.50
Administrative	164.00	0.00
Consultants & Experts	28,834.19	24,791.50
State & Vendor offered Training	3,750.00	1,900.00
Survey services	0.00	0.00
Membership Dues	7,535.00	6,210.00
Witness Fees	198.54	0.00
SUPPLIES & MAINTENANCE	\$341,019.03	\$389,258.75
Office Supplies, Equipment & Repairs	4,911.76	2,925.81
Copy, Print, Scan Equip<\$1,000	8658	344.41
Medical Licenses & Permits	188.19	125.50
General Travel & Expenses	27,966.43	23,429.45
ISTV/DAS	267,261.29	279,025.97
IT/Software/Equipment/Perpetual License	3,150.00	3,150.00
Network Communications	11,672.23	12,349.88
Bank Fees for electronic licensing transactions	14,086.43	66,353.42
Books/Subscriptions	1,410.00	1,244.00
Park/Storage/Messenger/Janitorial/Toll/Equip	1,714.70	310.31
OFFICE EQUIPMENT SERVICE	\$0.00	\$0.00
IT Equipment/End User	0	0.00
REFUNDS	\$0.00	\$4,320.00
TOTAL REVENUE	\$797,174.50	\$3,289,515.00
TOTAL EXPENSES	\$1,526,234.24	\$1,598,877.24
SURPLUS or (DEFICIT)	(\$729,059.74)	\$1,690,637.76

Budget *(Current budget, description of budgeting process, sources of funding, and expected increases or decreases in budget or funding in future years.)*

The Board's revenues are expected to remain stable over the next few years. This is because the source of funding is derived solely from licensing fees and renewals which are not expected to fluctuate significantly.

In terms of expenditures, the Board anticipates an inflationary increase in overall cost of operations including overhead costs allocated by DAS such as eLicense system maintenance and upgrades, back-office transactional costs, etc

Workload *(Assess current, past, and anticipated workload. Has the workload increased or decreased significantly in the preceding six years?)*

The Dental Board's work may be divided in three broad categories:

- Licensure
- Enforcement
- Education

The workload in all three areas has remained fairly steady over the last several years with the usual ebb and flow. A noteworthy item is that the workload in licensure decreased when the Board went to a paperless system with eLicense. This allowed for efficiencies such as receiving information via email or portal instead of traditional mail delivery. There was a significant reduction in data entry that needed to be performed previously from hardcopy forms to an electronic form. Also, payments are now received electronically rather than hardcopy checks.

In future years, the Board anticipates the number of complaints and investigations to increase due to dental consumers being better informed and educated on their rights when seeing a dentist.

With regards to continuing education, the Board is searching for a perpetual auditing system that is able to verify C.E. courses taken by licensees on a real-time basis as opposed to a manual system that is labor-intensive.

Staffing (*How many staff are currently employed by the board? What are their roles? Are staffing levels proportionate to the board's current and anticipated workload?*)

There are 14 staff positions consisting of the following:

Executive Director – provides leadership, strategic direction and overall oversight in conjunction with the Board President.

Attorney – provides Executive Director and Board members with legal counsel on matters of significant importance.

Chief of Operations & Legislative Affairs – troubleshoots daily operational issues, monitors legislative matters, responds to media inquiries and acts on behalf of the Executive Director as needed.

Fiscal Officer – responsible for setting up the budget, tracking expenditures, completes fiscal transactions and advises the Executive Director on fiscal matters.

Licensing Coordinator – responsible for the processing of license applications and renewals; communicating with applicants on their requests; and interfacing with eLicense staff (DAS) on software troubleshooting and upgrades.

Enforcement Coordinator – responsible for tracking and sending hearing notices and enforcement correspondence to licensees and complainants on behalf of the attorney, Board Secretary or Executive Director; acts as a back-up for Licensing Coordinator during peak renewal season.

Education Coordinator – responsible for completing audits of continuing education requirements for licensees; interfaces with licensees and course providers on C.E. requirements; provides administrative support for scheduling and notetaking at Board meetings.

Investigators (4 filled; 2 vacant) – the Board receives between 400 and 500 complaints annually. In the last few years, the Board has instilled a much greater sense of integrity with the investigative process and disposition of investigations by the Supervisory Investigative Panel consisting of two dentist board members. In order to promote efficiencies, investigators are leveraging technology to obtain patient records and conducting remote interviews as opposed to driving to each location across the state. This is not always possible especially with egregious violations which require a site visit. The Board is currently evaluating the need to fill the two vacant positions.

Receptionist – the receptionist is seated at a window facing the point of entry into the Board office in the Riffe Center. She works on greeting and directing visitors to appropriate staff along with answering the telephone.

Administrative hearings and public complaints *(Describe the Board's processes for administering discipline and addressing complaints. Assess the efficiency of the processes.)*

Complaints and Disciplinary Process (step-by-step)

1. Board receives a typical complaint via email, postal mail, telephone call or inperson.
2. Complaint is reviewed by staff to ensure the Board has jurisdiction.
3. If it does fall within the Board's jurisdiction then it is assigned to an investigator.
4. If it does not fall within the Board's jurisdiction then it is forwarded to the Supervisory Investigative Panel (S.I.P. consisting of 2 dentists that are current board members) for concurrence. A letter is sent to the complainant that their matter is non-jurisdictional and a referral is made to another board or agency if applicable.
5. In step 3, when an investigator is assigned a complaint to investigate, he or she opens a case file and begins the investigative process.
6. The investigative process may require as little as an email dialogue or phone interview with the named licensee and/or complainant at one end of the spectrum or it may require a site visit to the licensee's practice involving extensive interviews with the licensee and his/her employees including observation of the practice.
7. The investigator will determine any necessary records that need to be obtained from the licensee's practice. An approval to obtain these records is made through the Board attorney, Assistant Attorney General, the two dentists on the Supervisory Investigative Panel and the Executive Director.
8. The Enforcement Coordinator prepares to send to the licensee, a cover letter and subpoena that requires the signature of the S.I.P., Board attorney and the Executive Director. The licensee is generally given 15 days to send all relevant information and documentation to the Board office.
9. Once the investigator has collected all relevant information such as patient charts, xrays, appointment log and so forth, a case summary is completed and submitted to the Board's attorney/Deputy Director.
10. The Board's attorney/Deputy Director reviews the case file for completeness and then forwards the case summary to the Supervisory Investigative Panel (S.I.P.) and copies the Executive Director.
11. The S.I.P. panel conducts a thorough review of the case summary and the case file.
12. The S.I.P. panel may consult with the Assistant Attorney General for legal guidance.
13. The S.I.P. may deem it necessary to obtain additional records. Accordingly, another subpoena is prepared and sent to the licensee.

Administrative hearings and public complaints *(Describe the Board's processes for administering discipline and addressing complaints. Assess the efficiency of the processes.)*

14. The S.I.P. may deem that a dentist expert's opinion is needed. The person selected by the S.I.P. is one who has expertise and credentials in the area of dentistry under investigation. The expert will submit their report to the Board office and the S.I.P. will review it before moving forward.

15. If the S.I.P. panel determines they have sufficient information to make a recommendation to the full-board for voting purposes then they will advise the Board attorney of such a recommendation.

16. The S.I.P. panel's recommendation may consist of any of the following:

a. Close case – due to non-jurisdictional or insufficient evidence to take any further action.

b. Warning letter – a confidential warning letter is issued to the licensee if there is sufficient evidence to prove that there has generally been a minor violation of the Dental Practice Act.

c. Consent agreement – a consent agreement may be signed and agreed to by the licensee if there is sufficient evidence to indicate that there may have generally been a moderate to major violation of the Dental Practice Act. The consent agreement could consist of the licensee agreeing to take remedial education to correct a significant deficit in practice or agrees to limit their scope of practice so as to not have a repeated failure in the same area of dental practice, etc.

d. Notice of Opportunity for a Hearing (N.O.H.) – an N.O.H. is issued to the licensee if the Board believes that there is sufficient evidence to indicate that there may have generally been a major violation of the Dental Practice Act.

i. An O.R.C. 119 administrative hearing is held in front of an impartial attorney Hearing Officer whereby the licensee and the Board present their arguments.

ii. The Hearing Officer reviews all information that has been submitted and seeks clarification from both parties as needed.

iii. Within 30 days, the Hearing Officer files a report of findings, evidence, transcript and recommendation with the Board and licensee. The Board attorney then shares the report with the S.I.P. panel, Assistant Attorney General and Executive Director.

iv. The S.I.P. panel and the Assistant Attorney General then make a recommendation for appropriate administrative action to the fullboard for voting purposes. The licensee is entitled to an appearance in front of the full-board and the Assistant Attorney General while the board members deliberate on the action to be taken.

v. The full-board goes into Executive Session or Quasi-Judicial Session with the Assistant Attorney General to seek any clarification or legal guidance needed. Upon conclusion of the session, the Board votes on whether to accept, reject or modify the recommendation of the Hearing Officer.

Administrative hearings and public complaints *(Describe the Board's processes for administering discipline and addressing complaints. Assess the efficiency of the processes.)*

vi. An adjudication order is then served to the licensee which may generally consist of a probation, suspension, revocation of license or dismissal.

vii. The licensee has the due process right to appeal the adjudication order and the matter could then enter the court system for deliberation.

viii. If at any point during this entire hearing process there is mutual agreement to settle the case then a consent agreement is drafted and signed by both parties.

This process ensures that Ohioans oral health is protected while affording licensees due process rights when a complaint is filed, an investigation has been completed and appropriate disciplinary action is taken. The Supervisory Investigative Panel consists of 2 dentists who are Board members. Having two members as opposed to just one member on the panel helps add objectivity, independence and integrity in the investigative process.

Dentist license

Survey responses (DEN)

Description

Any person shall be regarded as practicing dentistry, who is a manager, proprietor, operator, or conductor of a place for performing dental operations, or who teaches clinical dentistry, or who performs, or advertises to perform, dental operations of any kind, or who diagnoses or treats diseases or lesions of human teeth or jaws, or associated structures, or attempts to correct malpositions thereof, or who takes impressions of the human teeth or jaws, or who constructs, supplies, reproduces, or repairs any prosthetic denture, bridge, artificial restoration, appliance, or other structure to be used or worn as a substitute for natural teeth, except upon the order or prescription of a licensed dentist and constructed upon or by the use of casts or models made from an impression taken by a licensed dentist, or who advertises, offers, sells, or delivers any such substitute or the services rendered in the construction, reproduction, supply, or repair thereof to any person other than a licensed dentist, or who places or adjusts such substitute in the oral cavity of another, or uses the words "dentist," "dental surgeon," the letters "D.D.S.," or other letters or title in connection with his name, which in any way represents him as being engaged in the practice of dentistry. (ORC 4715.01)

Type (See R.C. 4798.01 for relevant definitions.)

License

If the regulation is a registration, certification, or license requirement, please complete the following:

Number issued annually	371 issued in FY 19 338 issued in FY 20 Lower number in FY 20 is probably attributed to the COVID-19 pandemic which delayed the administering of clinical examinations for some graduates.
Number renewed annually	7,461 in FY 19 7,156 in FY 20
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	It has generally hovered around the 7,000 mark.
Education or training requirements	Be a graduate of an accredited dental college or of a dental college located outside the United States who meets the standards adopted under section 4715.11 of the Revised Code;
Experience requirements	None

If the regulation is a registration, certification, or license requirement, please complete the following:

Examination requirements *(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?)*

Have passed parts I and II of the examination given by the National Board of Dental Examiners (NBDE);

Have passed a written jurisprudence examination administered by the state dental board under division (E)(2) of section 4715.03 of the Revised Code;

Have taken an examination administered by any of the following regional testing agencies and received a passing score on the examination as determined by the administering agency: the Central Regional Dental Testing Service, Inc. (CRDTS), Northeast Regional Board of Dental Examiners, Inc. (NERB), The Commission on Dental Competency Assessments (CDCA), The Southern Regional Dental Testing Agency, Inc.(SRTA), The Council of Interstate Testing Agencies, Inc. (CITA), or The Western Regional Examining Board (WREB);

The Board does not receive any proceeds of the fees associated with any exam.

Continuing education requirements *(Including a description of the curriculum and the process of setting it.)*

Each licensed dentist shall complete biennially not less than forty hours of continuing dental education, which may include, but is not limited to, attendance at lectures, study clubs, college and postgraduate courses, or scientific sessions of conventions, research, graduate study, teaching, service as a clinician, or correspondence courses. Continuing dental education programs include, but are not limited to, programs that address any of the following:

- (1) Competency in treating patients who are medically compromised or who experience medical emergencies during the course of dental treatment;
- (2) Knowledge of pharmaceutical products and the protocol of the proper use of medications;
- (3) Competency to diagnose oral pathology;
- (4) Awareness of currently accepted methods of infection control;
- (5) Basic medical and scientific subjects including, but not limited to, biology, physiology, pathology, biochemistry, and pharmacology;
- (6) Clinical and technological subjects including, but not limited to, clinical techniques and procedures, materials, and equipment;
- (7) Subjects pertinent to health and safety

If the regulation is a registration, certification, or license requirement, please complete the following:	
	Mandatory opioid prescribing education - continuing education experiences pertaining to the prescribing of opioids for acute, subacute and chronic pain. The licensee must obtain a minimum of two hours of continuing education in this category. No maximum number of hours exist for this category.
Initial fee	For license to practice dentistry, two hundred sixty-seven dollars if issued in an odd-numbered year or four hundred fifty-four dollars if issued in an even-numbered year;
Duration	Each person who is licensed to practice dentistry in Ohio shall, on or before the first day of January of each even-numbered year, register with the state dental board.
Renewal fee <i>(If different from initial fee, please explain why.)</i>	Payment of a biennial registration fee of three hundred twelve dollars
Does the Board recognize uniform licensure requirements or allow for reciprocity?	Reciprocity Possess a license in good standing from another state and have actively engaged in the legal and reputable practice of dentistry in another state or in the armed forces of the United States, the United States public health service, or the United States department of veterans' affairs for five years immediately preceding application. In lieu of a Regional Board only, all other requirements must be met.
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	No
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	No

If the regulation is a registration, certification, or license requirement, please complete the following:

<p>Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?</p>	<p>No</p>
<p>Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)</p>	<p>N/A</p>

Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.

A concurrence of a majority of the members of the board shall be required to do any of the following:

- (1) Grant, refuse, suspend, place on probationary status, revoke, refuse to renew, or refuse to reinstate a license or censure a license holder or take any other action authorized under section 4715.30 of the Revised Code;
- (2) Seek an injunction under section 4715.05 of the Revised Code;
- (3) Enter into a consent agreement with a license holder;
- (4) If the board develops and implements the quality intervention program under section 4715.031 of the Revised Code, refer a license holder to the program;
- (5) Terminate an investigation conducted under division (D) of this section;
- (6) Dismiss any complaint filed with the board.

The board shall administer and enforce the provisions of this chapter. The board shall, in accordance with sections 4715.032 to 4715.035 of the Revised Code, investigate evidence which appears to show that any person has violated any provision of this chapter.

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?

The initial fee is \$267 in odd years and \$454 in even years for a duration of a maximum of 2 years, expiring on December 31 of an even year. The renewal fee is \$312 for two years. About \$2,184,000 is generally collected over a 2-year period and it goes into the 4K90 Fund where the Board's appropriations are funded.

Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?

There are Federal law statutes that apply generally to healthcare practitioners and employers such as HIPAA, which governs protected health information, DEA regulations which relate to the handling of controlled substances, and OSHA standards that regulate workplace safety, but we are not aware of any federal laws that apply solely to dentistry, or federal laws that require the state to regulate dentistry.

What is the "harm" that the regulation seeks to prevent? (See, R.C. 4798.02(B).)

This agency governs the qualifications for and the practice of dentistry within the state. The laws aim to protect the public health and safety and provide consumer protection. Specifically, the regulations seek to prevent various harms such as death, pain, or physical harm to patients from unnecessary or improperly performed dental procedures or administration of anesthesia; pain, addiction, death, or unnecessary side effects from improper prescribing of drugs; illness or death to patients or employees resulting from improper infection control procedures; financial harm resulting from fraudulent billing practices or false or misleading advertising; and physical and emotional trauma resulting from sexual misconduct towards a patient.

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

The regulation is effective in ensuring dentists are qualified to provide dental service that meet at least the minimum standard of care. The regulation ensures that dentists and licensees entering the profession meet educational, training, and examination requirements to demonstrate competence, and continuing education to maintain competence. The regulation authorizes discipline for dentists who do not meet the minimum standard of care, improperly prescribe drugs, or engage in fraudulent billing or false or misleading advertising. The regulation also authorize discipline for criminal felonies and misdemeanors in the course of practice. The regulation also authorizes discipline for lewd or immoral conduct. In addition, the regulation allows the Board to take action when licensees have a substance abuse issue or are physically or mentally impaired in a way that impairs their ability to practice safely. Furthermore, there is a pathway to ensure dentists in violation of the Dental Practice Act are held accountable and directed to seek appropriate counseling or education to address their area of deficit, or the Board can suspend or revoke licenses when appropriate. The existence of these regulations deters dentists from engaging in these practices, provides a means of improving their performance when issues arise, or gives the Board the authority to remove licensees from practice to protect the public. Without regulation, the public would be left to determine on its own whether a dentist is competent to practice or has engaged in improper conduct, with little expertise in what training is required or what practices are within the standard of care.

Are there any changes the Board would like to see implemented?

The Board is currently researching the newer forms of administering clinical examinations for graduating dental and dental hygiene students that are non-patient based. It is conceivable that the Board may seek rule changes to accommodate the evolution of exams for future graduates of dental and dental hygiene programs.

Comparison to other states (How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)

All states regulate the practice of dentistry. Ohio appears to have middle-of-the-road regulations for dentistry.

Surrounding state comparison (LSC)

Dentist						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (<i>R.C. 4715.09</i>)	Yes (<i>Ind. Code Ann. 25-14-1-1</i>)	Yes (<i>Ky. Rev. Stat. Ann. 313.030</i>)	Yes (<i>Mich. Comp. Laws 333.16611</i>)	Yes (<i>49 Pa. Code 33.101</i>)	Yes (<i>W. Va. Code Ann. 30-4-1</i>)
Education or training	Graduate from an accredited dental college or a foreign dental college that meets specified standards (<i>R.C. 4715.10; O.A.C. 4715-5-01.1</i>)	Graduate from a Dental Board-recognized dental college (<i>Ind. Code Ann. 25-14-1-3; 828 Ind. Admin. Code 1-1-1</i>)	Graduate from a Commission of Dental Accreditation (CODA)-accredited dental school (<i>201 Ky. Admin. Regs. 8:532, Section 2</i>)	Graduate from a Dental Board-approved dental school (<i>Mich. Comp. Laws 333.16174; Mich. Admin. Code R. 338.11202</i>)	Graduate from a CODA-accredited or provisionally accredited dental school (<i>49 Pa. Code 33.102 and 33.103; Pennsylvania Licensing System, Application Checklist for Dentist License by Examination</i>)	Graduate from a CODA-accredited dental school or a dental school with equivalent requirements approved by the Dental Board (<i>W. Va. Code Ann. 30-4-8; W. Va. Code R. 5-9-4 and 5-9-3</i>)

Dentist						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Experience	Yes, if licensed in another state or a graduate of an unaccredited foreign dental college (<i>R.C. 4715.10(C) to (E); O.A.C. 4715-5-01.1 and 4715-18-01</i>)	Yes, if licensed in another state or a graduate of an unaccredited foreign dental college (<i>Ind. Code Ann. 25-14-1-4.5 and 24-14-1-16; 828 Ind. Admin. Code 1-1-1</i>)	Yes, if a graduate of a non-CODA accredited dental program (<i>201 Ky. Admin. Regs. 8:532</i>)	Yes, for a graduate of a school that is not approved by the Dental Board (<i>Mich. Comp. Laws 333.16174; Mich. Admin. Code R. 338.11202</i>)	Yes, if licensed in another state or country (<i>49 Pa. Code 33.107; Pennsylvania Licensing System, Application Checklist for Dentist License by Criteria Approval</i>)	No
Exam	Yes	Yes	Yes	Yes	Yes	Yes
Continuing education	Yes, at least 40 hours biennially; two of the 40 must pertain to the prescribing of opioids for acute, subacute, and chronic pain (this latter requirement ceases for the biennium beginning January 1, 2024) (<i>R.C. 4715.141; O.A.C. 4715-8-01</i>)	Yes, at least 20 credit hours biennially; two of the 20 must pertain to opioid prescribing and abuse (<i>Ind. Code Ann. 25-14-3-8 and 35-48-3-3.5</i>)	Yes, at least 30 hours biennially; dentists authorized to administer and prescribe controlled substances must obtain at least three of these hours related to Kentucky's prescription monitoring program (KASPER), pain management, or	Yes, at least 60 hours triennially; three of the 60 must be in pain management and symptom management (<i>Mich. Admin. Code R. 338.11701</i>) Beginning with the 2020 renewal cycle, licensees must have completed training in identifying victims	Yes, at least 30 hours biennially; two of the 30 must pertain to pain management, identification of addiction, or the practice of prescribing or dispensing of opioids (<i>49 Pa. Code 33.105 and 33.401; 35 Pa. Cons. Stat. 872.9a</i>)	Yes, at least 35 hours biennially Beginning within one year of receiving initial license, must complete at least three hours of training each biennium on drug diversion, best practice prescribing of controlled substances, and administration of

Dentist						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
			addiction disorders (201 Ky. Admin. Regs. 8:532)	of human trafficking prior to being issued a license; the training must only be completed once (Mich. Admin. Code R. 338.1123)		an opioid antagonist. Must also show proof of CPR certification (W. Va. Code R. 5-11-3)
Initial licensure fee	\$454 (R.C. 4715.13)	\$250 (828 Ind. Admin. Code 0.5-2-3)	\$325 (201 Ky. Admin. Regs. 8:520)	\$316.20 (Mich. Comp. Laws 333.16174; Michigan Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, Dentist Licensing Guide)	\$200 (49 Pa. Code 33.3)	\$185 (\$200 if licensed in another state) (W. Va. Code R. 5-3-2)
License duration	Two years (R.C. 4715.14)	Two years (Ind. Code Ann. 25-14-3-6)	Two years (Ky. Rev. Stat. Ann. 313.030)	Three years (Mich. Admin. Code R. 338.7002)	Two years (49 Pa. Code 33.3)	One year (W. Va. Code R. 5-1-8)
Renewal fee	\$454 (R.C. 4715.13)	\$100 (828 Ind. Admin. Code 0.5-2-3)	\$295 (201 Ky. Admin. Regs. 8:520)	\$290.70 (Mich. Comp. Laws 16174; Michigan Department of Licensing and	\$263 (49 Pa. Code 33.3)	\$185 (W. Va. Code R. 5-3-2)

Dentist						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
				<i>Regulatory Affairs, Bureau of Professional Licensing, Dentist Licensing Guide</i>		

Permit to supervise a dental hygienist for an Oral Health Access Supervision Program

Survey responses (DEN)

Description
<p>A dentist who holds a current, valid oral health access supervision permit issued under section 4715.362 of the Revised Code may authorize a dental hygienist who holds a current, valid permit issued under section 4715.363 of the Revised Code to perform dental hygiene services at a facility when no dentist is physically present if all of the following conditions are met:</p> <p>(1) The authorizing dentist's authorization is in writing and includes, at a minimum, all of the following:</p> <ul style="list-style-type: none"> (a) The authorizing dentist's name and permit number; (b) The dental hygienist's name and permit number; (c) The patient's name; (d) The name and address of the location where the dental hygiene services are to be provided; (e) The date of authorization; (f) A statement, signed by the dental hygienist, that the hygienist agrees to comply with section 4715.366 of the Revised Code. <p>(2) The authorizing dentist has personally evaluated the dental hygienist's skills prior to authorizing the dental hygienist to provide the dental hygiene services.</p>

Description

(3) Prior to authorizing the dental hygienist to perform the dental hygiene services, the patient's medical and dental history is made available to the authorizing dentist and the authorizing dentist reviews and evaluates the history and determines that the patient may safely receive dental hygiene services.

(4) Immediately prior to the provision of dental hygiene services, the patient or patient's representative verifies, by the signature or mark of the patient or representative, that no medically significant changes to the patient's medical or dental history have occurred since the authorizing dentist most recently reviewed and evaluated the history and determined that the patient could safely receive dental hygiene services. The signature or mark may be provided through reasonable accommodation, including the use of assistive technology or augmentative devices.

(5) Prior to receiving dental hygiene services, the patient and the operator of the facility where the dental hygiene services are to be provided are notified that no dentist will be present at the location and that the dental hygienist is prohibited from doing either of the following:

(a) Diagnosing the patient's oral health care status;

(b) Providing dental hygiene services to the same patient on a subsequent occasion until the patient has received a clinical evaluation performed by a dentist, except in instances described in division (D)(2) of this section.

(6) The dental hygienist is employed by, or under contract with, one of the following:

(a) The authorizing dentist;

(b) A dentist who is any of the following:

(i) The authorizing dentist's employer;

(ii) A shareholder in a professional association, formed under Chapter 1785. of the Revised Code, of which the authorizing dentist is a shareholder;

(iii) A member or manager of a limited liability company, formed under Chapter 1705. of the Revised Code, of which the authorizing dentist is a member or manager;

(iv) A shareholder in a corporation, formed under division (B) of section 1701.03 of the Revised Code, of which the authorizing dentist is a shareholder;

(v) A partner or employee of a partnership, formed under Chapter 1775. of the Revised Code, of which the authorizing dentist is a partner or employee;

Description

- (vi) A partner or employee of a limited liability partnership, formed under Chapter 1775. of the Revised Code, of which the authorizing dentist is a partner or employee.
- (c) A government entity that employs the dental hygienist to provide dental hygiene services;
- (d) An entity that employs the authorizing dentist so long as the dentist’s practice is not in violation of section 4715.18 of the Revised Code.

Type (See R.C. 4798.01 for relevant definitions.)

Permit (License) – Dentists and dental hygienists may apply for an OHASP permit.

If the regulation is a registration, certification, or license requirement, please complete the following:

Number issued annually	6 permits issued in FY 19 8 permits issued FY 20
Number renewed annually	45 permits renewed in FY 19 35 permits renewed in FY 20;
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	There has been an average of about 38 active permits over the last few years

If the regulation is a registration, certification, or license requirement, please complete the following:	
Education or training requirements	Ohio licensed dentist
Experience requirements	Ohio licensed dentist
Examination requirements (<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
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	None
Initial fee	Application fee of twenty dollars
Duration	An oral health access supervision permit issued under section 4715.362 of the Revised Code expires on the thirty-first day of December of the odd-numbered year that occurs after the permit's issuance.
Renewal fee (<i>If different from initial fee, please explain why.</i>)	A renewal fee of twenty dollars.
Does the Board recognize uniform licensure requirements or allow for reciprocity?	Uniform licensure requirements

If the regulation is a registration, certification, or license requirement, please complete the following:

<p>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</p>	<p>No</p>
<p>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?</p>	<p>No</p>
<p>Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?</p>	<p>No</p>
<p>Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)</p>	<p>N/A</p>

Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.

A concurrence of a majority of the members of the board shall be required to do any of the following:

- (1) Grant, refuse, suspend, place on probationary status, revoke, refuse to renew, or refuse to reinstate a license or censure a license holder or take any other action authorized under section 4715.30 of the Revised Code;
- (2) Seek an injunction under section 4715.05 of the Revised Code;
- (3) Enter into a consent agreement with a license holder;
- (4) If the board develops and implements the quality intervention program under section 4715.031 of the Revised Code, refer a license holder to the program;
- (5) Terminate an investigation conducted under division (D) of this section;
- (6) Dismiss any complaint filed with the board.

Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.

The board shall administer and enforce the provisions of this chapter. The board shall, in accordance with sections 4715.032 to 4715.035 of the Revised Code, investigate evidence which appears to show that any person has violated any provision of this chapter.

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?

Initial fee is \$20 for 2 years expiring at the same time as the dental license expires. Renewal fee is \$20 for 2 years expiring at the same time as the dental license expires. About \$500 is generally collected annually and it goes into the 4K90 Fund where the Board's appropriations are funded.

Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?

Same as dentist license

What is the “harm” that the regulation seeks to prevent? (See, R.C. 4798.02(B).)

Same as dentist license

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

Same as dentist license

Are there any changes the Board would like to see implemented?

None

Comparison to other states *(How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)*

We are not aware of a source that has this information compiled for other states.

Dental limited resident license

Survey responses (DEN)

Description

The state dental board may without examination issue a limited resident's license to any person who is a graduate of a dental college, is authorized to practice in another state or country or qualified to take the regular licensing examination in this state, and furnishes the board satisfactory proof of having been appointed a dental resident at an accredited dental college in this state or at an accredited program of a hospital in this state, but has not yet been licensed as a dentist by the board. Any person receiving a limited resident's license may practice dentistry only in connection with programs operated by the dental college or hospital at which the person is appointed as a resident as designated on the person's limited resident's license, and only under the direction of a licensed dentist who is a member of the dental staff of the college or hospital or a dentist holding a current limited teaching license issued under division (B) of this section, and only on bona fide patients of such programs. The holder of a limited resident's license may be disciplined by the board pursuant to section 4715.30 of the Revised Code.

Type (See R.C. 4798.01 for relevant definitions.)

License

If the regulation is a registration, certification, or license requirement, please complete the following:

Number issued annually

134 issued in FY 19

118 issued in FY 20

Number renewed annually

Non-renewable, only issued for term of residency program.

Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?

There are generally about 300 resident licenses active at any time

Education or training requirements

Must be a graduate of a dental college, is authorized to practice in another state or country or qualified to take the regular licensing examination in this state, and furnishes the board satisfactory proof of having been appointed a dental resident at an accredited dental college in this state or at an accredited program of a hospital in this state, but has not yet been licensed as a dentist by the board.

Experience requirements

None

If the regulation is a registration, certification, or license requirement, please complete the following:

<p>Examination requirements (<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>None</p>
<p>Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)</p>	<p>None</p>
<p>Initial fee</p>	<p>Fee of thirteen dollars</p>
<p>Duration</p>	<p>The limited resident's license is valid for the term of the residency program for which the applicant has applied.</p>
<p>Renewal fee (<i>If different from initial fee, please explain why.</i>)</p>	<p>None</p>
<p>Does the Board recognize uniform licensure requirements or allow for reciprocity?</p>	<p>Uniform licensure requirement</p>
<p>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</p>	<p>No</p>

If the regulation is a registration, certification, or license requirement, please complete the following:

<p>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?</p>	<p>No</p>
<p>Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?</p>	<p>No</p>
<p>Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)</p>	<p>N/A</p>

Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.

A concurrence of a majority of the members of the board shall be required to do any of the following:

- (1) Grant, refuse, suspend, place on probationary status, revoke, refuse to renew, or refuse to reinstate a license or censure a license holder or take any other action authorized under section 4715.30 of the Revised Code;
- (2) Seek an injunction under section 4715.05 of the Revised Code;
- (3) Enter into a consent agreement with a license holder;
- (4) If the board develops and implements the quality intervention program under section 4715.031 of the Revised Code, refer a license holder to the program;
- (5) Terminate an investigation conducted under division (D) of this section;
- (6) Dismiss any complaint filed with the board.

The board shall administer and enforce the provisions of this chapter. The board shall, in accordance with sections 4715.032 to 4715.035 of the Revised Code, investigate evidence which appears to show that any person has violated any provision of this chapter

**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?**

The initial fee is \$13 and there is no renewal offered as it license expires at the end of the residency program. About \$1,500 is generally collected annually and it goes into the 4K90 Fund where the Board's appropriations are funded.

Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?

Same as dentist license

What is the "harm" that the regulation seeks to prevent? (See, R.C. 4798.02(B).)

Same as dentist license

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

Same as dentist license

Are there any changes the Board would like to see implemented?

None

Comparison to other states *(How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)*

We are not aware of a source that has this information compiled for other states.

Surrounding state comparison (LSC)

Dental Limited Resident's License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (<i>R.C. 4715.16; O.A.C. 4715-7-01</i>)	Yes – limited dental residency permit (<i>Ind. Code Ann. 25-14-1-5</i>)	Yes – student limited licensure (<i>201 Ky. Admin. Regs. 8:532</i>)	Yes – limited license (<i>Mich. Comp. Laws 333.16182 and 333.16611; Mich. Admin. Code R. 338.11247</i>)	No, the Dental Board no longer requires postgraduate trainees to register (<i>Email correspondence from Pennsylvania State Board of Dentistry, April 17, 2020</i>)	Yes – dental intern or resident permit (<i>W. Va. Code R. 5-9-8</i>)
Education or training	Graduate from a dental college accredited by the Commission on Dental Accreditation (CODA) or the Accreditation Council for Graduate Medical Education (ACGME) or approved by the Board; be authorized to practice in	The license is issued <i>to a dental school</i> for use by a student or former student who is enrolled in an accredited dental residency or fellowship program (<i>Ind. Code Ann. 25-14-1-5</i>)	Be accepted into a postgraduate, residency, or fellowship program in Kentucky (<i>201 Ky. Admin. Regs. 8:532; Kentucky Board of Dentistry, Initial Licensure – Student Limited Licensure</i>)	Graduate from a Board-approved dental program and be enrolled or involved in a postgraduate course of study (<i>Mich. Comp. Laws 333.16174 and 333.16182; Mich. Admin. Code R. 338.11247</i>)	Graduate from a Board-approved dental program and be enrolled in a postgraduate course of study (<i>Email correspondence from Pennsylvania State Board of Dentistry, April 17, 2020</i>)	Graduate from a Board-approved dental college, school, or dental department of a university (<i>W. Va. Code R. 5-9-8</i>)

Dental Limited Resident's License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	another state or country or qualified to take Ohio's regular licensing examination; and be appointed as a dental resident at an accredited dental college in Ohio or at an accredited program of an Ohio hospital but not yet be licensed as an Ohio dentist (<i>R.C. 4715.16; O.A.C. 4715-7-01</i>)					
Experience	No	No	No	No	No	No
Exam	No	No	Yes, Dental Board's jurisprudence examination (<i>201 Ky. Admin. Regs. 8:532</i>)	No	No	Yes, pass the examination administered by the Joint Commission on National Dental Examinations and the West Virginia Dental Law

Dental Limited Resident's License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
						Examination (<i>W. Va. Code R. 5-9-8</i>)
Continuing education	N/A	N/A	N/A	N/A, except that beginning with the 2020 renewal cycle, licensees must have completed training in identifying victims of human trafficking prior to being issued a license. The training must only be completed once (<i>Mich. Admin. Code R. 338.1123</i>)	N/A	N/A
Initial licensure fee	\$13 (<i>R.C. 4715.16</i>)	\$100 (<i>Ind. Admin. Code 0.5-2-3</i>)	\$325 (<i>201 Ky. Admin. Regs. 8:520; Kentucky Board of Dentistry, Instructions for Student Limited Licensure</i>)	\$51; controlled substance license fee is \$91.90 (<i>Mich. Comp. Laws 16174; Michigan Department of Licensing and Regulatory Affairs, Bureau of</i>	\$75 (not a licensure fee, but a notification fee paid by the postgraduate training program) (<i>49 Pa. Code 33.3</i>)	\$200 plus \$50 for investigation of qualification for the permit (<i>W. Va. Code R. 5-3-2</i>)

Dental Limited Resident's License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
				<i>Professional Licensing, Dentist Educational Limited Licensing Guide)</i>		
License duration	Valid for the term of the residency program (O.A.C. 4715-7-01)	One year (<i>Ind. Code Ann. 25-14-1-5</i>)	Automatically expires upon the termination of the holder's status as a student (201 Ky. Admin. Regs. 8:532)	One year (<i>Mich. Admin. Code R. 338.11247</i>)	N/A	One year (<i>W. Va. Code R. 5-1-3</i>)
Renewal fee	N/A	\$50 (<i>Ind. Admin. Code 0.5-2-3</i>)	\$325 (201 Ky. Admin. Regs. 8:520; Kentucky Board of Dentistry, <i>Instructions for Student Limited Licensure</i>)	\$71; controlled substance license renewal fee is \$91.90 (<i>Mich. Admin. Code R. 338.16174; Michigan Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, Dentist Educational Limited Licensing Guide</i>)	N/A	\$200 (<i>W. Va. Code R. 5-3-2</i>)

Dental limited teaching license

Survey responses (DEN)

Description

The board may without examination issue a limited teaching license to a dentist who is a graduate of a dental college, is authorized to practice dentistry in another state or country, and has full-time appointment to the faculty of the endorsing dental college. A limited teaching license is subject to annual renewal in accordance with the standard renewal procedure of Chapter 4745. of the Revised Code, and automatically expires upon termination of the full-time faculty appointment. A person holding a limited teaching license may practice dentistry only in connection with programs operated by the endorsing dental college. The board may discipline the holder of a limited teaching license pursuant to section 4715.30 of the Revised Code.

Type *(See R.C. 4798.01 for relevant definitions.)*

License

If the regulation is a registration, certification, or license requirement, please complete the following:

Number issued annually	3 issued in FY 19 3 issued in FY 20
Number renewed annually	39 renewed in FY 19 37 renewed in FY 20

If the regulation is a registration, certification, or license requirement, please complete the following:	
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	The average has been around 35 active licenses.
Education or training requirements	A dentist who is a graduate of a dental college, is authorized to practice dentistry in another state or country
Experience requirements	None
Examination requirements (<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
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	None
Initial fee	Payment of one hundred twenty-seven dollars
Duration	A limited teaching license is subject to annual renewal, and automatically expires upon termination of the full-time faculty appointment.
Renewal fee (<i>If different from initial fee, please explain why.</i>)	One hundred twenty-seven dollars

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?	Uniform licensure requirements
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	No
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	No
Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?	No
Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)	N/A

Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.

A concurrence of a majority of the members of the board shall be required to do any of the following:

- (1) Grant, refuse, suspend, place on probationary status, revoke, refuse to renew, or refuse to reinstate a license or censure a license holder or take any other action authorized under section 4715.30 of the Revised Code;
- (2) Seek an injunction under section 4715.05 of the Revised Code;
- (3) Enter into a consent agreement with a license holder;

Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.

(4) If the board develops and implements the quality intervention program under section 4715.031 of the Revised Code, refer a license holder to the program;

(5) Terminate an investigation conducted under division (D) of this section;

(6) Dismiss any complaint filed with the board. The board shall administer and enforce the provisions of this chapter.

The board shall, in accordance with sections 4715.032 to 4715.035 of the Revised Code, investigate evidence which appears to show that any person has violated any provision of this chapter.

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?

The initial fee is \$127 and expires at the end of 1 year. It has to be renewed if still teaching beyond 1 year at \$127 annually. About \$4,500 is generally collected annually and it goes into the 4K90 Fund where the Board's appropriations are funded.

Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?

Same as dentist license

What is the “harm” that the regulation seeks to prevent? (See, R.C. 4798.02(B).)

Same as dentist license

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

Same as dentist license

Are there any changes the Board would like to see implemented?

None

Comparison to other states (How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)

We are not aware of a source that has this information compiled for other states.

Surrounding state comparison (LSC)

Dental Limited Teaching License (aka Dental Faculty License or Teaching Permit)						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (R.C. 4715.16)	Yes (Ind. Code Ann. 25-14-1-5.5)	Yes (201 Ky. Admin. Regs. 8:532)	Yes (Mich. Comp. Laws 333.16182 and 333.16611; Mich. Admin. Code R. 338.11247)	No, the Dental Board no longer requires this license The dental school employing the dentist notifies the Board of the employment (Email correspondence from Pennsylvania State Board of Dentistry, April 17, 2020)	Yes (W. Va. Code R. 5-9-9)

Dental Limited Teaching License (aka Dental Faculty License or Teaching Permit)

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Education or training	<p>Graduate from a dental college</p> <p>Be authorized to practice dentistry in another state or country</p> <p>Have a full-time appointment to the faculty of the endorsing dental college</p> <p>Verify knowledge of Ohio's laws governing dentists <i>(R.C. 4715.16; O.A.C. 4715-7-02)</i></p>	<p>Graduate from an American Dental Association-recognized dental program, as determined by the Dental Board</p> <p>Be employed by a recognized dental school <i>(Ind. Code Ann. 25-14-1-5.5)</i></p>	<p>Be appointed as faculty with one of Kentucky's dental schools and hold a dental degree <i>(201 Ky. Admin. Regs. 8:532)</i></p>	<p>Graduate from a Board-approved dental program and be employed as a faculty member at a dental or dental auxiliary program <i>(Mich. Comp. Laws 333.16174 and 333.16182; Mich. Admin. Code R. 338.11247)</i></p>	<p>Be employed as a faculty member at a dental school <i>(Email correspondence from the Dental Board, April 17, 2020)</i></p>	<p>Be employed by a dental school or academic medical center and submit evidence of credentialing standards of a CODA- or Joint Commission-accredited dental school or an academic medical center with which the person is to be affiliated <i>(W. Va. Code R. 5-9-9)</i></p>
Experience	No	No	No	No	No	No
Exam	No	No	Yes, pass the Dental Board's jurisprudence exam <i>(201 Ky. Admin. Regs. 8:532)</i>	No	No	Yes, successful completion of the examination administered by the Joint Commission on National Dental Examinations and pass the West

Dental Limited Teaching License (aka Dental Faculty License or Teaching Permit)						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
						Virginia Dental Law Examination (<i>W. Va. Code R. 5-9-9</i>)
Continuing education	N/A	N/A	N/A	N/A, except that beginning with the 2020 renewal cycle, licensees must have completed training in identifying victims of human trafficking prior to being issued a license; he training must only be completed once (<i>Mich. Admin. Code R. 338.1123</i>)	N/A	N/A
Initial licensure fee	\$127 (<i>R.C. 4715.16</i>)	\$250 (<i>Ind. Admin. Code 0.5-2-3</i>)	\$325 (<i>201 Ky. Admin. Regs. 8:520; Kentucky Board of Dentistry, Instructions for</i>	\$51; controlled substance license fee is \$91.90 (<i>Mich. Comp. Laws 16174; Michigan Department of Licensing and</i>	\$75 (not a licensure fee, but a notification fee paid by the dental school employer) (<i>49 Pa. Code 33.3</i>)	\$200 plus \$50 for investigation of qualification for the permit (<i>W. Va. Code R. 5-3-2</i>)

Dental Limited Teaching License (aka Dental Faculty License or Teaching Permit)

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
			<i>Faculty Limited Licensure)</i>	<i>Regulatory Affairs, Bureau of Professional Licensing, Dentist Clinical Academic Limited Licensing Guide and Dentist Nonclinical Academic Limited Licensing Guide)</i>		
License duration	One year, but automatically expires upon termination of the full-time faculty appointment (<i>R.C. 4715.16</i>)	One year (<i>828 Ind. Admin. Code 0.5-2-3</i>)	Automatically expires upon the termination of the holder’s status as a faculty member, but must be renewed every two years (<i>201 Ky. Admin. Regs. 8:532</i>)	One year (<i>Mich. Admin. Code R. 338.11247</i>)	N/A	One year (<i>W. Va. Code R. 5-1-3</i>)
Renewal fee	\$127 (<i>R.C. 4715.16</i>)	\$50 (<i>828 Ind. Admin. Code 0.5-2-3</i>)	\$325 (<i>201 Ky. Admin. Regs. 8:532; Kentucky Board of Dentistry, Instructions for Faculty Limited Licensure)</i>	\$71; controlled substance license renewal fee is \$91.90 (<i>Mich. Comp. Laws 16174; Michigan Department of Licensing and Regulatory</i>	N/A	\$200 (<i>W. Va. Code R. 5-3-2</i>)

Dental Limited Teaching License (aka Dental Faculty License or Teaching Permit)						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
				<i>Affairs, Bureau of Professional Licensing, Dentist Clinical Academic Limited Licensing Guide and Dentist Nonclinical Academic Limited Licensing Guide)</i>		

Dental temporary limited continuing education license

Survey responses (DEN)

Description
The board shall, without examination, issue a temporary limited continuing education license to a resident of a state other than Ohio who is licensed to practice dentistry in such state and is in good standing, is a graduate of an accredited dental college, and is registered to participate in the endorsing practicum. The determination of whether a dentist is in good standing shall be made by the board.

Type (See R.C. 4798.01 for relevant definitions.)

License

If the regulation is a registration, certification, or license requirement, please complete the following:

Number issued annually

53 issued in FY 19
43 issued in FY 20

Number renewed annually

57 renewed in FY 19
55 renewed in FY 20

Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?

There has been an almost 50% increase in the last few years as the demand for continuing education increases.

Education or training requirements

Licensed to practice dentistry in another state and is in good standing and is a graduate of an accredited dental college.

Experience requirements

None

If the regulation is a registration, certification, or license requirement, please complete the following:

<p>Examination requirements (<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>None</p>
<p>Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)</p>	<p>None</p>
<p>Initial fee</p>	<p>Payment of one hundred twenty-seven dollars</p>
<p>Duration</p>	<p>A temporary limited continuing education license shall be valid only when the dentist is participating in the endorsing continuing dental education practicum and shall expire at the end of one year</p>
<p>Renewal fee (<i>If different from initial fee, please explain why.</i>)</p>	<p>If the dentist fails to complete the endorsing practicum in one year, the board may, upon the dentist's application and payment of a fee of ninety-four dollars, renew the temporary limited continuing education license for a consecutive one-year period. Only two renewals may be granted.</p>
<p>Does the Board recognize uniform licensure requirements or allow for reciprocity?</p>	<p>Uniform licensure requirements</p>
<p>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</p>	<p>No</p>

If the regulation is a registration, certification, or license requirement, please complete the following:

<p>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?</p>	<p>No</p>
<p>Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?</p>	<p>No</p>
<p>Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)</p>	<p>N/A</p>

Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.

A concurrence of a majority of the members of the board shall be required to do any of the following:

- (1) Grant, refuse, suspend, place on probationary status, revoke, refuse to renew, or refuse to reinstate a license or censure a license holder or take any other action authorized under section 4715.30 of the Revised Code;
- (2) Seek an injunction under section 4715.05 of the Revised Code;
- (3) Enter into a consent agreement with a license holder;
- (4) If the board develops and implements the quality intervention program under section 4715.031 of the Revised Code, refer a license holder to the program;
- (5) Terminate an investigation conducted under division (D) of this section;
- (6) Dismiss any complaint filed with the board. The board shall administer and enforce the provisions of this chapter.

The board shall, in accordance with sections 4715.032 to 4715.035 of the Revised Code, investigate evidence which appears to show that any person has violated any provision of this chapter.

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?

The initial fee is \$127 and expires at the end of 1 year. The renewal fee is \$94 for one year. About \$6,300 is generally collected annually and it goes into the 4K90 Fund where the Board's appropriations are funded.

Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?

Same as dentist license

What is the "harm" that the regulation seeks to prevent? (See, R.C. 4798.02(B).)

Same as dentist license

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

Same as dentist license

Are there any changes the Board would like to see implemented?

None.

Comparison to other states *(How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)*

We are not aware of a source that has this information compiled for other states.

Dental hygienist license

Survey responses (DEN)

Description

The practice of a dental hygienist shall consist of those prophylactic, preventive, and other procedures that licensed dentists are authorized by this chapter and rules of the dental board to assign only to licensed dental hygienists or to qualified personnel under section 4715.39 of the Revised Code.

Type *(See R.C. 4798.01 for relevant definitions.)*

License

If the regulation is a registration, certification, or license requirement, please complete the following:

Number issued annually

307 issued in FY 19

101 issued in FY 20

Number renewed annually

8,728 renewed in FY 19

8,265 renewed in FY 20

If the regulation is a registration, certification, or license requirement, please complete the following:

<p>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</p>	<p>The number of dental hygienist licenses issued in FY 20 is much lower than previous years because of the impact of the COVID-19 pandemic. Clinical examinations offered by national testing organizations were delayed to prevent inadvertent spread of the coronavirus as students would be in close physical contact with patients. Traditional examinations have focused around patientbased testing. However, the profession has evolved and non-patient based exams are being offered using manikins especially in light of the pandemic. In order to accommodate the needs of the Class of 2020, the Board made an exception to allow manikin-based exams as an acceptable form of testing through the end of calendar year 2020. In the meantime, the Board is researching the possibility of accepting other forms of non-patient based examinations such as simulation and computerized methods. Additionally, the Board urged national testing organizations to offer the clinical examinations more frequently and at more locations so as to not delay any further the graduation and eventual licensing of the dental hygiene Class of 2020. To that end, the national testing agencies began offering examinations again in May after a pause of 2 months.</p>
<p>Education or training requirements</p>	<p>Be a graduate of an accredited school of dental hygiene</p>
<p>Experience requirements</p>	<p>None</p>
<p>Examination requirements <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>Provides evidence of successfully passing all components based on a conjunctive scoring method of one of the following regional board examinations: The North East Regional Board of Dental Examiners, Inc. (NERB), The Central Regional Dental Testing Service, Inc. (CRDTS), The Southern Regional Testing Agency, Inc. (SRTA), or The Western Regional Examining Board (WREB).</p> <p>Have successfully passed all parts of the examination given by the Joint Commission on National Dental Examinations (JCNBDE);</p>
<p>Continuing education requirements <i>(Including a description of the curriculum and the process of setting it.)</i></p>	<p>A minimum of twenty-four hours of continuing dental hygiene education.</p> <p>Mandatory opioid prescribing education - continuing education experiences pertaining to the prescribing of opioids for acute, subacute and chronic pain. The licensee must obtain a minimum</p>

If the regulation is a registration, certification, or license requirement, please complete the following:	
	of two hours of continuing education in this category. No maximum number of hours exist for this category.
Initial fee	Fee of one hundred twenty dollars if the license is issued in an odd-numbered year or one hundred eighty-four dollars if issued in an even-numbered year
Duration	Each person who is licensed to practice as a dental hygienist in Ohio shall, on or before the first day of January of each evennumbered year, register with the state dental board.
Renewal fee <i>(If different from initial fee, please explain why.)</i>	Payment of a biennial registration fee of one hundred forty-four dollars
Does the Board recognize uniform licensure requirements or allow for reciprocity?	Reciprocity Holds a license in good standing from another state and has actively engaged in the legal and reputable practice of dental hygiene in another state or in the armed forces of the United States, the United States public health service, or the United States department of veterans' affairs for five years immediately preceding application; - In lieu of a Regional Board only, all other requirements must be met.
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	No
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	No
Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?	No

If the regulation is a registration, certification, or license requirement, please complete the following:

Other information (*Significant attributes or prerequisites to licensure not addressed in this chart.*)

N/A

Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.

A concurrence of a majority of the members of the board shall be required to do any of the following:

- (1) Grant, refuse, suspend, place on probationary status, revoke, refuse to renew, or refuse to reinstate a license or censure a license holder or take any other action authorized under section 4715.30 of the Revised Code;
- (2) Seek an injunction under section 4715.05 of the Revised Code;
- (3) Enter into a consent agreement with a license holder;
- (4) If the board develops and implements the quality intervention program under section 4715.031 of the Revised Code, refer a license holder to the program;
- (5) Terminate an investigation conducted under division (D) of this section;
- (6) Dismiss any complaint filed with the board. The board shall administer and enforce the provisions of this chapter.

The board shall, in accordance with sections 4715.032 to 4715.035 of the Revised Code, investigate evidence which appears to show that any person has violated any provision of this chapter.

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?

The initial fee is \$127 in odd years and \$184 in even years for a duration of a maximum of 2 years, expiring on December 31 of an even year. The renewal fee is \$144 for two years. About \$1,180,800 is generally collected over a 2-year period and it goes into the 4K90 Fund where the Board's appropriations are funded.

Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?

Same as dentist license.

What is the “harm” that the regulation seeks to prevent? (See, R.C. 4798.02(B).)

Same as dentist license.

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

Same as dentist license.

Are there any changes the Board would like to see implemented?

The Board is currently researching the newer forms of administering clinical examinations for graduating dental and dental hygiene students that are non-patient based. It is conceivable that the Board may seek rule changes to accommodate the evolution of exams for future graduates of dental and dental hygiene programs.

Comparison to other states *(How many other states regulate the occupation? How do Ohio’s regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)*

All states regulate the practice of dentistry. Ohio appears to have middle-of-the-road regulations for dentistry.

Surrounding state comparison (LSC)

Dental Hygienist						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (<i>R.C. 4715.20</i>)	Yes (<i>Ind. Code Ann. 25-13-1-3 and 25-13-1-4</i>)	Yes (<i>Ky. Rev. Stat. Ann. 313.070</i>)	Yes (<i>Mich. Comp. Laws 333.16611</i>)	Yes (<i>49 Pa. Code 33.101</i>)	Yes (<i>W. Va. Code Ann. 30-4-1</i>)
Education or training	Graduate from an accredited dental hygiene school	Graduate from a school for dental hygienists that is	Graduate from a CODA-accredited dental hygiene	Graduate from a CODA-accredited and Dental Board-	Graduate from a CODA-accredited or provisionally	Graduate from a Board-approved dental hygiene

Dental Hygienist						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<i>(R.C. 4715.21; O.A.C. 4715-9-03)</i>	CODA-accredited, recognized by the Dental Board, and requires a formal training course of not less than two years of eight months each <i>(Ind. Code Ann. 25-13-1-6)</i>	school or college or a dental hygiene department of a university <i>(201 Ky. Admin. Regs. 8:562)</i>	approved dental hygiene school or college <i>(Mich. Comp. Laws 333.16611; Mich. Admin. Code R. 338.11221)</i>	accredited dental school, or a dental school approved by a U.S. Department of Education-recognized regional accrediting agency <i>(49 Pa. Code 33.102 and 33.103; Pennsylvania Licensing System, Application Checklist for Dental Hygienist License by Examination)</i>	program of a college, school, or the dental department of a university <i>(W. Va. Code Ann. 30-4-10; W. Va. Code R. 5-9-5)</i>
Experience	No	No	No	No	No	No
Exam	Yes <i>(R.C. 4715.21; O.A.C. 4715-9-03)</i>	Yes <i>(Ind. Code Ann. 25-13-1-6)</i>	Yes <i>(201 Ky. Admin. Regs. 8:562)</i>	Yes <i>(Mich. Comp. Laws 333.16611; Mich. Admin. Code R. 338.11221)</i>	Yes <i>(49 Pa. Code 33.102 and 33.103; Pennsylvania Licensing System, Application Checklist for Dental Hygienist License by Examination)</i>	Yes <i>(W. Va. Code Ann. 30-4-10; W. Va. Code R. 5-9-5)</i>

Dental Hygienist						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
					<i>License by Examination)</i>	
Continuing education	Yes, at least 24 hours biennially (<i>R.C. 4715.25 and 4715.251; O.A.C. 4715-8-04</i>)	Yes, at least 19 hours biennially (<i>Ind. Code Ann. 25-13-2-6</i>)	Yes, at least 30 hours biennially (<i>201 Ky. Admin. Regs. 8:562</i>)	Yes, at least 36 hours triennially (<i>Mich. Admin. Code R. 338.11704</i>) Beginning with the 2020 renewal cycle, licensees must have completed training in identifying victims of human trafficking prior to being issued a license; the training must only be completed once (<i>Mich. Admin. Code R. 338.1123</i>)	Yes, at least 20 hours biennially (<i>49 Pa. Code 33.401</i>)	Yes, at least 20 hours biennially Within one year of receiving initial license, must complete at least three hours of training on drug diversion, best practice prescribing of controlled substances, and prescribing and administration of an opioid antagonist (<i>W. Va. Code R. 5-11-3</i>)
Initial licensure fee	\$184 (<i>R.C. 4715.21</i>)	\$100 (<i>828 Ind. Admin. Code 0.5-2-4</i>)	\$125 (<i>201 Ky. Admin. Regs. 8:520</i>)	\$96.90 (<i>Mich. Comp. Laws 333.16174; Michigan Department of</i>	\$75 (<i>49 Pa. Code 33.3</i>)	First pathway: \$75 plus \$20 law exam fee.

Dental Hygienist						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
				<i>Licensing and Regulatory Affairs, Bureau of Professional Licensing, Registered Dental Hygienist Licensing Guide)</i>		Second pathway: \$100 plus \$20 exam fee <i>(W. Va. Code R. 5-3-4)</i>
License duration	Two years (<i>R.C. 4715.21 and 4715.24</i>)	Two years (<i>Ind. Code Ann. 25-13-2-4</i>)	Two years (<i>Ky. Rev. Stat. Ann. 313.030</i>)	Three years (<i>Mich. Admin. Code R. 338.7002</i>)	Two years (<i>49 Pa. Code 33.105</i>)	One year (<i>W. Va. Code R. 5-1-8</i>)
Renewal fee	\$144 (<i>R.C. 4715.24</i>)	\$50 (<i>828 Ind. Admin. Code 0.5-2-4</i>)	\$75 (<i>201 Ky. Admin. Regs. 8:520</i>)	\$76.50 (<i>Mich. Comp. Laws 16174; Michigan Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, Registered Dental Hygienist Licensing Guide)</i>	\$42 (<i>49 Pa. Code 33.3</i>)	\$75, but \$65 if dental hygienist is employed by a public health agency (<i>W. Va. Code R. 5-3-4</i>)

Permit for a dental hygienist to provide service as part of the Oral Health access Supervision Program

Survey responses (DEN)

Description

A dentist who holds a current, valid oral health access supervision permit issued under section 4715.362 of the Revised Code may authorize a dental hygienist who holds a current, valid permit issued under section 4715.363 of the Revised Code to perform dental hygiene services at a facility when no dentist is physically present if all of the following conditions are met:

(1) The authorizing dentist's authorization is in writing and includes, at a minimum, all of the following:

(a) The authorizing dentist's name and permit number;

(b) The dental hygienist's name and permit number;

(c) The patient's name;

(d) The name and address of the location where the dental hygiene services are to be provided;

(e) The date of authorization;

(f) A statement, signed by the dental hygienist, that the hygienist agrees to comply with section 4715.366 of the Revised Code.

(2) The authorizing dentist has personally evaluated the dental hygienist's skills prior to authorizing the dental hygienist to provide the dental hygiene services.

(3) Prior to authorizing the dental hygienist to perform the dental hygiene services, the patient's medical and dental history is made available to the authorizing dentist and the authorizing dentist reviews and evaluates the history and determines that the patient may safely receive dental hygiene services.

(4) Immediately prior to the provision of dental hygiene services, the patient or patient's representative verifies, by the signature or mark of the patient or representative, that no medically significant changes to the patient's medical or dental history have occurred since the authorizing dentist most recently reviewed and evaluated the history and determined that the patient could safely receive dental hygiene services. The signature or mark may be provided through reasonable accommodation, including the use of assistive technology or augmentative devices.

(5) Prior to receiving dental hygiene services, the patient and the operator of the facility where the dental hygiene services are to be provided are notified that no dentist will be present at the location and that the dental hygienist is prohibited from doing either of the following:

Description

- (a) Diagnosing the patient's oral health care status;
- (b) Providing dental hygiene services to the same patient on a subsequent occasion until the patient has received a clinical evaluation performed by a dentist, except in instances described in division (D)(2) of this section.
- (6) The dental hygienist is employed by, or under contract with, one of the following:
 - (a) The authorizing dentist;
 - (b) A dentist who is any of the following:
 - (i) The authorizing dentist's employer;
 - (ii) A shareholder in a professional association, formed under Chapter 1785. of the Revised Code, of which the authorizing dentist is a shareholder;
 - (iii) A member or manager of a limited liability company, formed under Chapter 1705. of the Revised Code, of which the authorizing dentist is a member or manager;
 - (iv) A shareholder in a corporation, formed under division (B) of section 1701.03 of the Revised Code, of which the authorizing dentist is a shareholder;
 - (v) A partner or employee of a partnership, formed under Chapter 1775. of the Revised Code, of which the authorizing dentist is a partner or employee;
 - (vi) A partner or employee of a limited liability partnership, formed under Chapter 1775. of the Revised Code, of which the authorizing dentist is a partner or employee.
 - (c) A government entity that employs the dental hygienist to provide dental hygiene services;
 - (d) An entity that employs the authorizing dentist so long as the dentist's practice is not in violation of section 4715.18 of the Revised Code.

Type (See R.C. 4798.01 for relevant definitions.)

Permit (License) – Dentists and dental hygienists may apply for an OHASP permit.

If the regulation is a registration, certification, or license requirement, please complete the following:

Number issued annually

6 issued in FY 19
8 issued in FY 20

Number renewed annually

101 renewed in FY 19
101 renewed in FY 20

Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?

There has been an average of about 100 active permits over the last few years.

Education or training requirements

The applicant shall provide evidence satisfactory to the board that the applicant has done all of the following:

- (1) Completed at least one year and attained a minimum of one thousand five hundred hours of experience in the clinical practice of dental hygiene;
- (2) Completed at least twenty-four hours of continuing dental hygiene education during the two years immediately preceding submission of the application;
- (3) Completed a course pertaining to the practice of dental hygiene under the oral health access supervision of a dentist that meets standards established in rule 4715-9- 06.1 of the Administrative Code;

If the regulation is a registration, certification, or license requirement, please complete the following:	
	<p>(4) Completed, during the two years immediately preceding application, a course pertaining to the identification and prevention of potential medical emergencies that is the same as the course described in division (C)(2) of section 4715.22 of the Revised Code.</p> <p>The state dental board shall issue a permit to practice under the oral health access supervision of a dentist to a dental hygienist who is in good standing with the board and meets all of the requirements.</p>
Experience requirements	Completed at least one year and attained a minimum of one thousand five hundred hours of experience in the clinical practice of dental hygiene;
Examination requirements (<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
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	None
Initial fee	Application fee of twenty dollars
Duration	A permit to practice under the oral health access supervision of a dentist issued under section 4715.363 of the Revised Code expires on the thirty-first day of December of the odd numbered year that occurs after the permit's issuance.
Renewal fee (<i>If different from initial fee, please explain why.</i>)	Pay a renewal fee of twenty dollars

If the regulation is a registration, certification, or license requirement, please complete the following:

<p>Does the Board recognize uniform licensure requirements or allow for reciprocity?</p>	<p>Uniform licensure requirements</p>
<p>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</p>	<p>No</p>
<p>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?</p>	<p>No</p>
<p>Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?</p>	<p>No</p>
<p>Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)</p>	<p>N/A</p>

Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.

A concurrence of a majority of the members of the board shall be required to do any of the following:

- (1) Grant, refuse, suspend, place on probationary status, revoke, refuse to renew, or refuse to reinstate a license or censure a license holder or take any other action authorized under section 4715.30 of the Revised Code;
- (2) Seek an injunction under section 4715.05 of the Revised Code;
- (3) Enter into a consent agreement with a license holder;

Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.

(4) If the board develops and implements the quality intervention program under section 4715.031 of the Revised Code, refer a license holder to the program;

(5) Terminate an investigation conducted under division (D) of this section;

(6) Dismiss any complaint filed with the board. The board shall administer and enforce the provisions of this chapter.

The board shall, in accordance with sections 4715.032 to 4715.035 of the Revised Code, investigate evidence which appears to show that any person has violated any provision of this chapter.

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?

Initial fee is \$20 for 2 years expiring at the same time as the dental hygienist license expires. Renewal fee is \$20 for 2 years expiring at the same time as the dental hygienist license expires. About \$1000 is generally collected annually and it goes into the 4K90 Fund where the Board's appropriations are funded.

Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?

Same as dentist license.

What is the “harm” that the regulation seeks to prevent? (See, R.C. 4798.02(B).)

Same as dentist license.

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

Same as dentist license.

Are there any changes the Board would like to see implemented?

None.

Comparison to other states *(How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)*

We are not aware of a source that has this information compiled for other states.

Dental hygiene teacher's certificate

Survey responses (DEN)

Description

The state dental board may without examination issue a teacher's certificate to a dental hygienist, authorized to practice in another state or country. A teacher's certificate shall be subject to annual renewal in accordance with the standard renewal procedure of sections 4745.01 to 4745.03 of the Revised Code, and shall not be construed as authorizing anything other than teaching or demonstrating the skills of a dental hygienist in the educational programs of the accredited dental hygiene school which endorsed the application.

Type *(See R.C. 4798.01 for relevant definitions.)*

Certificate (License) – dental hygienists may apply for a dental hygiene teaching certificate.

If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	0 in FY 19 0 in FY 20
Number renewed annually	0 in FY 19 0 in FY 20
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	The Board has not received any applications for dental hygiene teaching certificates.
Education or training requirements	Graduate of an accredited dental hygiene program.
Experience requirements	A dental hygienist, authorized to practice in another state or country.
Examination requirements (<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.
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	None.
Initial fee	Payment of seventy-three dollars

If the regulation is a registration, certification, or license requirement, please complete the following:	
Duration	A teacher's certificate shall be subject to annual renewal
Renewal fee <i>(If different from initial fee, please explain why.)</i>	Payment of seventy-three dollars
Does the Board recognize uniform licensure requirements or allow for reciprocity?	Uniform licensure requirements
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	No
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	No
Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?	No
Other information <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i>	N/A

Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.

A concurrence of a majority of the members of the board shall be required to do any of the following:

- (1) Grant, refuse, suspend, place on probationary status, revoke, refuse to renew, or refuse to reinstate a license or censure a license holder or take any other action authorized under section 4715.30 of the Revised Code;
- (2) Seek an injunction under section 4715.05 of the Revised Code;
- (3) Enter into a consent agreement with a license holder;
- (4) If the board develops and implements the quality intervention program under section 4715.031 of the Revised Code, refer a license holder to the program;
- (5) Terminate an investigation conducted under division (D) of this section;
- (6) Dismiss any complaint filed with the board.

The board shall administer and enforce the provisions of this chapter. The board shall, in accordance with sections 4715.032 to 4715.035 of the Revised Code, investigate evidence which appears to show that any person has violated any provision of this chapter.

**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?**

0 – We have never had an applicant for this license type.

Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?

Same as dentist license.

What is the “harm” that the regulation seeks to prevent? (See, R.C. 4798.02(B).)

Same as dentist license.

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

Same as dentist license.

Are there any changes the Board would like to see implemented?

The Board will discuss the need for this license type with stakeholders as there have never been any applicants.

Comparison to other states (*How many other states regulate the occupation? How do Ohio’s regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?*)

We are not aware of a source that has this information compiled for other states.

Surrounding state comparison (LSC)

Dental Hygiene Teacher’s Certificate Program (aka Dental Hygienist Clinical Academic Limited License or Restricted Faculty License)

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes, if not already licensed to practice dental hygiene in Ohio (R.C. 4715.27)	N/A (see 828 Ind. Admin. Code 5-1-1, which refers to only dentists being eligible for instructor permits)	N/A (Email from Jeffrey Allen, MPA, Executive Director, Kentucky Board of Dentistry,	Yes, if not already licensed to practice dental hygiene in Michigan (Mich. Comp. Laws 333.16182; Mich.	N/A (LSC staff was unable to locate a license of this type. Staff contacted the Pennsylvania State Board of	Yes, if not already licensed to practice dental hygiene in West Virginia (Email from the West Virginia Board of

Dental Hygiene Teacher's Certificate Program (aka Dental Hygienist Clinical Academic Limited License or Restricted Faculty License)

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
			<i>September 11, 2020)</i>	<i>Admin. Code R. 338.11247)</i>	<i>Dentistry, but did not receive a reply)</i>	<i>Dentistry, April 29, 2020)</i>
Education or training	<p>Be authorized to practice dental hygiene in another state or country</p> <p>Submit to the Dental Board an application, certified by the administrator of the accredited dental hygiene program where the applicant is authorized to teach, containing a signed statement by the applicant that he or she is knowledgeable regarding Ohio's dental laws</p> <p><i>(R.C. 4715.27; O.A.C. 4715-9-04)</i></p>	N/A	N/A	<p>Graduate from an accredited dental hygiene school and be employed as a faculty member at a dental or dental auxiliary program</p> <p><i>(Mich. Comp. Laws 333.16174 and 333.16182; Mich. Admin. Code R. 338.11247)</i></p>	N/A	<p>Be employed with an accredited dental school or academic medical center</p> <p><i>(W. Va. Code R. 5-9-9)</i></p>

Dental Hygiene Teacher's Certificate Program (aka Dental Hygienist Clinical Academic Limited License or Restricted Faculty License)

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Experience	No	N/A	N/A	No	No	No
Exam	No	N/A	N/A	No	No	Yes (<i>W. Va. Code R. 5-9-9</i>)
Continuing education	N/A	N/A	N/A	N/A, except that beginning with the 2020 renewal cycle, licensees must have completed training in identifying victims of human trafficking prior to being issued a license. The training must only be completed once (<i>Mich. Admin. Code R. 338.1123; Michigan Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, Registered Dental</i>)	N/A	N/A

Dental Hygiene Teacher's Certificate Program (aka Dental Hygienist Clinical Academic Limited License or Restricted Faculty License)

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
				<i>Hygienist Clinical Academic Limited Licensing Guide)</i>		
Initial licensure fee	\$73 (R.C. 4715.27)	N/A	N/A	\$30.60 (Mich. Comp. Laws 333.16174; Michigan Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, <i>Registered Dental Hygienist Clinical Academic Limited Licensing Guide)</i>	N/A	\$100 (W. Va. Code 5-3-4)
License duration	One year (R.C. 4715.27)	N/A	N/A	One year (Mich. Admin. Code R. 338.11247)	N/A	One year (W. Va. Code R. 5-1-8)
Renewal fee	\$73 (R.C. 4715.27; Ohio State Dental Board, <i>Licensure – Dental Hygienist Teacher's Certificate)</i>	N/A	N/A	\$50.60 (Mich. Comp. Laws 333.16174; Michigan Department of Licensing and Regulatory Affairs, Bureau of	N/A	\$100 (W. Va. Code 5-3-4)

Dental Hygiene Teacher's Certificate Program (aka Dental Hygienist Clinical Academic Limited License or Restricted Faculty License)						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
				<i>Professional Licensing, Registered Dental Hygienist Clinical Academic Limited Licensing Guide)</i>		

Expanded function dental auxiliary registration

Survey responses (DEN)

Description
<p>The practice of an expanded function dental auxiliary shall consist of the following:</p> <ol style="list-style-type: none"> (1) Procedures involved in the placement of restorative materials limited to amalgam restorative materials and nonmetallic restorative materials, including direct-bonded restorative materials; (2) Application of pit and fissure sealants; (3) Recommendation of temporary crowns or recommendation of crowns with temporary cement; (4) Application of topical fluoride; (5) Application of fluoride varnish; (6) Application of disclosing solutions; (7) Except as provided in division (A)(10) of this section, application of desensitizing agents; (8) Caries susceptibility testing; (9) Instruction on oral hygiene home care, including the use of toothbrushes and dental floss;

Description

(10) Application of silver diamine fluoride, but only when the expanded function dental auxiliary's supervising dentist has examined the patient and diagnosed the need for such treatment and the expanded function dental auxiliary has completed a course approved in accordance with rules adopted under division (B) of section 4715.436 of the Revised Code;

Type (See R.C. 4798.01 for relevant definitions.)

Registration (License) – Expanded Function Dental Auxiliary (EFDA)

If the regulation is a registration, certification, or license requirement, please complete the following:**Number issued annually**

204 issued in FY 19
101 issued in FY 20

Number renewed annually

2,778 renewed in FY 19
2,834 renewed in FY 20

Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?

The number of EFDAs have been increasing gradually by about 2 percent annually.

If the regulation is a registration, certification, or license requirement, please complete the following:

Education or training requirements

Proof satisfactory to the board that the applicant has successfully completed, at an educational institution accredited by the American dental association commission on dental accreditation or the higher learning commission of the north central association of colleges and schools, the education or training specified in rule 4715-11- 04.2 of the Administrative Code. Proof of completion of the education or training may be evidenced by a diploma or certificate of graduation or completion that has been signed by an appropriate official of the accrediting institution that provided education or training;

In order to register with the board as an expanded function dental auxiliary, an individual must complete an educational program that meets all of the following requirements:

(1) The program is offered by an educational institution accredited by the American dental association commission on dental accreditation or the higher learning commission of the north central association of colleges and schools.

(2) The program must include a minimum of one hundred eighty hours of coursework, of which one hundred hours are preclinical and didactic, and eighty hours are clinical, and includes training in all of the following areas:

- (a) Nomenclature
- (b) Caries classification
- (c) Oral anatomy
- (d) Dental morphology
- (e) Periodontium
- (f) Histology
- (g) Basics of occlusion
- (h) Ergonomics
- (i) Instrumentation
- (j) Pulp protection

If the regulation is a registration, certification, or license requirement, please complete the following:

	<ul style="list-style-type: none"> (k) Dental materials (l) Posterior amalgam and non-metallic restorations (m) Matrix and wedge techniques (n) Temporization (o) Amalgam placement and carving (p) Polishing amalgams (q) Non-metallic restorative material placement (r) Non-metallic restorative material finishing and polishing utilizing both low and high speed handpieces (s) Pit and fissure sealant placement (t) Rubber dam clamp placement and removal (u) Rubber dam placement and removal
Experience requirements	Be currently certified by The Dental Assisting National Board (DANB) or The Ohio Commission on Dental Assistant Certification (CODA);
Examination requirements <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>	Each individual seeking to register with the board as an expanded function dental auxiliary must successfully pass the examination administered by The Commission on Dental Testing in Ohio (CODT) or an examination accepted by the board as an examination of competency to practice as an expanded function dental auxiliary.
Continuing education requirements <i>(Including a description of the curriculum and the process of setting it.)</i>	None

If the regulation is a registration, certification, or license requirement, please complete the following:	
Initial fee	An application fee of twenty-five dollars
Duration	Registration expires on the thirty-first day of December of the year immediately following the year in which the registration occurs.
Renewal fee <i>(If different from initial fee, please explain why.)</i>	A renewal fee of twenty-five dollars
Does the Board recognize uniform licensure requirements or allow for reciprocity?	Uniform licensure requirements
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	No
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	No
Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?	No
Other information <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i>	N/A

Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.

A concurrence of a majority of the members of the board shall be required to do any of the following:

- (1) Grant, refuse, suspend, place on probationary status, revoke, refuse to renew, or refuse to reinstate a license or censure a license holder or take any other action authorized under section 4715.30 of the Revised Code;
- (2) Seek an injunction under section 4715.05 of the Revised Code;
- (3) Enter into a consent agreement with a license holder;
- (4) If the board develops and implements the quality intervention program under section 4715.031 of the Revised Code, refer a license holder to the program;
- (5) Terminate an investigation conducted under division (D) of this section;
- (6) Dismiss any complaint filed with the board.

The board shall administer and enforce the provisions of this chapter. The board shall, in accordance with sections 4715.032 to 4715.035 of the Revised Code, investigate evidence which appears to show that any person has violated any provision of this chapter

**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?**

Initial fee is \$25 and it expires on the thirty-first day of December of the year immediately following the year in which the registration occurs. Renewal fee is \$25 for 2 years. About \$33,500 is generally collected annually and it goes into the 4K90 Fund where the Board's appropriations are funded.

Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?

Same as dentist license.

What is the “harm” that the regulation seeks to prevent? (See, R.C. 4798.02(B).)

Same as dentist license.

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

Same as dentist license.

Are there any changes the Board would like to see implemented?

None.

Comparison to other states (How many other states regulate the occupation? How do Ohio’s regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)

Other states do not recognize an EFDA as described and or permitted different allowable duties in comparison to Ohio.

Surrounding state comparison (LSC)

Expanded Function Dental Auxiliary (EFDA)						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (R.C. 4715.62; O.A.C. 4715-11-04.1)	N/A (Telephone conversation with Cindy Vaught, Director, Indiana State Board of Dentistry,	N/A (Ky. Rev. Stat. 313.010; Kentucky Board of Dentistry, <i>Dental Assistant Duties</i>)	Yes, registered dental assistant (Email correspondence from Lori Barnhart, CDA, RDA, Michigan	Yes, expanded function dental assistant (49 Pa. Code 33.101)	Yes (W. Va. Code R. 5-9-12)

Expanded Function Dental Auxiliary (EFDA)						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
		<i>September 11, 2020)</i>		<i>Dental Assistants Association, September 13, 2020)</i>		
Education or training	<p>Be one of the following:</p> <ol style="list-style-type: none"> 1. An unlicensed dentist who has graduated from an accredited dental college and does not have a dental license under suspension or revocation with the Dental Board; 2. A dental student who is enrolled in an accredited dental college and is considered by the dean of the college to be in good 	N/A	N/A	<p>Possess a degree or certificate from a CODA-accredited school of dental assisting (<i>Mich. Admin. Code R. 338.11233 and 338.11307</i>)</p>	<p>Graduate from one of the following:</p> <ol style="list-style-type: none"> 1. A Dental Board-approved EFDA program at a two-year college or other accredited or provisionally accredited institution which offers an associate's degree; 2. A dental hygiene school that is accredited or provisionally accredited by CODA which requires 	<p>Complete a Dental Board-approved course (<i>W. Va. Code R. 5-9-12</i>)</p>

Expanded Function Dental Auxiliary (EFDA)

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	standing as a dental student; 3. A graduate from an unaccredited dental college outside the U.S.; 4. A CODA-accredited dental assistant or one who is certified by the Dental Assisting National Board or the Ohio Commission on Dental Assistant Certification; 5. An Ohio-licensed dental hygienist; or				completion of at least 75 hours of clinical and didactic instruction in restorative functions; 3. A Board-approved EFDA program consisting of at least 200 hours of clinical and didactic instruction from a dental assisting program accredited by CODA or an accrediting agency approved by the U.S. Department of Education Council on	

Expanded Function Dental Auxiliary (EFDA)

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<p>6. A dental hygienist who has graduated from an accredited dental hygiene program and does not have a dental hygiene license under suspension or revocation by the Board</p> <p>Have completed education and training specified by the Board at an institution accredited by the American Dental Association Commission on Dental Accreditation or the Higher Learning Commission of the North Central</p>				<p>Postsecondary Accreditation</p> <p><i>(49 Pa. Code 33.102 and 33.103)</i></p>	

Expanded Function Dental Auxiliary (EFDA)

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	Association of Colleges and Schools <i>(R.C. 4715.62; O.A.C. 4715-11-04.1, 4715-11-04.2, and 4715-11-04.3)</i>					
Experience	No	N/A	N/A	No	No	No
Exam	Yes <i>(R.C. 4715.62; O.A.C. 4715-11-04.1, 4715-11-04.2, and 4715-11-04.3)</i>	N/A	N/A	Yes <i>(Mich. Admin. Code R. 338.11233 and 338.11307)</i>	Yes <i>(49 Pa. Code 33.102 and 33.103)</i>	Yes <i>(W. Va. Code R. 5-9-12)</i>
Continuing education	No, except must show proof of continued certification in basic life-support procedures <i>(R.C. 4715.63; O.A.C. 4715-11-04.1)</i>	N/A	N/A	At least 36 hours triennially <i>(Mich. Admin. Code R. 338.11704)</i> Beginning with the 2020 renewal cycle, licensees must have completed training in identifying victims of human trafficking prior to	Yes, at least ten hours biennially <i>(49 Pa. Code 33.401)</i>	No, except must show proof of continued certification in basic life-support procedures <i>(W. Va. Code R. 5-11-3)</i>

Expanded Function Dental Auxiliary (EFDA)

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
				being issued a license. The training must only be completed once (<i>Mich. Admin. Code R. 338.1123</i>)		
Initial licensure fee	\$25 (<i>R.C. 4715.62; O.A.C. 4715-11-04.1</i>)	N/A	N/A	\$132.60 (<i>Mich. Comp. Laws 333.16174; Michigan Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, Registered Dental Assistant Licensing Guide</i>)	\$75 (<i>49 Pa. Code 33.3</i>)	\$25 (<i>W. Va. Code R. 5-3-5</i>)
License duration	Two years (<i>R.C. 4715.63; O.A.C. 4715-11-04.1</i>)	N/A	N/A	Three years (<i>Mich. Admin. Code R. 338.11704</i>)	Two years (<i>49 Pa. Code 33.105</i>)	One year (<i>W. Va. Code R. 5-1-8</i>)
Renewal fee	\$25 (<i>R.C. 4715.63</i>)	N/A	N/A	\$45.90 (<i>Mich. Comp. Laws 333.16174; Michigan</i>	\$26 (<i>49 Pa. Code 33.3</i>)	\$25 (<i>W. Va. Code R. 5-3-5</i>)

Expanded Function Dental Auxiliary (EFDA)						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
				<i>Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, Registered Dental Assistant Licensing Guide)</i>		

Dental x-ray machine operator

Survey responses (DEN)

Description
<p>“Dental x-ray machine operator” means an individual who, under the direct supervision of a dentist, performs standard, diagnostic, radiologic procedures for the purpose of contributing to the provision of dental care to a dental patient. As used in this section, “standard, diagnostic, radiologic procedures” means those procedures involved in using dental equipment that emits ionizing radiation, as defined in section 4773.01 of the Revised Code.</p>

Type (See R.C. 4798.01 for relevant definitions.)

Certificate (License) – Dental X-ray Machine Operator (a.k.a. Dental Assistant Radiographer)

If the regulation is a registration, certification, or license requirement, please complete the following:

Number issued annually

1,552 issued in FY 19

1,323 issued in FY 20

Number renewed annually

14,796 renewed in FY 19

16,505 renewed in FY 20

Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?

There has been an increase of 12 percent from FY 19 to FY 20.

Education or training requirements

At least a seven hour course to include the following subjects:

(1) Radiation physics;

(2) Radiation biology;

(3) Radiation health, safety and protection;

(4) X-ray films and radiographic film quality;

(5) Radiographic techniques, processing and storage.

This curriculum may be presented as a correspondence course.

If the regulation is a registration, certification, or license requirement, please complete the following:	
	Clinical experience making a variety of radiographs and radiographic surveys must be part of the course curriculum. The clinical experience must be completed within sixty days after completion of the seven subjects of the curriculum.
Experience requirements	Clinical experience making a variety of radiographs and radiographic surveys must be part of the course curriculum. The clinical experience must be completed within sixty days after completion of the seven subjects of the curriculum.
Examination requirements (<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
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	A minimum of two hours of continuing education in dental radiation technology Continuing radiation technology programs include, but are not limited to, programs that address any of the following: (1) Radiation physics; (2) Radiation biology; (3) Radiation health, safety and protection; (4) X-ray films and radiographic film quality; (5) Radiographic techniques, processing and storage.
Initial fee	The application shall be accompanied by an application fee of thirty-two dollars.
Duration	Each person who is certified as a dental x-ray machine operator shall on or before the first day of January of each odd-numbered year, register with the state dental board.

If the regulation is a registration, certification, or license requirement, please complete the following:	
Renewal fee <i>(If different from initial fee, please explain why.)</i>	Payment of a biennial registration fee of thirty-two dollars.
Does the Board recognize uniform licensure requirements or allow for reciprocity?	Reciprocity They hold a current license, certificate, or other credential issued by another state that the board determines uses standards for dental x-ray machine operators that are at least equal to those established by state dental board rules.
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	Yes They hold a current certification as an assistant which included required examination in radiography as a component from the "Dental Assisting National Board" (DANB) or the "Ohio Commission on Dental Assistant Certification" (CODA);
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	No
Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?	No
Other information <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i>	N/A

Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.

A concurrence of a majority of the members of the board shall be required to do any of the following:

- (1) Grant, refuse, suspend, place on probationary status, revoke, refuse to renew, or refuse to reinstate a license or censure a license holder or take any other action authorized under section 4715.30 of the Revised Code;
- (2) Seek an injunction under section 4715.05 of the Revised Code;
- (3) Enter into a consent agreement with a license holder;
- (4) If the board develops and implements the quality intervention program under section 4715.031 of the Revised Code, refer a license holder to the program;
- (5) Terminate an investigation conducted under division (D) of this section;
- (6) Dismiss any complaint filed with the board. The board shall administer and enforce the provisions of this chapter.

The board shall, in accordance with sections 4715.032 to 4715.035 of the Revised Code, investigate evidence which appears to show that any person has violated any provision of this chapter.

**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?**

Initial fee is \$32 and it expires on or before the first day of January of each odd-numbered year. Renewal fee is \$32 for 2 years. About \$512,000 is generally collected over a 2-year period and it goes into the 4K90 Fund where the Board's appropriations are funded.

Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?

Same as dentist license.

What is the “harm” that the regulation seeks to prevent? (See, R.C. 4798.02(B).)

Same as dentist license.

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

Same as dentist license.

Are there any changes the Board would like to see implemented?

None.

Comparison to other states *(How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)*

Most states issue a license/certificate to practice as a dental assistant radiographer and they are fairly consistent with Ohio.

Surrounding state comparison (LSC)

Dental X-ray Machine Operator						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (<i>R.C. 4715.53; O.A.C. 4715-12-03</i>)	Yes, but the license is issued by the Indiana State Department of Health, not the Dental Board (<i>Ind.</i>)	No, but education is required (<i>201 Ky. Admin. Regs. 8:571</i>)	No, but education is required (<i>Mich. Admin. Code R. 338.11403</i>)	No, but must pass an exam (<i>49 Pa. Code 33.302</i>)	No

Dental X-ray Machine Operator						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
		<i>Code Ann. 16-41-35-29)</i>				
Education or training	<p>One of the following:</p> <ol style="list-style-type: none"> 1. Possess certification from the Dental Assisting National Board or the Ohio Commission on Dental Assistant Certification; 2. Possess a license, certificate, permit, registration, or other credential issued by another state that the Dental Board determines uses 	<p>Complete a CODA-approved radiographic educational program or a limited dental radiography program approved by the Indiana State Department of Health and be certified by a dentist or licensed dental hygienist in an approved educational program as proficient in performing the procedures included in the limited dental curriculum (<i>410 Ind. Admin. Code 5.2-10-1</i>)</p>	<p>Be licensed as a registered dental assistant</p> <p>Complete a six-hour course in dental radiography safety; and</p> <p>Complete four hours of instruction in dental radiography technique while under the employment and supervision of the dentist in the office or a four-hour course in radiography technique</p> <p><i>(201 Ky. Admin. Regs. 8:571)</i></p>	<p>Be licensed as a dental assistant</p> <p>Complete a course in dental radiography that is substantially equivalent to a course taught in a CODA-accredited program</p> <p><i>(Mich. Admin. Code R. 338.11403)</i></p>	<p>Be licensed as an expanded function dental assistant (<i>49 Pa. Code 33.302</i>)</p>	N/A

Dental X-ray Machine Operator						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<p>standards for dental x-ray machine operators that are at least equal to those established in Ohio; or</p> <p>3. Complete an educational program consisting of at least seven hours of instruction in dental x-ray machine operation that:</p> <p>a. Has been Board-approved; or</p> <p>b. Is conducted by an institution-accredited by the American</p>					

Dental X-ray Machine Operator						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	Dental Association Commission on Dental Accreditation <i>(R.C. 4715.53)</i>					
Experience	No	No	No	No	No	N/A
Exam	No	Yes <i>(410 Ind. Admin. Code 5.2-10-1)</i>	No	No	Yes <i>(49 Pa. Code 33.302)</i>	N/A
Continuing education	Yes, at least two hours biennially <i>(R.C. 4715.53)</i>	N/A <i>(Email correspondence from David E. Nauth, Director, Radiology and Weights Division, Indiana State Department of Health, September 11, 2020)</i>	N/A	N/A	N/A	N/A
Initial licensure fee	\$32 <i>(R.C. 4715.53)</i>	\$60 <i>(410 Ind. Admin. Code 5.2-4-8)</i>	N/A	N/A	N/A	N/A

Dental X-ray Machine Operator						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License duration	Two years (<i>R.C. 4715.53; O.A.C. 4715-12-03</i>)	Two years (<i>Ind. Code Ann. 16-41-35-29</i>)	N/A	N/A	N/A	N/A
Renewal fee	\$32 (<i>R.C. 4715.53; O.A.C. 4715-12-03</i>)	\$60 (<i>410 Ind. Admin. Code 5.2-4-8</i>)	N/A	N/A	N/A	N/A

General anesthesia permit

Survey responses (DEN)

Description
<p>“General anesthesia” - an induced state of unconsciousness accompanied by partial or complete loss of protective reflexes, including the inability to continually maintain an airway independently and respond purposefully to physical stimulation or verbal command, and is produced by a pharmacologic or non-pharmacologic method, or combination thereof.</p>

Type (See R.C. 4798.01 for relevant definitions.)

Permit (License) – a qualified dentist may apply for a General Anesthesia permit.

If the regulation is a registration, certification, or license requirement, please complete the following:

Number issued annually	8 issued in FY 19 13 issued in FY20
Number renewed annually	0 renewed in FY 19 288 renewed in FY 20
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	There has not been any significant fluctuation
Education or training requirements	Has completed an approved, accredited post-doctoral training program which affords appropriate training necessary to administer deep sedation and general anesthesia; and/or Has completed an approved Accreditation council for graduate medical education (ACGME) accredited post-doctoral training program in anesthesiology which affords appropriate training necessary to administer deep sedation and general anesthesia: and/or Has completed a minimum of two year advanced clinical training in anesthesiology from an American dental association commission on dental accreditation accredited institution that meets the objectives set forth in the “Guidelines for Teaching Pain Control and Sedation to

If the regulation is a registration, certification, or license requirement, please complete the following:	
	Dentists and Dental Students” as adopted by the October 2016 American dental association house of delegates;
Experience requirements	None
Examination requirements (<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
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	Attests to the Ohio state dental board that he or she has maintained successful completion of a basic life support course, and maintains successful completion of a course in advanced cardiac life support or its age appropriate equivalent, or a minimum of six hours of board approved continuing education devoted specifically to the management and/ or prevention of emergencies associated with general anesthesia/deep sedation.
Initial fee	For a general anesthesia permit, one hundred twenty-seven dollars The applicant shall be responsible for the cost of this evaluation not to exceed four hundred dollars.
Duration	The board shall without charge renew the general anesthesia permit biennially at the time of dental licensure renewal.
Renewal fee (<i>If different from initial fee, please explain why.</i>)	No fee
Does the Board recognize uniform licensure requirements or allow for reciprocity?	Uniform licensure requirements

If the regulation is a registration, certification, or license requirement, please complete the following:

<p>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</p>	<p>No</p>
<p>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?</p>	<p>No</p>
<p>Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?</p>	<p>No</p>
<p>Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)</p>	<p>N/A</p>

Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.

A concurrence of a majority of the members of the board shall be required to do any of the following:

- (1) Grant, refuse, suspend, place on probationary status, revoke, refuse to renew, or refuse to reinstate a license or censure a license holder or take any other action authorized under section 4715.30 of the Revised Code;
- (2) Seek an injunction under section 4715.05 of the Revised Code;
- (3) Enter into a consent agreement with a license holder;
- (4) If the board develops and implements the quality intervention program under section 4715.031 of the Revised Code, refer a license holder to the program;
- (5) Terminate an investigation conducted under division (D) of this section;
- (6) Dismiss any complaint filed with the board.

Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.

The board shall administer and enforce the provisions of this chapter. The board shall, in accordance with sections 4715.032 to 4715.035 of the Revised Code, investigate evidence which appears to show that any person has violated any provision of this chapter.

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?

Initial fee is \$125 and the permit expires at the same time as the dentist's license which is every 2 years. There is no cost to renew and so the Board generally collects only about \$1,000 annually from new applicants and none from renewals. Amount collected goes into the 4K90 Fund where the Board's appropriations are funded.

Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?

Same as dental license.

What is the “harm” that the regulation seeks to prevent? (See, R.C. 4798.02(B).)

Same as dental license.

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

Same as dental license.

Are there any changes the Board would like to see implemented?

The Board is currently working on researching best practices and reviewing rules regulating the administering of general anesthesia or any form of sedation in a dental setting. This is to minimize the risk of any danger to patients especially those with a vulnerable health condition

Comparison to other states (How many other states regulate the occupation? How do Ohio’s regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)

All states regulate the use of general anesthesia in a dental office by a dentist. As stated in 115, the Board is researching best practices on the administering of general anesthesia.

Surrounding state comparison (LSC)

General Anesthesia Permit						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (<i>R.C. 4715.09; O.A.C. 4715-5-05</i>)	Yes (<i>Ind. Code Ann. 25-14-1-3.1; 828 Ind. Admin. Code 3-1-1</i>)	Yes. Prior to February 1, 2011, the permit was a “general anesthesia permit.” Now, a dentist must obtain a Minimal Pediatric Sedation, Moderate Enteral Sedation, Moderate Parenteral	No, but education and other standards are required (<i>Mich. Admin. Code R. 338.11601</i>)	Yes, an “unrestricted permit” is needed if the general anesthesia is administered in a dental office (the permit is not required for administration of general anesthesia in a state or federal facility) (<i>49 Pa.</i>	Yes (<i>W. Va. Code Ann. 30-4A-1</i>) ²²

²² In West Virginia, a Class 4 permit is needed to practice general anesthesia. (W. Va. Code Ann. 30-4A-3.)

General Anesthesia Permit						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
			Sedation, Moderate Pediatric Sedation, or Deep Sedation or General Anesthesia permit (Ky. Rev. Stat. Ann. 313.035; 201 Ky. Admin. Regs. 8:550)		Code 33.332 and 33.333)	
Education or training	Be licensed as a dentist Complete one of the following: 1. An approved, accredited postdoctoral training program with appropriate training necessary to administer deep sedation	Be licensed as a dentist Complete a minimum of one year of advanced (postdoctoral) training in anesthesiology and related academic subjects (postdoctoral) beyond the undergraduate dental school level in a residency in	To qualify for a Deep Sedation or General Anesthesia Permit: 1. Be licensed as a dentist; 2. Complete one of the following: a. A Dental board-approved ACGME-accredited	Be licensed as a dentist Complete a minimum of one year of advanced training in general anesthesia and pain control in a program which meets the standards in rules ²³ Possess current certification in basic and	Be licensed as a dentist Meet one of the following: 1. Complete at least two years in a postgraduate program for advanced training in anesthesiology and related academic subjects that	Be licensed as a dentist Meet one of the following: 1. Complete an advanced training program in anesthesia and related subjects beyond the undergraduate dental curriculum

²³ An applicant must complete the [Michigan Verification of Local Anesthesia Form](#).

General Anesthesia Permit

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<p>and general anesthesia;</p> <p>2. An approved Accreditation Council for Graduate Medical Education (ACGME)-accredited post-doctoral training program in anesthesiology with appropriate training necessary to administer deep sedation and general anesthesia; or</p> <p>3. A minimum of two years advanced clinical training in anesthesiology from an American</p>	<p>anesthesiology or oral surgery</p> <p>Be trained in and complete a course in advanced cardiac life support or be certified as an instructor in advanced cardiac life support</p> <p><i>(828 Ind. Admin. Code 3-1-1 and 3-1-2)</i></p>	<p>postdoctoral training program in anesthesiology which affords comprehensive and appropriate training necessary to administer deep sedation and general anesthesia;</p> <p>b. A Board-approved nurse anesthesia program accredited by the Council on Accreditation of Nurse Anesthesia Educational Programs that affords</p>	<p>advanced cardiac life support from an agency or organization that grants such certification</p> <p><i>(Mich. Admin. Code R. 338.11601)</i></p>	<p>conforms to Part II of the American Dental Association's <i>Guidelines for Teaching the Comprehensive Control of Pain and Anxiety in Dentistry</i>; or</p> <p>2. Possess current certification as a Diplomat of the American Board of Oral and Maxillofacial Surgeons, a Fellow of the American Association of Oral and Maxillofacial Surgery or a Fellow of the American</p>	<p>that satisfies the requirements described in the ADA's <i>Guidelines for Teaching Pain Control and Sedation to Dentists and Dental Students</i> and the ADA's <i>Guidelines for the Use of Sedation and General Anesthesia by Dentists</i> at the time training was commenced;</p> <p>2. Complete an ADA- or AMA-accredited postdoctoral training program which affords comprehensive</p>

General Anesthesia Permit						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<p>Dental Association Commission on Dental Accreditation-accredited institution that meets the objectives set forth in the <i>Guidelines for Teaching Pain Control and Sedation to Dentists and Dental Students</i>,</p> <p>Complete an advanced cardiac life support course, or its age appropriate equivalent (O.A.C. 4715-5-05)</p>		<p>comprehensive and appropriate training necessary to administer deep sedation and general anesthesia;</p> <p>c. A minimum of two years advanced clinical training in anesthesiology from a Joint Commission-accredited institution that meets the objectives set forth in part two of the American Dental Association's</p>		<p>Dental Society of Anesthesiology, or be eligible for examination by the American Board of Oral and Maxillofacial Surgery</p> <p>Complete an office inspection and clinical evaluation conducted by an approved peer evaluation organization (49 Pa. Code 33.335 and 33.336a(1))</p>	<p>and appropriate training necessary to administer and manage general anesthesia; or</p> <p>3. Provide documented evidence of equivalent training or experience in general anesthesia/deep conscious sedation</p> <p>Possess certification in healthcare provider basic life support/CPR, advanced cardiac life support, and/or pediatric advanced life support, as applicable</p>

General Anesthesia Permit

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
			<p><i>Guidelines for Teaching the Comprehensive Control of Anxiety and Pain in Dentistry; or</i></p> <p>d. Complete a CODA-accredited postdoctoral training program that affords comprehensive and appropriate training necessary to administer and manage deep sedation and general anesthesia</p> <p>3. Possess certification in advanced cardiac life</p>			<p>(49 W. Va. Code Ann. 30-4A-7; W. Va. Code R. 5-12-4)</p>

General Anesthesia Permit						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
			support or pediatric advanced life support <i>(201 Ky. Admin. Regs. 8:550)</i>			
Experience	No	No	No	No	No	No
Exam	No	No	No	No	No	No
Continuing education	Yes, at least one course in basic life support Completion of a course in advanced cardiac life support or six hours of Board-approved continuing education	Yes, at least five hours biennially in the area of anesthesia. This may include a course in advanced cardiac resuscitation protocols <i>(828 Ind. Admin. Code 3-1-7.5; Indiana State Board of</i>	Yes, at least four hours of on-sight clinical continuing education related to sedation or anesthesia and maintain advanced cardiac life support or pediatric advanced life support	N/A	Yes, at least 15 hours of Dental Board-approved courses related to general anesthesia and deep sedation and maintain certification in advanced cardiac life support and/or pediatric	Yes, at least 16 hours biennially <i>(W. Va. Code R. 5-11-3)</i>

General Anesthesia Permit						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	devoted specifically to the management and/or prevention of emergencies associated with general anesthesia/deep sedation (O.A.C. 4715-5-05)	<i>Dentistry, Permit to Administer General Anesthesia, Deep Sedation, or Light Parenteral Conscious Sedation – Information & Instructions</i>	certification (201 Ky. Admin. Regs. 8:550)		advanced life support, as applicable (49 Pa. Code 33.336a(a), (c), and (d))	
Initial licensure fee	\$127 (R.C. 4715.13)	\$50 (828 Ind. Admin. Code 0.5-2-3)	\$250 (201 Ky. Admin. Regs. 8:520)	N/A	\$100 (49 Pa. Code 33.339)	\$900 (W. Va. Code R. 5-3-7)
License duration	Two years (O.A.C. 4715-5-05)	Two years (828 Ind. Admin. Code 3-1-7)	Two years (Ky. Rev. Stat. Ann. 313.030; 201 Ky. Admin. Regs. 8:550)	N/A	Two years (49 Pa. Code 33.338)	One year (W. Va. Code Ann. 30-4A-1)
Renewal fee	\$127 (R.C. 4715.13)	\$50 (828 Ind. Admin. Code 0.5-2-3)	\$75 (201 Ky. Admin. Regs. 8:520)	N/A	\$210 (49 Pa. Code 33.339)	\$300 (W. Va. Code R. 5-3-7)

Conscious intravenous sedation permit

Survey responses (DEN)

Description

“Conscious sedation” - a minimally depressed level of consciousness that retains the patient’s ability to independently and continuously maintain an airway and respond appropriately to physical stimulation or verbal command, and that is produced by a pharmacologic or nonpharmacologic method, or a combination thereof.

Type *(See R.C. 4798.01 for relevant definitions.)*

Permit (License) – a qualified dentist may apply for a Conscious Intravenous Sedation permit.

If the regulation is a registration, certification, or license requirement, please complete the following:

Number issued annually	26 issued in FY 19 10 issued in FY 20
Number renewed annually	0 renewed in FY 19 485 renewed in FY 20

If the regulation is a registration, certification, or license requirement, please complete the following:

<p>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</p>	<p>There has not been any significant fluctuation.</p>
<p>Education or training requirements</p>	<p>Has satisfactorily completed comprehensive pre-doctoral or continuing education conscious sedation training in an accredited educational institution or program, which included a minimum of sixty hours of didactic instruction and twenty cases of clinical experience commensurate with each intended route(s) of administration, whether:</p> <p>(a) Oral for children twelve years or younger; or</p> <p>(b) Non-intravenous parenteral; or</p> <p>(c) Intravenous.</p> <p>Training in intravenous conscious sedation qualifies the permit holder to administer any route of conscious sedation. Didactic and clinical training shall conform to the principles in the “Guidelines for Teaching Pain Control and Sedation to Dentists and Dental Students” as adopted by the October 2016 American dental association house of delegates, with clinical experience commensurate with the intended route of administration; or</p> <p>(2) Has satisfactorily completed an accredited post-doctoral training program which included conscious sedation training equivalent to paragraph (B)(1) of this rule; or</p> <p>(3) Has satisfactorily completed the qualifications governing the use of general anesthesia in rule 4715-5-05 of the Administrative Code;</p>
<p>Experience requirements</p>	<p>None</p>

If the regulation is a registration, certification, or license requirement, please complete the following:

<p>Examination requirements (<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>None</p>
<p>Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)</p>	<p>Attests to the Ohio state dental board that he or she has maintained successful completion of a basic life support course, and maintains successful completion of a course in advanced cardiac life support or its age appropriate equivalent, or a minimum of six hours of board approved continuing education devoted specifically to the management and/or prevention of emergencies which may result from the use of conscious sedation.</p>
<p>Initial fee</p>	<p>For a conscious sedation permit, one hundred twenty-seven dollars.</p>
<p>Duration</p>	<p>The board shall without charge renew the conscious sedation permit biennially at the time of dental licensure renewal.</p>
<p>Renewal fee (<i>If different from initial fee, please explain why.</i>)</p>	<p>No fee</p>
<p>Does the Board recognize uniform licensure requirements or allow for reciprocity?</p>	<p>Uniform licensure requirements</p>
<p>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</p>	<p>No</p>

If the regulation is a registration, certification, or license requirement, please complete the following:

<p>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?</p>	<p>No</p>
<p>Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?</p>	<p>No</p>
<p>Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)</p>	<p>N/A</p>

Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.

A concurrence of a majority of the members of the board shall be required to do any of the following:

- (1) Grant, refuse, suspend, place on probationary status, revoke, refuse to renew, or refuse to reinstate a license or censure a license holder or take any other action authorized under section 4715.30 of the Revised Code;
- (2) Seek an injunction under section 4715.05 of the Revised Code;
- (3) Enter into a consent agreement with a license holder;
- (4) If the board develops and implements the quality intervention program under section 4715.031 of the Revised Code, refer a license holder to the program;
- (5) Terminate an investigation conducted under division (D) of this section;
- (6) Dismiss any complaint filed with the board. The board shall administer and enforce the provisions of this chapter.

The board shall, in accordance with sections 4715.032 to 4715.035 of the Revised Code, investigate evidence which appears to show that any person has violated any provision of this chapter.

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?

Initial fee is \$127 and the permit expires at the same time as the dentist's license which is every 2 years. There is no cost to renew and so the Board generally collects only about \$1,000 annually from new applicants and none from renewals. Amount collected goes into the 4K90 Fund where the Board's appropriations are funded.

Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?

Same as dentist license.

What is the "harm" that the regulation seeks to prevent? (See, R.C. 4798.02(B).)

Same as dentist license.

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

Same as dentist license.

Are there any changes the Board would like to see implemented?

The Board is currently working on researching best practices and reviewing rules regulating the administering of conscious intravenous sedation or any form of sedation in a dental setting. This is to minimize the risk of any danger to patients especially those with a vulnerable health condition.

Comparison to other states *(How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)*

All states regulate the use of conscious intravenous sedation in a dental office by a dentist. As stated in 125, the Board is researching best practices on the administering of conscious intravenous sedation..

Surrounding state comparison (LSC)

Conscious Intravenous Sedation Permit						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes, except a dentist who possesses a general anesthesia permit does not need this permit (<i>O.A.C. 4715-5-07</i>)	Yes, ²⁴ except a dentist who possesses a general anesthesia permit does not need this permit (<i>Ind. Code. Ann. 25-14-1-3.1; 828 Ind. Admin. Code 3-1-1 and 3-1-4</i>)	Yes, prior to February 1, 2011, the permit was “a conscious sedation permit” Now, a dentist must obtain a Minimal Pediatric Sedation, Moderate Enteral Sedation, Moderate Parenteral Sedation, Moderate Pediatric Sedation, or Deep Sedation or General Anesthesia permit (<i>Ky. Rev. Stat. Ann. 313.035; 201</i>)	No, but education and other standards are required (<i>Mich. Admin. Code R. 338.11602</i>)	Yes, for administration of conscious sedation in a dental office, a dentist who does not possess an unrestricted permit (that also allows for administration of general anesthesia) needs a “restricted permit I.” (The restricted permit I is not required for administration of conscious sedation in a state or federal facility) (<i>49 Pa. 33.332(a) and (b)</i>)	Yes (<i>W. Va. Code Ann. 30-4A-1</i>) ²⁵

²⁴ Indiana law refers to conscious sedation as “light parenteral conscious sedation.” (828 Ind. Admin. Code 3-1-4)

²⁵ In West Virginia, a Class 3 permit, at a minimum, is needed to administer conscious sedation. (W. Va. Code Ann. 30-4A-3.)

Conscious Intravenous Sedation Permit						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
			<i>Ky. Admin. Regs. 8:550)</i>			
Education or training	<p>Be licensed as a dentist</p> <p>Meet one of the following:</p> <ol style="list-style-type: none"> 1. Complete comprehensive predoctoral or continuing education conscious sedation training in an accredited educational institution or program, which included a minimum of 60 hours of didactic instruction and 28 cases of clinical 	<p>Be licensed as a dentist</p> <p>Meet one of the following:</p> <ol style="list-style-type: none"> 1. Graduate from an approved dental school which included training in conscious sedation techniques at the predoctoral level; or 2. Complete an intensive postdoctoral training program in the use of light 	<p>To qualify for a Moderate Parenteral Sedation Permit:</p> <ol style="list-style-type: none"> 1. Be licensed as a dentist; 2. Complete one of the following: <ol style="list-style-type: none"> a. A CODA-accredited postdoctoral training program that affords comprehensive and appropriate training necessary to administer and manage moderate 	<p>Meet criteria in either of the following groups:</p> <ol style="list-style-type: none"> 1. Be licensed as a dentist; 2. Complete a minimum of one year of advanced training in general anesthesia and pain control in a program which meets the standards in rules;²⁶ 3. Possess current certification in basic and advanced cardiac life 	<p>Be licensed as a dentist</p> <p>Complete a course on conscious sedation comprising of at least 60 hours of undergraduate or postgraduate didactic instruction and clinical experience in a program that conforms to Part I (for an undergraduate program) or Part III (for a postgraduate program) of the ADA's <i>Guidelines for Teaching the Comprehensive Control of Pain</i></p>	<p>Be licensed as a dentist</p> <p>Meet one of the following:</p> <ol style="list-style-type: none"> 1. Complete a comprehensive training program in conscious sedation that satisfies the requirements described in the ADA's <i>Guidelines for Teaching Pain Control and Sedation to Dentists and Dental Students</i> and the ADA's <i>Guidelines for the Use of</i>

²⁶ An applicant must complete the [Michigan Verification of Local Anesthesia Form](#).

Conscious Intravenous Sedation Permit						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<p>experience commensurate with each intended route of administration;</p> <p>2. Complete an accredited postdoctoral training program which included conscious sedation training equivalent to (1); or</p> <p>3. Complete the qualifications governing the use of general anesthesia as specified in rules</p> <p>Maintain certification in advanced cardiac</p>	<p>parenteral conscious sedation which meets requirements specified in rules</p> <p><i>(828 Ind. Admin. Code 3-1-1 and 3-1-4)</i></p>	<p>parenteral sedation; or</p> <p>b. Board-approved course consisting of a minimum of 60 hours of didactic instruction plus management of at least 20 patients per course participant in moderate parenteral sedation techniques</p> <p>3. Meet one of the following:</p> <p>a. Possess certification in advanced cardiac life support or pediatric</p>	<p>support from an agency or organization that grants such certification; or</p> <p>4. All of the following:</p> <p>a. Be licensed as a dentist;</p> <p>b. Complete a minimum of 60 hours of training in intravenous conscious sedation and related academic subjects, including a minimum of 40 hours of supervised clinical instruction in which the individual</p>	<p><i>and Anxiety in Dentistry</i></p> <p>Complete an office inspection and clinical evaluation conducted by an approved peer evaluation organization</p> <p><i>(49 Pa. 33.336 and 33.336a(1))</i></p>	<p><i>Sedation and General Anesthesia by Dentists</i> at the time training was commenced;</p> <p>2. Complete an ADA-accredited postdoctoral training program that affords comprehensive and appropriate training necessary to administer and manage conscious sedation commensurate with these guidelines; or</p> <p>3. Provide documented evidence of equivalent</p>

Conscious Intravenous Sedation Permit

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	life support or its equivalent <i>(O.A.C. 4715-5-07)</i>		advanced life support; or b. Complete a six-hour Board-approved course that provides instruction on medical emergencies and airway management <i>(201 Ky. Admin. Regs. 8:550)</i>	has sedated not less than 20 cases in a course that is in compliance with the standards; and c. Maintain certification in basic or advanced cardiac life support <i>(Mich. Admin. Code R. 338.11602)</i>		training or experience in conscious sedation anesthesia Possess certification in healthcare provider basic life support/CPR, advanced cardiac life support, and/or pediatric advanced life support, as applicable <i>(49 W. Va. Code Ann. 30-4A-6; W. Va. Code R. 5-12-4)</i>
Experience	No	No	No	No	No	No
Exam	No	No	No	No	No	No
Continuing education	Yes: 1. Complete one course in	Yes, at least five hours biennially in the area of anesthesia <i>(828)</i>	Yes, one of the following: 1. Complete, biennially, at	N/A	Yes: 1. Complete at least 15 hours of Dental	Yes, at least 16 hours biennially <i>(W. Va. Code R. 5-11-3)</i>

Conscious Intravenous Sedation Permit						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<p>basic life support; and</p> <p>2. One of the following:</p> <p>a. Complete a course in advanced cardiac life support; or</p> <p>b. Complete six hours of Board-approved continuing education devoted specifically to the management and/or prevention of emergencies associated with conscious sedation</p> <p>(O.A.C. 4715-5-07)</p>	<p><i>Ind. Admin. Code 3-1-7.5)</i></p>	<p>least six hours of clinical continuing education related to sedation or anesthesia in a classroom setting that includes hands-on airway management; or</p> <p>2. Maintain advanced cardiac life support or pediatric advanced life support certification</p> <p>(201 Ky. Admin. Regs. 8:550)</p>		<p>Board-approved courses related to conscious sedation;</p> <p>2. Maintain certification in advanced cardiac life support and/or pediatric advanced life support, as applicable; and</p> <p>3. Complete an office inspection and clinical evaluation once every six years</p> <p>(49 Pa. Code 33.336a(a), (c), and (d))</p>	

Conscious Intravenous Sedation Permit						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Initial licensure fee	\$127 (<i>R.C. 4715.13</i>)	\$50 (<i>828 Ind. Admin. Code 0.5 - 2-3</i>)	\$250 (<i>201 Ky. Admin. Regs. 8:520</i>)	N/A	\$100 (<i>49 Pa. Code 33.339</i>)	\$900 (<i>W. Va. Code R. 5-3-7</i>)
License duration	Two years (<i>O.A.C. 4715-5-07</i>)	Two years (<i>828 Ind. Admin. Code 3-1-7.5</i>)	Two years (<i>Ky. Rev. Stat. Ann. 313.030; 201 Ky. Admin. Regs. 8:550</i>)	N/A	Two years (<i>49 Pa. Code 33.338</i>)	One year (<i>W. Va. Code Ann. 30-4A-1</i>)
Renewal fee	No fee (<i>O.A.C. 4715-5-07</i>)	\$25 (<i>828 Ind. Admin. Code 0.5 - 2-3</i>)	\$75 (<i>201 Ky. Admin. Regs. 8:520</i>)	N/A	\$210 (<i>49 Pa. Code 33.339</i>)	\$300 (<i>W. Va. Code R. 5-3-7</i>)

Coronal polishing certificate

Survey responses (DEN)

Description
The dental assistant's polishing activities are limited to the use of a rubber cup attached to a slow-speed rotary dental hand piece to remove soft deposits that build up over time on the crowns of teeth.

Type (See R.C. 4798.01 for relevant definitions.)

Certificate (License) – Coronal Polishing certificate

If the regulation is a registration, certification, or license requirement, please complete the following:

Number issued annually

148 issued in FY 19
128 issued in FY20

Number renewed annually

Never expires – current number licensed is 2,245

Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?

Increases each year between 130 - 250

Education or training requirements

Approved training program - training in the polishing of the clinical crowns of teeth through an approved program accredited by the American dental association commission on dental accreditation or equivalent boardapproved training through a college or university accredited by the higher learning commission of the North central association of colleges and schools. The college or university must have a classroom and a (pre)clinical facility with the proper armamentarium and equipment to support the educational objectives.

(1) The board-approved training program must include a minimum of seven hours of coursework of which three are didactic and four are (pre)clinical. The training shall include courses in:

(a) Basic dental anatomy; and

If the regulation is a registration, certification, or license requirement, please complete the following:	
	<p>(b) Infection control; and</p> <p>(c) Coronal polishing which consists of didactic, preclinical, and clinical instruction; and</p> <p>(d) A clinical skills assessment that includes successful completion of a standardized examination.</p>
Experience requirements	Be currently certified by The Dental Assisting National Board (DANB) or The Ohio Commission on Dental Assistant Certification (CODA);
Examination requirements (<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>)	This course shall include an evaluation component, mechanism, or procedure which assesses competence in coronal polishing. Minimal competency level shall be at seventy-five percent and must be demonstrated by the student prior to sitting for the standardized examination. The skills assessment must be on a clinical patient and disclosing solution must be utilized as an evaluation tool.
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	None
Initial fee	An application fee of fifteen dollars
Duration	Never expires
Renewal fee (<i>If different from initial fee, please explain why.</i>)	No fee – never expires
Does the Board recognize uniform licensure requirements or allow for reciprocity?	<p>Reciprocity</p> <p>A certified assistant shall be exempt from the approved training program and standardized testing requirements provided in paragraphs (A)(2) and (A)(3) of this rule if the dental assistant holds a current license, certificate, or other credential issued by another state that the board</p>

If the regulation is a registration, certification, or license requirement, please complete the following:	
	determines uses standards that are at least equal to those established by agency 4715 of the Administrative Code.
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	No
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	No
Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?	No
Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)	N/A

Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.

A concurrence of a majority of the members of the board shall be required to do any of the following:

- (1) Grant, refuse, suspend, place on probationary status, revoke, refuse to renew, or refuse to reinstate a license or censure a license holder or take any other action authorized under section 4715.30 of the Revised Code;
- (2) Seek an injunction under section 4715.05 of the Revised Code;
- (3) Enter into a consent agreement with a license holder;
- (4) If the board develops and implements the quality intervention program under section 4715.031 of the Revised Code, refer a license holder to the program;

Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.

(5) Terminate an investigation conducted under division (D) of this section;

(6) Dismiss any complaint filed with the board. The board shall administer and enforce the provisions of this chapter.

The board shall, in accordance with sections 4715.032 to 4715.035 of the Revised Code, investigate evidence which appears to show that any person has violated any provision of this chapter.

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?

Initial fee is \$15 and the certificate never expires. The Board collects only about \$2,000 annually from new applicants and none from renewals as there is no expiration date. Amount collected goes into the 4K90 Fund where the Board's appropriations are funded.

Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?

Same as dentist license.

What is the “harm” that the regulation seeks to prevent? (See, R.C. 4798.02(B).)

Same as dentist license.

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

Same as dentist license.

Are there any changes the Board would like to see implemented?

Coronal Polishing certificate holders never have to renew. The Board may look into whether it is in the best interest of consumers to have an expiration date for this certificate just like the other forms of licensure offered by the Board.

Comparison to other states (How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)

Most states offer a similar certificate for coronal polishing.

Surrounding state comparison (LSC)

Coronal Polishing Certificate						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (R.C. 4715.39(B)(5))	Yes (828 Ind. Admin. Code 6-1-2)	No, but a dental assistant must obtain a certificate, from an authorized institution verifying completion of the coronal polishing course described below (201 Ky. Admin. Regs. 8:571, Section 3)	N/A ²⁷	No, but it is explicitly stated that coronal polishing is within the scope of practice of expanded function dental assistants (although dental hygienists and dentists are not precluded from performing this activity) (49 Pa. Code 33.205a)	No, except that a certificate is needed if a dental assistant intends to perform coronal polishing on an individual under 21 years of age using a slow speed hand piece with a rubber cup (W. Va. Code R. 5-13-4)

²⁷ LSC staff was unable to locate a license of this type. Staff contacted the Michigan Board of Dentistry but did not receive a reply.

Coronal Polishing Certificate						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Education or training	<p>Be a dental assistant who is certified by the Dental Assisting National Board or the Ohio Commission on Dental Assistant Certification</p> <p>Complete training in the polishing of the clinical crowns of teeth through an approved program accredited by the ADA Commission on Dental Accreditation or equivalent Board-approved training through an accredited college or university</p> <p><i>(R.C. 4715.39(B); O.A.C. 4715-11-03.1)</i></p>	<p>Be employed in a dental office for at least one year or graduate from a CODA-accredited program</p> <p>Complete a CODA-accredited or approved educational program or curriculum that includes five hours of didactic instruction covering ethics and jurisprudence; plaque and material alba; intrinsic and extrinsic stain; abrasive agents; use of a slow speed hand piece, prophy cup, and occlusal polishing brush; theory of selective</p>	<p>Complete a coronal polishing course, at least 8 hours in length, at a CODA-accredited institution <i>(201 Ky. Admin. Regs. 8:571, Section 3)</i></p>	N/A	<p>No, but must be an expanded function dental assistant, dental hygienist, or dentist <i>(49 Pa. Code 33.205a)</i></p>	<p>Complete at least two years and at least three thousand hours of clinical experience in a dental office</p> <p>Possess a restorative expanded duties or orthodontic expanded duties certificate issued by the Board</p> <p>Complete a Board-approved coronal polishing course</p> <p><i>(W. Va. Code R. 5-13-4)</i></p>

Coronal Polishing Certificate

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
		polishing; and infection control Complete two hours of laboratory work, including a mannequin and two live patients, in the use of a slow speed hand piece <i>(828 Ind. Admin. Code 6-1-2)</i>				
Experience	No	Demonstrate clinical competency on at least five patients under the direct observation of an Indiana dentist or dental hygienist and present an affidavit certifying competency	No	N/A	No	No
Exam	Yes <i>(R.C. 4715.39(B))</i> ;	No	No	N/A	No	No

Coronal Polishing Certificate						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<i>O.A.C. 4715-11-03.1)</i>					
Continuing education	N/A	N/A	N/A	N/A	Generally, an expanded function dental assistant must complete three of the ten hours of required continuing education in the area of coronal polishing (<i>49 Pa. Code 33.402</i>)	N/A
Initial licensure fee	\$19 (<i>Ohio State Dental Board, Coronal Polishing</i>)	N/A	N/A	N/A	N/A	None, but to obtain the certificate described above, the dental assistant must possess a restorative expanded duties or orthodontic expanded duties certificate, which costs \$25 (<i>W. Va. Code R. 5-3-5</i>)

Coronal Polishing Certificate						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License duration	Does not expire <i>(Ohio State Dental Board, Coronal Polishing)</i>	Does not expire	N/A	N/A	N/A	N/A
Renewal fee	N/A	N/A	N/A	N/A	N/A	N/A

Volunteer’s certificate
Survey responses (DEN)

Description
Volunteer’s certificate issued to retired dentist or dental hygienist to provide free services to indigent and uninsured persons.

Type (See R.C. 4798.01 for relevant definitions.)
Certificate (License) – Volunteer’s certificate

If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	0 issued in FY 19 0 issued in FY20
Number renewed annually	1 renewed in FY 19 3 renewed in FY 20
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	There is not any significant fluctuation.
Education or training requirements	A copy of the applicant's degree from dental college or dental hygiene school
Experience requirements	The applicant has maintained for at least ten years prior to retirement full licensure in good standing in any jurisdiction in the United States that licenses persons to practice dentistry or dental hygiene.
Examination requirements (<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
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	To be eligible for renewal of a volunteer's certificate, the holder of the certificate shall certify to the board completion of sixty hours of continuing dental education that meets the requirements of section 4715.141 of the Revised Code and the rules adopted under that section, or completion of eighteen hours of continuing dental hygiene education that meets the requirements of section 4715.25 of the Revised Code and the rules adopted under that section, as the case may be.

If the regulation is a registration, certification, or license requirement, please complete the following:	
Initial fee	The board shall not charge a fee for issuing or renewing a certificate pursuant to this section.
Duration	A volunteer's certificate shall be valid for a period of three years, and may be renewed upon the application of the holder.
Renewal fee <i>(If different from initial fee, please explain why.)</i>	The board shall not charge a fee for issuing or renewing a certificate pursuant to this section.
Does the Board recognize uniform licensure requirements or allow for reciprocity?	Uniform licensure requirements
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	No
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	No
Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?	No
Other information <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i>	N/A

Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.

A concurrence of a majority of the members of the board shall be required to do any of the following:

- (1) Grant, refuse, suspend, place on probationary status, revoke, refuse to renew, or refuse to reinstate a license or censure a license holder or take any other action authorized under section 4715.30 of the Revised Code;
- (2) Seek an injunction under section 4715.05 of the Revised Code;
- (3) Enter into a consent agreement with a license holder;
- (4) If the board develops and implements the quality intervention program under section 4715.031 of the Revised Code, refer a license holder to the program;
- (5) Terminate an investigation conducted under division (D) of this section;
- (6) Dismiss any complaint filed with the board.

The board shall administer and enforce the provisions of this chapter. The board shall, in accordance with sections 4715.032 to 4715.035 of the Revised Code, investigate evidence which appears to show that any person has violated any provision of this chapter.

**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?**

There is not revenue received from the issuance or renewal of Volunteer's certificates as there is no cost associated with applying or renewing.

Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?

Same as dentist license.

What is the “harm” that the regulation seeks to prevent? (See, R.C. 4798.02(B).)

Same as dentist license.

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

Same as dentist license.

Are there any changes the Board would like to see implemented?

None.

Comparison to other states (How many other states regulate the occupation? How do Ohio’s regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)

Other states issue Volunteer’s certificates similar to Ohio.

Surrounding state comparison (LSC)

Volunteer’s Certificate (aka Special Volunteer License)						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (R.C. 4715.42; O.A.C. 4715-22-01)	No, but the Dental Board maintains a registry of dentists with an active license who provide services	N/A (Email correspondence from Jeffrey Allen, MPA, Executive Director, Kentucky Board of Dentistry,	Yes (Mich. Comp. Laws 333.16184; Michigan Department of Licensing and Regulatory Affairs, Bureau of	Yes (35 Pa. Code 33.110)	Yes (W. Va. Code Ann. 30-4-15)

Volunteer's Certificate (aka Special Volunteer License)						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
		for free (<i>I.C. 25-22.5-15-1</i>)	<i>September 10, 2020</i>	<i>Professional Licensing, Special Volunteer License Application</i>)		
Education or training	<p>Possess a degree from a dental or dental hygiene college or school</p> <p>One of the following:</p> <ol style="list-style-type: none"> 1. Possess a license in dentistry or dental hygiene from another U.S. jurisdiction; or 2. Possess a license or equivalent to practice dentistry or dental hygiene in one or more branches of 	<p>Possess an active license to practice as a dentist in Indiana (<i>Ind. Code Ann. 25-22.5-15-1</i>)</p>	N/A	<p>Possess documentation that the applicant has been previously licensed to engage in the practice of a health profession in Michigan and that the applicant's license was in good standing at the time the license expired</p> <p>Have attended at least $\frac{2}{3}$ of the continuing education courses or programs required for that health profession during the</p>	<p>Possess a renewed, active, unrestricted license, registration, or certificate in Pennsylvania and retires from active practice at the time the licensee applies for a volunteer license</p> <p>Retires from the active practice of dentistry, or as a dental hygienist or as an EFDA in Pennsylvania in possession of an unrestricted license, registration, or certificate which was allowed to</p>	<p>Must be retired or retiring from the practice of dentistry or dental hygiene (<i>W. Va. Code Ann. 30-4-15</i>)</p>

Volunteer's Certificate (aka Special Volunteer License)						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	the U.S. armed forces <i>(R.C. 4715.42; O.A.C. 4715-22-01)</i>			preceding three years <i>(Mich. Comp. Laws 333.16184)</i>	lapse by not renewing it <i>(49 Pa. Code 33.110)</i>	
Experience	Ten years <i>(R.C. 4715.42; O.A.C. 4715-22-01)</i>	N/A	N/A	No	No	No
Exam	No	N/A	N/A	No	No	No
Continuing education	Yes, 60 hours every three years for dentists and 18 hours every three years for dental hygienists	N/A	N/A	No, but must submit the acknowledgement described in above <i>(Mich. Comp. Laws 333.16184)</i>	Yes, must satisfy the same continuing education requirements as the holder of an active, unrestricted license <i>(49 Pa. Code 33.110)</i>	Yes: 1. At least five hours, two of which pertain to infection control. If a volunteer dentist, must also complete three hours regarding drug diversion and best practice prescribing of controlled substances and

Volunteer's Certificate (aka Special Volunteer License)						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
						<p>prescribing and administration of an opioid antagonist (these requirements may be waived by the Dental Board upon receipt of a Board-developed certification form attesting that the volunteer has not prescribed, administered, or dispensed a controlled substance during the reporting period);</p> <p>2. Maintain current certification in</p>

Volunteer's Certificate (aka Special Volunteer License)						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
						basic life support <i>(W. Va. Code R. 5-11-4)</i>
Initial licensure fee	N/A (<i>Ohio State Dental Board, License Fees</i>)	N/A	N/A	N/A (<i>Mich. Comp. Laws 333.16184</i>)	N/A (<i>49 Pa. Code 33.110</i>)	N/A (<i>W. Va. Code Ann. 30-4-15</i>)
License duration	Three years (<i>R.C. 4715.42; O.A.C. 4715-22-01</i>)	A registration on the registry is valid for two years (<i>Ind. Code Ann. 25-22.5-15-3</i>)	N/A	Three years (<i>Mich. Comp. Laws 333.16184</i>)	Two years (<i>49 Pa. Code 33.110</i>)	Two years (<i>W. Va. Code R. 5-11-4</i>)
Renewal fee	N/A	N/A	N/A	N/A (<i>Mich. Comp. Laws 333.16184</i>)	N/A (<i>49 Pa. Code 33.110</i>)	N/A (<i>W. Va. Code Ann. 30-4-15</i>)

Temporary volunteer certificate

Survey responses (DEN)

Description

The state dental board shall issue, without examination, a temporary volunteer's certificate to a person not licensed under this chapter so that the person may provide dental services in this state as a volunteer.

Type *(See R.C. 4798.01 for relevant definitions.)*

Certificate (License) – Temporary Volunteer's certificate

If the regulation is a registration, certification, or license requirement, please complete the following:

Number issued annually

0 issued in FY 19

0 issued in FY20

Number renewed annually

0 renewed in FY 19

0 renewed in FY 20

If the regulation is a registration, certification, or license requirement, please complete the following:	
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	There has not been a significant fluctuation.
Education or training requirements	A copy of the applicant's degree from an accredited dental college or accredited dental hygiene school
Experience requirements	Evidence satisfactory to the board that the applicant holds a valid, unrestricted license to practice dentistry or dental hygiene issued by a jurisdiction in the United States that licenses persons to practice dentistry or dental hygiene;
Examination requirements (<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
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	None
Initial fee	The board may charge a fee not to exceed twenty-five dollars for issuing or renewing a certificate pursuant to this section.
Duration	A temporary volunteer's certificate shall be valid for a period of seven days
Renewal fee (<i>If different from initial fee, please explain why.</i>)	The board may charge a fee not to exceed twenty-five dollars for issuing or renewing a certificate pursuant to this section.

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?	Uniform licensure requirement
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	No
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	No
Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?	No
Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)	N/A

Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.

A concurrence of a majority of the members of the board shall be required to do any of the following:

- (1) Grant, refuse, suspend, place on probationary status, revoke, refuse to renew, or refuse to reinstate a license or censure a license holder or take any other action authorized under section 4715.30 of the Revised Code;
- (2) Seek an injunction under section 4715.05 of the Revised Code;
- (3) Enter into a consent agreement with a license holder;

Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.

(4) If the board develops and implements the quality intervention program under section 4715.031 of the Revised Code, refer a license holder to the program;

(5) Terminate an investigation conducted under division (D) of this section;

(6) Dismiss any complaint filed with the board.

The board shall administer and enforce the provisions of this chapter. The board shall, in accordance with sections 4715.032 to 4715.035 of the Revised Code, investigate evidence which appears to show that any person has violated any provision of this chapter.

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?

There is no revenue derived from the application or renewal of a temporary volunteer's certificate. This is because we have not had any applicants in recent years.

Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?

Same as dentist license.

What is the “harm” that the regulation seeks to prevent? (See, R.C. 4798.02(B).)

Same as dentist license.

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

Same as dentist license.

Are there any changes the Board would like to see implemented?

None

Comparison to other states (How many other states regulate the occupation? How do Ohio’s regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)

We are not aware of any other state issuing temporary volunteer’s certificates.

Surrounding state comparison (LSC)

Temporary Volunteer Certificate						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (<i>R.C. 4715.421</i>)	Yes – referred to as a limited voluntary charitable permit (<i>Ind. Code Ann. 25-14-1-5.7 And 25-13-1-4.5</i>)	Yes – temporary license (<i>Ky. Rev. Stat. Ann. 313.254</i>)	No	Yes – temporary volunteer dental license (<i>63 Pa. Stat. 123.2</i>)	Yes, but it is referred to as an “authorization” (<i>W. Va. Code Ann. 30-1-21</i>)
Education or training	Possess a degree from an accredited dental college or accredited dental hygiene school and (either evidence of licensure or	Dentist One of the following: 1. Possess an inactive license to practice	Possess a license to practice dentistry or dental hygiene from another U.S. jurisdiction. These requirements may be waived if the dentist or dental	N/A	Possess a license to practice dentistry in Pennsylvania or another U.S. state (<i>63 Pa. Stat. 123.2</i>)	Possess a license to practice dentistry or dental hygiene in another U.S. state or jurisdiction (<i>W. Va. Code Ann. 30-1-21; West Virginia Board of</i>

Temporary Volunteer Certificate						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	evidence that the applicant is practicing dentistry or dental hygiene in one or more branches of the U.S. armed services (<i>R.C. 4715.421</i>)	dentistry in Indiana; or 2. Be licensed as a dentist in another state <i>(Ind. Code Ann. 25-14-1-5.7)</i> Dental hygienists One of the following: 1. Possess an inactive license to practice dental hygiene in Indiana; or 2. Be licensed as a dental hygienist in another state <i>(Ind. Code Ann. 25-13-1-4.5)</i>	hygienist volunteers to provide services through a nonprofit, all-volunteer charitable organization (<i>Ky. Rev. Stat. Ann. 313.254</i>)			<i>Dentistry, Special Volunteer Event License for Out of State Licensees)</i>
Experience	No	No	No	N/A	No	No
Exam	No	No	No	N/A	No	No

Temporary Volunteer Certificate						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Continuing education	N/A	N/A	N/A	N/A	Must be current on continuing education requirements in the applicable jurisdiction (63 Pa. Stat. 123.2)	N/A
Initial licensure fee	Not to exceed \$25 (R.C. 4715.421)	N/A	N/A (201 Ky. Admin. Regs. 8:520)	N/A	N/A (Pennsylvania State Board of Dentistry, Application for a Temporary Volunteer License to Practice Dentistry)	N/A (W. Va. Code Ann. 30-1-21)
License duration	Seven days (R.C. 4715.421)	60 days (Ind. Code Ann. 25-13-1-4.5 and 25-14-1-5.7)	Ten days (Ky. Rev. Stat. Ann. 313.254)	N/A	One 30-day license per applicant per year or up to three ten-day licenses per year (63 Pa. Cons. Stat. 123.2)	Ten days (W. Va. Code Ann. 30-1-21)
Renewal fee	Not to exceed \$25 (R.C. 4715.421)	N/A	N/A	N/A	N/A	N/A (W. Va. Code Ann. 30-1-21)

Teledentistry permit

Survey responses (DEN)

Description

“Teledentistry” means the delivery of dental services through the use of synchronous, real-time communication and the delivery of services of a dental hygienist or expanded function dental auxiliary pursuant to a dentist’s authorization.

An authorizing dentist may do either of the following under a teledentistry permit without examining a patient in person:

- (1) Authorize a dental hygienist or expanded function dental auxiliary to perform services as set forth in division (E) or (F) of this section, as applicable, at a location where no dentist is physically present;
- (2) Prescribe a drug that is not a controlled substance for a patient who is at a location where no dentist is physically present.

Type *(See R.C. 4798.01 for relevant definitions.)*

Permit (License) – Teledentistry permit may be obtained by a qualified dentist.

If the regulation is a registration, certification, or license requirement, please complete the following:

Number issued annually	New – none have been issued yet.
Number renewed annually	None

If the regulation is a registration, certification, or license requirement, please complete the following:	
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	New permit
Education or training requirements	None for the dentist applying for the permit. Hygienist and the EFDA working under the supervising dentist must complete training in the application of silver diamine fluoride and intra-therapeutic restoration.
Experience requirements	None.
Examination requirements (<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.
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	None.
Initial fee	The application must be made under oath on a form prescribed by the board and be accompanied by a twenty-dollar application fee.
Duration	A teledentistry permit issued under section 4715.43 of the Revised Code expires on the thirty-first day of December of the first odd-numbered year occurring after the permit's issuance.
Renewal fee (<i>If different from initial fee, please explain why.</i>)	Pay a renewal fee of twenty dollars.

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?	Uniform licensure requirements
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	No
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	No
Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?	No
Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)	N/A

Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.

A concurrence of a majority of the members of the board shall be required to do any of the following:

- (1) Grant, refuse, suspend, place on probationary status, revoke, refuse to renew, or refuse to reinstate a license or censure a license holder or take any other action authorized under section 4715.30 of the Revised Code;
- (2) Seek an injunction under section 4715.05 of the Revised Code;
- (3) Enter into a consent agreement with a license holder;

Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.

(4) If the board develops and implements the quality intervention program under section 4715.031 of the Revised Code, refer a license holder to the program;

(5) Terminate an investigation conducted under division (D) of this section;

(6) Dismiss any complaint filed with the board.

The board shall administer and enforce the provisions of this chapter. The board shall, in accordance with sections 4715.032 to 4715.035 of the Revised Code, investigate evidence which appears to show that any person has violated any provision of this chapter.

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?

Since this is a new permit that is being offered, it is unknown at this time what the revenue collected will be. A modest projection of 100 permits being issued in FY 21 would realize about \$2,000 annually.

Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?

Same as dentist license.

What is the “harm” that the regulation seeks to prevent? (See, R.C. 4798.02(B).)

Same as dentist license.

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

Same as dentist license.

Are there any changes the Board would like to see implemented?

None.

Comparison to other states (How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)

Due to the newness of tele-dentistry, most states are still in the process of implementing it.

Surrounding state comparison (LSC)

Teledentistry Permit						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (<i>R.C. 4715.43</i>)	No (<i>Mouthwatch, Teledentistry Regulations in Your State</i>)	Yes (<i>201 Ky. Admin. Regs. 8:590, Section 2</i>)	No (<i>Mouthwatch, Teledentistry Regulations in Your State</i>)	No (<i>Mouthwatch, Teledentistry Regulations in Your State</i>)	No (<i>Mouthwatch, Teledentistry Regulations in Your State</i>)
Education or training	Must hold an Ohio license to practice dentistry in good standing (<i>O.A.C. 4715-23-01</i>)	N/A	Must hold a valid dental or dental hygiene license issued by the Dental Board (<i>201 Ky. Admin. Regs. 8:590, Sections 2 and 3</i>)	N/A	N/A	N/A
Experience	No	N/A	No	N/A	N/A	N/A

Teledentistry Permit						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Exam	No	N/A	No	N/A	N/A	N/A
Continuing education	No	N/A	No	N/A	N/A	N/A
Initial licensure fee	\$20 (<i>R.C. 4715.43</i>)	N/A	N/A	N/A	N/A	N/A
License duration	Two years (<i>R.C. 4715.432</i>)	N/A	Unspecified	N/A	N/A	N/A
Renewal fee	\$20 (<i>R.C. 4715.432</i>)	N/A	N/A	N/A	N/A	N/A

STATE FIRE MARSHAL (COM)

General information (COM)

Duties

Testing and Registration Bureau (T&R) within the State Fire Marshal (SFM) is responsible for administering the certification, registration, permit, and licensing programs of more than 20 license types as provided for in the Ohio Revised Code and the Ohio Fire Code. This includes new and renewal application processing and revenue collection. This is done in coordination as needed, with SFM's Code Enforcement Bureau and SFM Legal.

Membership *(Current members, chairperson and other officers, and selection process.)*

The State Fire Council is made up of ten voting members and three ex-officio members. The current members are:

- Chair Matt Noble, Paid Fire Service
- Todd Poole, Paid Fire Service
- Vice chair John Finley, Municipalities
- Dennis Clough, Municipalities
- Thomas Jubeck, Construction Industry
- Charles Dixon, Flammable Liquids Industry
- Tom Lanes, Public Member
- Patrick Foltyn, Fire Insurance Industry
- Vacant-Volunteer Fire Service
- Vacant-Commerce & Industry
- Regina Hanshaw, Board of Building Standards, Ex-officio member
- Kevin Reardon, State Fire Marshal, Ex-officio member
- Interim Director Robert Wagoner, Department of Public Safety EMS- Ex-officio member

Membership *(Current members, chairperson and other officers, and selection process.)*

The voting members of the State Fire Council are appointed by the Governor of Ohio with consent of the Senate. Terms are for five years, unless a member was appointed to fill a vacancy for an appointment that did not go full term, it will last only as long as the previous person was appointed for.

The State Fire Council has no direct statutory role in the regulation or oversight of licensees, permits or other matters referenced in this survey. As they relate to the SFM, all such functions are performed on behalf of the SFM by the Bureau of Testing and Registration. See R.C. 3737.03, R.C. 3737.22(A)(10) and (12), R.C. 3737.71 and R.C. 3737.86(C).

Budget *(Current budget, description of budgeting process, sources of funding, and expected increases or decreases in budget or funding in future years.)*

SFM: FY21 \$21,090,755 / FY22 \$22,104,767 (budget request) / FY23 \$22,394,126 (budget request)

Budget process –The department budget process consists of four distinct phases: Phase 1 begins in January of even numbered years and consists of identifying broad agency goals; Phase 2 begins in March of even numbered years and consists of identifying strategies to achieve the goals; Phase 3 begins in June of even numbered years and consists of creating a budget consistent with the goals; and Phase 4 begins in October of even numbered years and consists of identifying ways to monitor and evaluate the budget once enacted.

Sources of funding – The major source of revenue for the State Fire Marshal Office comes from taxes from insurance companies selling fire insurance in Ohio (0.75% of the gross premium receipts received from the sale of fire insurance); 20% of reciprocity revenues (reciprocity revenues are collected and deposited in the GRF from out-of-state insurance companies that sell fire insurance in Ohio); licenses issued by SFM’s Testing and Registration Bureau; revenue from the academy courses; and inspection fees.

Expected increases or decreases in budget or funding – The budget for the State Fire Marshal has been held relatively flat for several years. The department will be requesting an increase in budget in order to maintain existing service levels. The funding for the State Fire Marshal can vary significantly from year-to-year. The variance has been greater than 10% on occasion. The department is factoring in this variance in its revenue projections.

Workload (*Assess current, past, and anticipated workload. Has the workload increased or decreased significantly in the preceding six years?*)

Past and current workload consists of annually processing approximately \$3.8 million in revenue for new and renewing licenses; thousands of mail pieces; thousands of phone calls, email inquiries and faxes; over 350 walk-in customers; over 10,000 online renewals processed. Overall workload continues to increase as the number of new licenses issued increases. It is anticipated the workload will continue to increase as industry demand for more licensed individuals and facilities increases and due to industry demands to create more continuing education requirements to ensure competency in subject matter related to various license types issued by SFM.

Staffing (*How many staff are currently employed by the board? What are their roles? Are staffing levels proportionate to the board's current and anticipated workload?*)

9 staff – 1 Bureau Chief who manages overall bureau mission. 1 Asst. Bureau Chief who directly supervises licensing staff and oversees their work, 7 licensing staff who administer each of the 20+ license types T&R is responsible for, as assigned.

Administrative hearings and public complaints (*Describe the Board's processes for administering discipline and addressing complaints. Assess the efficiency of the processes.*)

Administrative actions and any resulting discipline are implemented against a license or certificate holder in accordance with Chapters 119, 3737, 3731 and 3743 of the Ohio Revised Code and Ohio Administrative Code 1301:7-7, aka the Ohio Fire Code. Depending on the subject matter, the respective Bureau's coordinator tracks an administrative action through the process and disciplinary phase. This process is efficient as the coordinators have tracking mechanisms in place.

Upon receipt of complaint, the Bureau Chief forwards to the appropriate Bureau to review and take action if warranted. Filing a complaint is not a formal or codified process. A person may contact the State Fire Marshal by any means anonymously or by disclosing identity. As the process for filing a complaint may be informal and by any means, the complaint process continues to be efficient.

Fire protection installer certification

Survey responses (COM)

Description	
Certification required for individuals to engage in the business of servicing, testing, repairing and installing fire protection and fire-fighting equipment for profit.	
Type <i>(See R.C. 4798.01 for relevant definitions.)</i>	
License	
If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	1,500
Number renewed annually	20,000

If the regulation is a registration, certification, or license requirement, please complete the following:	
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	Increase by approx. 200 licenses
Education or training requirements	Training or endorsement from manufacturer is required for 3 of the 10 fire protection categories.
Experience requirements	In lieu of training, experience on 10 systems is required for 3 of the 10 fire protection categories.
Examination requirements (<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>)	Taking and passing an exam is required for this license. Exam is administered by third party exam vendor PSI Services LLC. Exam administrator is selected using DAS open bidding process for vendors through DAS' website portal. Exam material is selected by SFM subject matter experts. \$40 fee per exam is collected directly by Exam vendor. SFM does not receive an exam fee.
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	None
Initial fee	\$35 application fee
Duration	Annual
Renewal fee (<i>If different from initial fee, please explain why.</i>)	\$40, which supplements licensing database including online renewal database maintenance fees, printing paper renewals reminders and licenses.

If the regulation is a registration, certification, or license requirement, please complete the following:

<p>Does the Board recognize uniform licensure requirements or allow for reciprocity?</p>	<p>No</p>
<p>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</p>	<p>The SFM is not aware of the existence of any similar national registrations with exam requirements that include competency in the Ohio Fire Code and Ohio Building Code. Therefore, no substitutions for this state issued license have been made.</p>
<p>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?</p>	<p>If the practitioner is not performing the work for profit.</p>
<p>Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?</p>	<p>Yes</p>
<p>Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)</p>	<p>None</p>

Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.

In accordance with R.C. 3737.22(A)(10), the State Fire Marshal has authority to issue licenses as authorized by the Revised Code. R.C. 3737.65 provides the State Fire Marshal authority to issue certificates for fire protection installation. R.C. 3737.22 provides the State Fire Marshal the authority to promulgate and enforce the Ohio Fire Code. Ohio Administrative Code 1301:7-7-09(P), aka Ohio Fire Code (P) 916, sets forth the certification parameters. This rule in addition to Rule 1 of the Ohio Fire Code provides the process for disciplinary actions to deny, suspend, revoke or refuse to renew this license.

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?

\$730,500 annually. 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?

No.

What is the “harm” that the regulation seeks to prevent? (See, R.C. 4798.02(B).)

Regulation of fire protection installers seeks to prevent the non-fire code compliant, incompetent and/or negligent servicing, testing, repairing and installing of fire protection and fire-fighting equipment for profit by individuals who do not demonstrate proficiency of Ohio Fire Code (OFC), Ohio Building Code (OBC) and National Fire Protection Association (NFPA) standards. Improperly installed fire protection systems place the public, employees and owners of structures at a high risk of harm should a fire occur and lead to excessive property loss (see US Fire Administration Reports for details on annual fire losses across the state and country - <https://www.usfa.fema.gov/data/statistics/states/ohio.html>).

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

Regulation is effective as reports of unlicensed activity are low, while unlicensed activity is often found to lead to substandard/hazardous fire protection system work. There are no less restrictive ways to prevent the harm (the initial licensure requirements are not difficult to meet); requiring licensure ensures compliance from individuals and companies.

Are there any changes the Board would like to see implemented?

Continuing education requirements for renewal.

Comparison to other states *(How many other states regulate the occupation? How do Ohio's regulations compare to those other states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)*

National, uniform standards for fire protection installers are developed by the National Fire Protection Association (NFPA). These standards are employed throughout many states. Type of regulation from state to state is varied among the 50 states and is different for each of the 10 fire protection categories Ohio regulates. See this article for the range of regulated states with the Automatic Sprinkler category alone. <https://www.nfpa.org/Public-Education/Staying-safe/Safety-equipment/Home-fire-sprinklers/Fire-Sprinkler-Initiative/Legislation-and-adoption/Sprinkler-requirements>

Surrounding state comparison (LSC)

Fire Protection Installer						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Certification (<i>R.C. 3737.65(B) and O.A.C. 1301:7-7-09(P)(2) and (8)</i>)	No	<ol style="list-style-type: none"> 1. Fire protection sprinkler contractor license; 2. Fire protection sprinkler contractor certification; 3. Fire sprinkler inspector certification; 4. Fire alarm inspector certification <i>(Ky. Rev. Stat. Ann. 198B.560, 198B.6401(3); 815 Ky. Admin. Regs. 10:060(7)(2)(e))</i>	Certification for firm, which must employ a qualifying person (<i>Mich. Comp. Laws 29.26; Mich. Admin. Code R. 29.2803</i>)	No	Yes (<i>W. Va. Code Ann. 29-3D-3</i>)
Education or training	Applicant must show at least one of the following:	N/A	<ol style="list-style-type: none"> 1. No; 2. No; 3. No; 	Yes, multiple options (qualifying person) (<i>Mich.</i>	N/A	Variable (<i>W. Va. Code R. 103-3-7</i>)

Fire Protection Installer						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<p>1. Proof from manufacturer of training or approval to work on the manufacturer's system;</p> <p>2. Proof that applicant has witnessed code compliant installation of ten systems within two years prior to the application</p> <p><i>(O.A.C. 1301:7-7-09(P)(6))</i></p>		<p>4. No</p> <p><i>(815 Ky. Admin. Regs. 10:060(7)(2)(e))</i></p>	<p><i>Admin. Code R. 29.2805)</i></p>		
Experience	See "Education or training"	N/A	<p>1. No;</p> <p>2. No;</p> <p>3. No;</p> <p>4. 18 months installing, repairing, or testing during</p>	<p>Yes, multiple options (qualifying person) <i>(Mich. Admin. Code R. 29.2805)</i></p>	N/A	<p>Variable <i>(W. Va. Code R. 103-3-7)</i></p>

Fire Protection Installer						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
			previous five years <i>(815 Ky. Admin. Regs. 10:060(7)(2)(e))</i>			
Exam	Yes (<i>O.A.C. 1301:7-7-09(P)(7)</i>)	N/A	1. No; 2. Yes; 3. Yes; 4. Yes <i>(Ky. Rev. Stat. Ann. 198B.580, 198B.570, 198B.6401; 815 Ky. Admin. Regs. 10:060(7)(2)(e))</i>	No	N/A	Yes (<i>W. Va. Code R. 103-3-6</i>)
Continuing education	No	N/A	1. No; 2. No; 3. For renewal, proof of either six hours continuing education or current NICET certification;	No	N/A	No

Fire Protection Installer						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
			<p>4. For renewal, proof of either six hours continuing education or current NICET certification</p> <p><i>(Ky. Rev. Stat. Ann. 198B.6405; 815 Ky. Admin. Regs. 10:060(7)(2)(e))</i></p>			
Initial licensure fee	<p>Individual: \$35 per category</p> <p>Company: \$200 per category</p> <p>Individual operating as a company: \$50 per category</p> <p><i>(O.A.C. 1301:7-7-09(P)(15), (18), and (20))</i></p>	N/A	<p>1. \$250;</p> <p>2. \$125;</p> <p>3. \$50;</p> <p>4. \$50</p> <p><i>(815 Ky. Admin. Regs. 7:080(5) and 10:060(7)(2)(e))</i></p>	<p>\$150 (firm) <i>(Mich. Comp. Laws 29.28; Michigan Department of Licensing and Regulatory Affairs, Fire Services, BFS Certification for Firms/Qualified Persons)</i></p>	N/A	<p>Variable <i>(W. Va. Code R. 103-3-13)</i></p>

Fire Protection Installer						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License duration	One year (O.A.C. 1301:7-7-09(P)(16) and (21))	N/A	1. One year; 2. One year; 3. One year; 4. One year (Ky. Rev. Stat. Ann. 198B.605, 198B.6405; 815 Ky. Admin. Regs. 10:060(7)(2)(e))	Three years (firm) (Mich. Comp. Laws 29.28; Michigan Department of Licensing and Regulatory Affairs, Fire Services, BFS Certification for Firms/Qualified Persons)	N/A	Up to three years (W. Va. Code R. 103-3-8)
Renewal fee	Individual: \$40 per category Company: \$150 per category Individual operating as a company: \$25 per category (O.A.C. 1301:7-7-09(P)(15), (18), and (20))	N/A	1. \$250; 2. \$125; 3. \$50; 4. \$50 (815 Ky. Admin. Regs. 7:080(7) and 10:060(7)(2)(e))	\$150 (firm) (Mich. Comp. Laws 29.28; Michigan Department of Licensing and Regulatory Affairs, Fire Services, BFS Certification for Firms/Qualified Persons)	N/A	Variable (W. Va. Code R. 103-3-13)

Provisional fire protection installer certification

Survey responses (COM)

Description	
License required for individuals to engage in the business of servicing, testing, repairing and installing fire protection and fire-fighting equipment for profit, while under the supervision of a certified fire protection installer.	
Type <i>(See R.C. 4798.01 for relevant definitions.)</i>	
License	
If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	150
Number renewed annually	250

If the regulation is a registration, certification, or license requirement, please complete the following:	
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	Numbers are steady. This is an apprentice license. These licensees often upgrade to the Fire Protection Individual license upon meeting requirements.
Education or training requirements	no
Experience requirements	none
Examination requirements (<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
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	none
Initial fee	\$35
Duration	annual
Renewal fee (<i>If different from initial fee, please explain why.</i>)	\$40 which supplements licensing database including online renewal database maintenance fees, printing paper renewals reminders and licenses.

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?	No
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	The Division is not aware of the existence of any similar national registrations, certifications of licenses that include competency in the Ohio Fire Code and Ohio Building Code nor the requirement for supervision by an Ohio certified installer. Therefore, no substitutions for this state issued license have been made.
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	If the practitioner is not performing the work for profit.
Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?	Yes
Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)	None

Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.

In accordance with R.C. 3737.22(A)(10), the State Fire Marshal has authority to issue licenses as authorized by the Revised Code. R.C. 3737.65 provides the State Fire Marshal authority to issue certificates for fire protection installation. R.C. 3737.22 provides the State Fire Marshal the authority to promulgate and enforce the Ohio Fire Code. Ohio Administrative Code 1301:7-7-09(P), aka Ohio Fire Code (P) 916, sets forth the certification parameters. This rule in addition to Rule 1 of the Ohio Fire Code provides the process for disciplinary actions to deny, suspend, revoke or refuse to renew this license.

**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?**

\$10,000 annually. 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?

No.

What is the “harm” that the regulation seeks to prevent? (See, R.C. 4798.02(B).)

Regulation of this license seeks to prevent the non-fire code compliant, incompetent and/or dangerous negligent servicing, testing, repairing and installing fire protection and fire-fighting equipment for profit by individuals who do not demonstrate proficiency of Ohio Fire Code (OFC), Ohio Building Code (OBC) and National Fire Protection Association (NFPA) Standards. Improperly installed fire protection systems place the public, employees and owners of structures at a high risk of harm should a fire occur and lead to excessive property loss (see US Fire Administration Reports for details on annual fire losses across the state and country - <https://www.usfa.fema.gov/data/statistics/states/ohio.html>).

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

Regulation is effective as reports of unlicensed activity are low, while unlicensed activity is often found to lead to substandard/hazardous fire protection system work. There are no less restrictive ways to prevent the harm (the initial licensure requirements are not difficult to meet); requiring licensure ensures compliance from individuals and companies.

Are there any changes the Board would like to see implemented?

Not at this time.

Comparison to other states *(How many other states regulate the occupation? How do Ohio's regulations compare to those other states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)*

National, uniform standards for fire protection installers are developed by the National Fire Protection Association (NFPA). These standards are employed throughout many states. Type of regulation from state to state is varied among the 50 states and is different for each of the 10 fire protection categories Ohio regulates. See this article for the range of regulated states with the Automatic Sprinkler category alone. <https://www.nfpa.org/Public-Education/Staying-safe/Safety-equipment/Home-fire-sprinklers/Fire-Sprinkler-Initiative/Legislation-and-adoption/Sprinkler-requirements>

Surrounding state comparison (LSC)

Provisional Fire Protection Installer						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Certification (<i>R.C. 3737.65(B); O.A.C. 1301:7-7-09(P)(2) and (8)</i>)	No	No	No	No	No
Education or training	No	N/A	N/A	N/A	N/A	N/A
Experience	No	N/A	N/A	N/A	N/A	N/A
Exam	No (<i>O.A.C. 1301:7-7-09(P)(7)</i>)	N/A	N/A	N/A	N/A	N/A
Continuing education	No	N/A	N/A	N/A	N/A	N/A
Initial licensure fee	\$35 per category (<i>O.A.C. 1301:7-7-09(P)(15)</i>)	N/A	N/A	N/A	N/A	N/A
License duration	One year (<i>O.A.C. 1301:7-7-09(P)(16)</i>)	N/A	N/A	N/A	N/A	N/A
Renewal fee	\$40 per category (<i>O.A.C. 1301:7-7-09(P)(15)</i>)	N/A	N/A	N/A	N/A	N/A

Fireworks manufacturer license

Surrounding state comparison (COM)

Description	
Issued to individuals for the manufacture of and/or wholesale of commercial (1.3G) and consumer (1.4G) grade fireworks in Ohio.	
Type <i>(See R.C. 4798.01 for relevant definitions.)</i>	
License.	
If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	0
Number renewed annually	6
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	There has not been an increase due to the moratorium on issuing new manufacturer licenses that has existed in continuous operation since at least 1989; nor has there been a decrease.

If the regulation is a registration, certification, or license requirement, please complete the following:	
Education or training requirements	None
Experience requirements	None
Examination requirements (<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
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	Yes. All content and deliverables are the responsibility of the State Fire Marshal by authority of ORC. CE covers applicable sections of ORC, OAC, National Fire Protection Association (NFPA) standards, and material from the Consumer Product Safety Commission and USDOT. CE is approximately three hours annually.
Initial fee	\$2,750 – Fixed in R.C. 3743.02
Duration	Annual
Renewal fee (<i>If different from initial fee, please explain why.</i>)	\$2,750 – Fixed in R.C. 3743.02
Does the Board recognize uniform licensure requirements or allow for reciprocity?	No uniform license requirements or reciprocity permitted.

If the regulation is a registration, certification, or license requirement, please complete the following:

<p>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</p>	<p>The Division is not aware of the existence of any similar national registrations, certifications or licenses that include competency in applicable, and quite complex sections of the Ohio Revised Code, Ohio Fire Code and Ohio Building Code. Furthermore, Ohio licensure and safety regulations only apply to very specific premises located only in Ohio, and no other states are known to offer any reciprocity. Therefore, no substitutions for this state issued license have been requested by the SFM or authorized by the General Assembly. Furthermore, the longstanding moratorium prohibits the issuance of any reciprocal license.</p>
<p>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?</p>	<p>No. Fireworks, as permitted under federal law, are a closely regulated substance due to their inherent dangers.</p>
<p>Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?</p>	<p>Yes, but very limited.</p>
<p>Other information <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i></p>	<p>None</p>

Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.

The State Fire Marshal has authority in R.C. 3743.08 to deny (new or renewals) or revoke existing manufacturing licenses.

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?

\$16,500. 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?

Federal regulatory oversight for fireworks wholesalers and manufacturers 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.
- 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, which are illegal to discharge in Ohio without a specific exhibitor license and a permit. 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 manufacturing licenses focus on the safe manufacturing, processing and packaging of both commercial and consumer fireworks, flow of explosives distribution and possession within Ohio, manufacturer site building and premises safety for employees, the public and first responders, the proper storage of fireworks, and sales store operations – particularly public retail sales operations. Except for required ATF licensed storage magazines on licensed manufacturer premises, Ohio fireworks manufacturing 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 manufacturing, packaging, distribution, testing, possession, storage and sale of fireworks in Ohio. Fireworks 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 fireworks are located, and individuals permitted to purchase fireworks. These regulations focus on preventing another tragedy similar to the events of July 3, 1996 at Scotttown, Ohio, where a fire in a fireworks store led to 9 deaths and 11 injuries in a matter of seconds and other fatal, injury causing or property damaging explosions 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?

Regulation is effective. There has not been a significant fire or explosion at a manufacturing or wholesaler premises 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. Licensees must also verify the purchase of commercial grade fireworks is made only to a licensed fireworks exhibitor.

Are there any changes the Board would like to see implemented?

Revision of the R.C. provisions establishing acceptable categories of display grade (1.3G) fireworks and amendment of storage location statutes to properly recognize current practices in the industry.

Comparison to other states (How many other states regulate the occupation? How do Ohio's regulations compare to those other states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)

Fireworks regulations vary widely from state to state, including for the type of fireworks allowed to be sold or manufactured, the extent of regulation for the licensed premises, State and local building code and fire code requirements for the licensed premises, and requirements for individual license holders (federal background checks are required for this license type). Given Ohio's tragic history with fireworks, its regulation of fireworks, as specified in the Revised Code, falls on the side of greater safety for fireworks wholesaler and manufacturer license holders, and greater safety for consumers and the general public.

Surrounding state comparison (LSC)

Fireworks Manufacturer						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (R.C. 3743.02)	Registration/ certificate of compliance (Ind. Code Ann. 22-11- 14-5)	No	No	Certificate of operation (34 Pa. Code 5.67)	Registration (W. Va. Code R. 103-4- 9)
Education or training	No	No	N/A	N/A	No	No
Experience	No	No	N/A	N/A	No	No
Exam	No	No	N/A	N/A	No	No
Continuing education	Annual course developed by State Fire Marshal (R.C. 3743.04(F))	No	N/A	N/A	No	No

Fireworks Manufacturer						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Initial licensure fee	\$2,750 (R.C. 3743.02)	\$1,000 (Ind. Code Ann. 22-11-14-5)	N/A	N/A	Not specified	\$50-\$1,000 depending on type of site and explosives (W. Va. Code R. 103-2-3 and 103-2-4)
License duration	One year (R.C. 3743.02)	One year (Ind. Code Ann. 22-11-14-5)	N/A	N/A	Perpetual until revoked (34 Pa. Code 5.67)	One year (W. Va. Code R. 103-4-9)
Renewal fee	\$2,750 (R.C. 3743.02)	\$1,000 (Ind. Code Ann. 22-11-14-5)	N/A	N/A	Not specified	\$50-\$1,000 depending on type of site and explosives (W. Va. Code R. 103-2-3 and 103-2-4)

Fireworks wholesaler license

Surrounding state comparison (COM)

Description	
Issued to individuals for the wholesale of commercial (1.3G) and consumer (1.4G) grade fireworks in Ohio.	
Type <i>(See R.C. 4798.01 for relevant definitions.)</i>	
License	
If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	0
Number renewed annually	44
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	There has not been an increase due to the moratorium on issuing new wholesaler licenses that have existed in continuous operation since at least 1989; nor has there been a decrease.

If the regulation is a registration, certification, or license requirement, please complete the following:	
Education or training requirements	None
Experience requirements	None
Examination requirements (<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
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	Yes. All content and deliverables are the responsibility of the State Fire Marshal by authority of ORC. CE covers applicable sections of ORC, OAC, National Fire Protection Association (NFPA), and material from the Consumer Product Safety Commission and USDOT. CE is approximately three hours annually.
Initial fee	\$2,750 – Fixed in R.C. 3743.15
Duration	Annual
Renewal fee (<i>If different from initial fee, please explain why.</i>)	\$2,750 – Fixed in R.C. 3743.15
Does the Board recognize uniform licensure requirements or allow for reciprocity?	No uniform license requirements or reciprocity permitted.

If the regulation is a registration, certification, or license requirement, please complete the following:

<p>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</p>	<p>The Division is not aware of the existence of any similar national registrations, certifications or licenses that include competency in applicable, and quite complex, sections of the Ohio Revised Code, Ohio Fire Code and Ohio Building Code. Furthermore, Ohio licensure and safety regulations only apply to very specific premises located only in Ohio, and no other states are known to offer any reciprocity. Therefore, no substitutions for this state issued license have been requested by the SFM or authorized by the General Assembly. Furthermore, the longstanding moratorium prohibits the issuance of any reciprocal license.</p>
<p>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?</p>	<p>No. Fireworks, as permitted under federal law, are a closely regulated substance due to their inherent dangers.</p>
<p>Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?</p>	<p>Yes, but very limited.</p>
<p>Other information <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i></p>	<p>None</p>

Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.

The State Fire Marshal has authority in R.C. 3743.08 to deny (new or renewals) or revoke existing wholesaler licenses.

**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?**

\$121,000. 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?

Federal regulatory oversight for fireworks wholesalers and manufacturers 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.
- 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, which are illegal to discharge in Ohio without a specific exhibitor license and a permit. 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 manufacturing licenses focus on the safe manufacturing, processing and packaging of both commercial and consumer fireworks, flow of explosives distribution and possession within Ohio, manufacturer site building and premises safety for employees, the public and first responders, the proper storage of fireworks, and sales store operations – particularly public retail sales operations. Except for required ATF licensed storage magazines on licensed manufacturer premises, Ohio fireworks manufacturing 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 packaging, distribution, testing, possession, storage and sale of fireworks in Ohio. Fireworks are inherently dangerous and potentially deadly if not 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 fireworks 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 fireworks store led to 9 deaths and 11 injuries in a matter of seconds and other fatal, injury causing or property damaging explosions 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?

Regulation is effective. There has not been a significant fire or explosion at a manufacturing or wholesaler premises 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. Licensees must also verify the purchase of commercial grade fireworks is made only to a licensed fireworks exhibitor.

Are there any changes the Board would like to see implemented?

Revision of the R.C. provisions establishing acceptable categories of display grade (1.3G) fireworks and amendment of storage location statutes to properly recognize current practices in the industry.

Comparison to other states (*How many other states regulate the occupation? How do Ohio's regulations compare to those other states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?*)

Fireworks regulations vary widely from state to state, including for the type of fireworks allowed to be sold or manufactured, the extent of regulation for the licensed premises, State and local building code and fire code requirements for the licensed premises, and requirements for individual license holders (federal background checks are required for this license type). Given Ohio's tragic history with fireworks, its regulation of fireworks, as specified in the Revised Code, falls on the side of greater safety for fireworks wholesaler and manufacturer license holders, and greater safety for consumers and the general public.

Surrounding state comparison (LSC)

Fireworks Wholesaler						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (<i>R.C. 3743.15</i>)	Registration/ certificate of compliance for wholesalers and retailers Permit for retail stands (<i>Ind. Code Ann. 22-11-14-5, 22-11-14-11, and 22-11-14-7</i>)	No, but registration is required for retail (not wholesale) sale of consumer fireworks (as opposed to larger display fireworks) is required; sale of display fireworks requires a license by the U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives (<i>Ky. Rev. Stat.</i>	Certificate to sell consumer fireworks Registration to sell low-impact fireworks (<i>Mich. Comp. Laws 28.454 and 28.456</i>)	License for facility to sell consumer fireworks (<i>72 Pa. Cons. Stat. 9408</i>)	Registration for wholesale or distribution (a distributor sells to wholesalers and retailers for resale) Certification for retail sale of consumer fireworks (<i>W. Va. Code Ann. 29-3E-1, 29-3E-2, and 29-3E-5</i>)

Fireworks Wholesaler						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
			<i>Ann. 227.715 and 227.710)</i>			
Education or training	No	No	No	No	No	No
Experience	No	No	No	No	No	No
Exam	No	No	No	No	No	No
Continuing education	Annual course developed by State Fire Marshal (<i>R.C. 3743.17(K)</i>)	No	No	No	No	No
Initial licensure fee	\$2,750 (<i>R.C. 3743.15</i>)	Wholesaler: \$1,000 Retailer: \$1,000 plus additional fees for additional locations Retail stand: depends on number of stands <i>(Ind. Code Ann. 22-11-14-5, 22-11-14-11; 675 Ind. Admin. Code 12-3-10)</i>	Retailer intending to sell: \$25 Seasonal retailer: \$250 Permanent retailer: \$500 <i>(815 Ky. Admin. Regs. 10:070)</i>	Consumer fireworks: \$1,250 per location that is a permanent building, \$1,000 per other locations Low-impact fireworks: \$50 per location, up to \$1,000 <i>(Mich. Comp. Laws 28.454 and 28.456)</i>	Initial application fee for permanent structure: \$2,500 Initial application fee for temporary structure: \$1,000 Annual license fee (in addition to initial application fee) varies based on nature and size of structure <i>(72 Pa. Cons. Stat. 9408)</i>	Wholesaler: \$500 Retailer: \$500 for each temporary location and \$1,000 for each permanent location <i>(W. Va. Code R. 103-4-9; W. Va. Code Ann. 29-3E-5)</i>

Fireworks Wholesaler						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License duration	One year (<i>R.C. 3743.15</i>)	One year (<i>Ind. Code Ann. 22-11-14-5, 22-11-14-11, and 22-11-14-7</i>)	One year (<i>815 Ky. Admin. Regs. 10:070</i>)	One year (<i>Mich. Comp. Laws 28.454 and 28.456</i>)	One year (<i>72 Pa. Cons. Stat. 9408</i>)	One year (<i>W. Va. Code R. 103-4-9; W. Va. Code Ann. 29-3E-5</i>)
Renewal fee	\$2,750 (<i>R.C. 3743.15</i>)	Wholesaler: \$1,000 Retailer: \$1,000 plus additional fees for additional locations Retail stand: depends on number of stands <i>(Ind. Code Ann. 22-11-14-5, 22-11-14-11; 675 Ind. Admin. Code 12-3-10)</i>	Retailer intending to sell: \$25 Seasonal retailer: \$250 Permanent retailer: \$500 <i>(815 Ky. Admin. Regs. 10:070)</i>	Consumer fireworks: \$1,250 per location that is a permanent building, \$1,000 per other locations Low-impact fireworks: \$50 per location, up to \$1,000 <i>(Mich. Comp. Laws 28.454 and 28.456)</i>	Varies based on size and nature of structure (<i>72 Pa. Cons. Stat. 9408</i>)	Wholesaler: \$500 Retailer: \$500 for each temporary location and \$1,000 for each permanent location <i>(W. Va. Code R. 103-4-9; W. Va. Code Ann. 29-3E-5)</i>

Fireworks shipper permit

Survey responses (COM)

Description	
Requires any person who resides in another state and intends to ship fireworks into Ohio to be issued an out-of-state Shipper permit.	
Type <i>(See R.C. 4798.01 for relevant definitions.)</i>	
License	
If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	1
Number renewed annually	24
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	Active licenses issued have increased slightly over the past six years.

If the regulation is a registration, certification, or license requirement, please complete the following:	
Education or training requirements	None
Experience requirements	None
Examination requirements (<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
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	No
Initial fee	\$2,750 – Fixed in R.C. 3743.40.
Duration	Annual
Renewal fee (<i>If different from initial fee, please explain why.</i>)	\$2,750 – Fixed in R.C. 3743.40.
Does the Board recognize uniform licensure requirements or allow for reciprocity?	No

If the regulation is a registration, certification, or license requirement, please complete the following:

<p>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</p>	<p>The Division is not aware of the existence of any similar national registrations, certifications or licenses that include competency in applicable, and quite complex, sections of the Ohio Revised Code and the Ohio Fire Code. Furthermore, no other states are known to offer any reciprocity for this type of license. Therefore, no substitutions for this state issued license have been requested by the SFM or authorized by the General Assembly. Furthermore, the longstanding moratorium prohibits the issuance of any reciprocal license.</p>
<p>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?</p>	<p>No</p>
<p>Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?</p>	<p>Yes, but very limited.</p>
<p>Other information <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i></p>	<p>None</p>

Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.

The only direct penalties for fireworks shipping violations are criminal violations. Other than Ohio Fire Code citation authority for certain hazardous activity related offenses, the State Fire Marshal cannot take administrative actions against a shipping permit holder.

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?

\$66,000. Revenue is used for SFM and agency budgets.

Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?

Federal regulatory oversight for fireworks shippers 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.
- US DOTn: regulates the interstate transportation of all types of fireworks.

Federal law does not require state level regulation of fireworks and does not preempt such regulations. Ohio fireworks shipping licenses focus on the safe bulk packaging, transportation and distribution of fireworks with a final shipping destination within Ohio. Ohio shipping regulations act in concert with federal regulations and focus on the delivery of explosive products to properly licensed/permitted persons at approved locations.

What is the “harm” that the regulation seeks to prevent? (See, R.C. 4798.02(B).)

This regulation seeks to prevent the unlawful shipment of fireworks into Ohio and prevent the delivery of fireworks to unlicensed premises and unlicensed individuals as the mishandling of fireworks can be dangerous, even deadly – especially improper acquisition and use of larger, display grade (1.3G) fireworks. For example, in the past two years, two fatal uses of display grade fireworks have occurred in Ohio and both were related to illegally shipped fireworks (while properly licensed shipments did not lead to such tragedies). These lives would have been saved if the law had been followed and many more would be injured or killed if the law was not in place.

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

The regulations are very effective as incidents tied to licensed shippers and shipments are very low, while unlicensed activity has led to fatalities, including two in the past two years. Being less restrictive will most likely only lead to more fatalities and injuries as the types of fireworks shipped into Ohio are essentially small and larger grade explosives, so an increase in the amount of unlicensed product getting into the hands of unlicensed persons, including children, is a formula for disaster. There are no less restrictive means available as Ohio law picks up where federal oversight ends. Currently, Shippers can only deliver fireworks to a licensed wholesaler or manufacturer or to a licensed exhibitor at a permitted exhibition site and they have ATF and US DOTn oversight while in-state and out-of-state transit. Ohio regulation picks up as the product comes into the state and the agencies cooperate, as needed, to ensure proper and safe delivery of the fireworks to the intended persons. Lessening regulation will create gaps in this process.

Are there any changes the Board would like to see implemented?

Providing the SFM with the ability to take administrative action against permit holders who commit violations of law and increased penalties for illegal shipments to increase deterrence for illegal shipments.

Comparison to other states *(How many other states regulate the occupation? How do Ohio's regulations compare to those other states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)*

Type of regulation from state to state is widely varied. Regulation varies for the types of fireworks being shipped, the extent of regulation for the location where fireworks are shipped to and who they are being shipped to, and requirements for individual license holders. Federal background checks are required for this license type. Ohio's regulation falls on the side of greater safety for fireworks shipper license holders, greater safety for licensed recipients of fireworks shipments, consumers and the general public.

Surrounding state comparison (LSC)

Fireworks Shipper						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Permit (<i>R.C. 3743.40</i>)	Registration/ certificate of compliance for importers and distributors (<i>Ind. Code Ann. 22-11- 14-5</i>)	No	No	No	No
Education or training	No	No	N/A	N/A	N/A	N/A
Experience	No	No	N/A	N/A	N/A	N/A
Exam	No	No	N/A	N/A	N/A	N/A
Continuing education	No	No	N/A	N/A	N/A	N/A
Initial licensure fee	\$2,750 (<i>R.C. 3743.40</i>)	\$1,000 (<i>Ind. Code Ann. 22-11-14-5</i>)	N/A	N/A	N/A	N/A
License duration	One year (<i>R.C. 3743.40</i>)	One year (<i>Ind. Code Ann. 22-11- 14-5</i>)	N/A	N/A	N/A	N/A
Renewal fee	\$2,750 (<i>R.C. 3743.40</i>)	\$1,000 (<i>Ind. Code Ann. 22-11-14-5</i>)	N/A	N/A	N/A	N/A

Fireworks exhibitor license

Survey responses (COM)

Description	
All persons who conduct a fireworks exhibition or flame effects exhibition in Ohio must be licensed by the SFM.	
Type <i>(See R.C. 4798.01 for relevant definitions.)</i>	
License	
If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	14
Number renewed annually	576

If the regulation is a registration, certification, or license requirement, please complete the following:	
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	Active licenses issued have maintained at the same level over the past six years.
Education or training requirements	New applicants must be supervised by an Ohio licensed Exhibitor.
Experience requirements	Written documentation of the applicant’s proficiency in handling and discharging fireworks, and that the applicant is capable of handling the responsibilities associated, in a manner that emphasizes the safety and security of the public. The documentation shall be endorsed by the signature of a licensed exhibitor, manufacturer or wholesaler of fireworks in Ohio.
Examination requirements (<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>)	Taking and passing an exam is required for this license. Exam is administered by third party exam vendor PSI Services LLC. Exam administrator is selected using DAS open bidding process for vendors through the DAS website portal. Exam material is selected by SFM subject matter experts. \$40 fee per exam is collected directly by Exam vendor. SFM does not receive an exam fee.
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	Yes. Content and deliverables are the responsibility of the State Fire Marshal by authority of ORC. SFM may approve Ohio Fireworks licensees to administer CE, after completing CE administered by SFM. CE covers applicable sections of ORC, OAC, National Fire Protection Association (NFPA), and material from the Consumer Product Safety Commission and USDOT.
Initial fee	\$50 – Fixed per R.C. 3743.50
Duration	Annual
Renewal fee (<i>If different from initial fee, please explain why.</i>)	\$50 – Fixed per R.C. 3743.50

If the regulation is a registration, certification, or license requirement, please complete the following:

<p>Does the Board recognize uniform licensure requirements or allow for reciprocity?</p>	<p>Individuals can provide proof they are an active licensed Exhibitor in good standing from another state and this will bypass the experience requirement only. Background check and exam are still required.</p>
<p>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</p>	<p>The Division is not aware of the existence of any similar national registrations, certifications or licenses that include competency in applicable, and quite complex, sections of the Ohio Revised Code and the Ohio Fire Code governing displays of fireworks and flame effects. Furthermore, no other states are known to offer any reciprocity for the various Ohio categories of this type of license. Therefore, no substitutions for this state issued license have been requested by the SFM or authorized by the General Assembly.</p>
<p>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?</p>	<p>No</p>
<p>Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?</p>	<p>Yes, but very limited.</p>
<p>Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)</p>	<p>None</p>

Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.

The State Fire Marshal has authority in R.C. 3743.53 to deny (new or renewals) or revoke existing manufacturing licenses.

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?

\$30,000. 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?

Federal regulatory oversight for fireworks exhibitors 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.
- 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, which are illegal to discharge in Ohio without a specific exhibitor license and a permit. 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 exhibitor and flame effect licenses focus on the safe transport, storage and display of fireworks (both display grade 1.3G fireworks and consumer grade 1.4G fireworks, which are both used at exhibitions) and flame effects. This includes safety for employees, the public and first responders, Ohio

Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?

fireworks exhibition laws have very little direct overlap with federal fireworks regulations and neither state nor federal regulations are predicated upon the other, as Ohio laws focus on the end use of the product while federal regulations focus more on “upstream” creation, distribution and storage of such items.

What is the “harm” that the regulation seeks to prevent? (See, R.C. 4798.02(B).)

Fireworks, particularly exhibition grade (1.3G) fireworks, are inherently dangerous. For example, in just the past two years, the unlicensed use of 1.3G fireworks has led directly to deaths of two persons and other serious injuries, and, prior to that, the deaths of two others (and numerous other injuries) at licensed, but unsafe shows.

The further back one goes, an ever-increasing toll of deaths, injuries and property destruction caused by fireworks, both in Ohio and across the county is clearly evident. To stop such tragedies, this regulation seeks to prevent the sale of 1.3G commercial fireworks to unlicensed individuals, the shooting of 1.3G commercial and 1.4G consumer fireworks by unlicensed individuals in Ohio, and the unsafe exhibition of any fireworks by any persons.

The best way to prevent fatalities, injuries and property destruction caused by fireworks is the licensing of individuals who are trained in the safe handling and safe shooting/display of fireworks at exhibitions in accordance with the complex safety practices established in the Ohio Revised Code and Ohio Fire Code.

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

The regulation is effective as, for example, Ohio has not had a fatality at a properly permitted show conducted by a licensed exhibitor since 1998, while fatalities have recently occurred at unlicensed illegal exhibitions. Clearly, the licensure and safety rules work when applied. Being less restrictive will not prevent the harm and will increase access and use of high explosives by untrained persons, subjecting those persons and innocent bystanders to serious harm and possibly death.

Currently, only licensed exhibitors can apply for fireworks exhibition permits with local authorities having jurisdiction in Ohio. Fireworks wholesalers and manufacturers can only sell 1.3G commercial fireworks to licensed exhibitors. Licensed exhibitors must keep their license credentials on them while engaging in activities that require an Exhibitor’s license and follow all of the very specific Ohio safety rules at

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

exhibitions. Reducing any regulations in this area will only serve to create significant gaps in the overall regulatory structure of this activity and the risks associated with such gaps are very high.

Are there any changes the Board would like to see implemented?

Increase in penalties for the acquisition and use of 1.3G fireworks. Under Federal and Ohio law, the improper possession of explosives containing the same amount of hazardous/explosive compounds as a 1.3G firework is a felony. If the item is labeled as a firework, but is just as dangerous, it is only a misdemeanor to illegally acquire or possess. As the potential harm associated with the explosive device (that's what a firework is per the ATF) is the same in either case, the penalties for illegal possession and use should be the same.

Comparison to other states *(How many other states regulate the occupation? How do Ohio's regulations compare to those other states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)*

Type of regulation from state to state is widely varied. Regulation varies for the type of fireworks that can be displayed by a licensed fireworks exhibitor, the type of license required relative to the type of fireworks on exhibition, the extent of regulation for the exhibition site, State and local fire code requirements, and requirements for individual licensees. Federal background checks are required for this license type. Ohio's regulation falls on the side of greater safety for fireworks exhibitors, greater safety for consumers and the general public.

Surrounding state comparison (LSC)

Fireworks Exhibitor						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (<i>R.C. 3743.50</i>)	No	No	No	Registration for business that intends to display (<i>35 Pa. Cons. Stat. 1276.2; 37 Pa. Code 711.1</i>)	Yes (<i>W. Va. Code R. 103-4-8</i>)
Education or training	No	N/A	N/A	N/A	No	Must demonstrate through training, skill and experience a minimum proficiency (<i>W. Va. Code R. 103-4-8</i>)
Experience	Must submit one of the following: 1. Documentation that applicant is capable of handling the responsibilities associated with exhibitions;	N/A	N/A	N/A	No	Must demonstrate through training, skill and experience a minimum proficiency (<i>W. Va. Code R. 103-4-8</i>)

Fireworks Exhibitor						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	2. A comparable license issued by another state; 3. Documentations demonstrating competency by experience or training in the operation of flame effects; <i>(O.A.C. 1301:7-7-56(S)(6))</i>					
Exam	Yes <i>(O.A.C. 1301:7-7-56(S)(7))</i>	N/A	N/A	N/A	No	Yes <i>(W. Va. Code R. 103-4-8)</i>
Continuing education	Six hours every three years <i>(R.C. 3743.52)</i>	N/A	N/A	N/A	No	No
Initial licensure fee	\$50 <i>(O.A.C. 1301:7-7-56(S)(2))</i>	N/A	N/A	N/A	Not specified	\$20 <i>(W. Va. Code R. 103-4-8)</i>
License duration	One year <i>(R.C. 3743.52; O.A.C. 1301:7-7-56(S)(2))</i>	N/A	N/A	N/A	One year <i>(35 Pa. Cons. Stat. 1276.2; 37 Pa. Code 711.3)</i>	One year <i>(W. Va. Code R. 103-4-8)</i>

Fireworks Exhibitor						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Renewal fee	\$50 (<i>O.A.C. 1301:7-7-56(S)(2)</i>)	N/A	N/A	N/A	Not specified	\$20 (<i>W. Va. Code R. 103-4-8</i>)

Fireworks exhibitor assistant registration

Survey responses (COM)

Description
All individuals who assist an Ohio licensed fireworks exhibitor in conducting a fireworks exhibition or flame effects exhibition in Ohio must be licensed by the SFM.
Type (<i>See R.C. 4798.01 for relevant definitions.</i>)
Registration

If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	154
Number renewed annually	1,532
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	Active licenses issued have remained steady with no significant increase or decrease over the past six years
Education or training requirements	Yes. Must be under the supervision of an Ohio licensed fireworks Exhibitor who must sign initial application and annual license renewal applications.
Experience requirements	No
Examination requirements (<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
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	Annual completion of a minimum 3 hours of CE in the safe operation of a public display. CE is in-service, administered by the supervising fireworks exhibitor.
Initial fee	\$25 – as authorized in rule per R.C. 3743.56
Duration	Annual

If the regulation is a registration, certification, or license requirement, please complete the following:	
Renewal fee <i>(If different from initial fee, please explain why.)</i>	\$25 – as authorized in rule per R.C. 3743.56
Does the Board recognize uniform licensure requirements or allow for reciprocity?	No
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	The Division is not aware of the existence of any similar national registrations, certifications of licenses that include oversight/competency in applicable exhibition related sections of the Ohio Revised Code, Ohio Fire Code or close association with a licensed exhibitor. Therefore, no substitutions for this state issued license have been made or requested by the exhibition community or General Assembly.
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	No
Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?	Yes, but limited.
Other information <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i>	None

Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.

The State Fire Marshal has authority to deny or refuse to renew this license.

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?

\$27,450. 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?

Federal regulatory oversight for fireworks exhibitors and their registered assistants 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.
- 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, which are illegal to discharge in Ohio without a specific exhibitor license and a permit. 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 exhibitor and flame effect licenses focus on the safe transport, storage and display of fireworks (both display grade 1.3G fireworks and consumer grade 1.4G fireworks, which are both used at exhibitions) and flame effects. This includes safety for employees, the public and first responders, Ohio

Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?

fireworks exhibition laws have very little direct overlap with federal fireworks regulations and neither state nor federal regulations are predicated upon the other, as Ohio laws focus on the end use of the product while federal regulations focus more on “upstream” creation, distribution and storage of such items.

What is the “harm” that the regulation seeks to prevent? (See, R.C. 4798.02(B).)

Fireworks, particularly exhibition grade (1.3G) fireworks, are inherently dangerous. For example, in just the past two years, the unlicensed use of 1.3G fireworks has led directly to deaths of two persons and other serious injuries, and, prior to that, the deaths of two others (and numerous other injuries) at licensed, but unsafe shows. Likewise, improperly trained or unsupervised assistants have been injured and placed in precarious situations at exhibitions and experience has shown that the more unsupervised & untrained persons are that are inside of a display perimeter, the higher the risk of tragic results and accidents.

To stop such unacceptable risks to show helpers and the public, this regulation seeks to prevent the handling and shooting of 1.3G commercial and 1.4G consumer fireworks by unlicensed, untrained or improperly supervised individuals in Ohio, limit the access to the display perimeter to only those persons directly supervised by the shooter (and government safety officials), and to prevent the unsafe exhibition of any fireworks by any persons. The best way to prevent fatalities, injuries and property destruction caused by fireworks is the licensing of individuals who are trained in the safe handling and safe shooting/display of fireworks at exhibitions in accordance with the complex safety practices established in the Ohio Revised Code and Ohio Fire Code, the registration and close supervision of exhibitor’s subordinates and the limitation of access to the display perimeter.

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

The regulation is effective, as recent history has shown high quality safety practices and less risk of dangerous incidents since the inception of this program. Being less restrictive will not prevent the harm as the registration process is already not very onerous and works to promote safety. Currently, only licensed exhibitor assistants can work with their supervising fireworks exhibitor at the permitted exhibition sites as approved by local authorities having jurisdiction in Ohio. Licensed exhibitor assistants must keep their license credentials on them while engaging in activities that require an Exhibitor’s license.

Are there any changes the Board would like to see implemented?

Creation of administrative authority to suspend or revoke registration for improper activity during period of registration.

Comparison to other states *(How many other states regulate the occupation? How do Ohio's regulations compare to those other states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)*

Type of regulation from state to state is widely varied. Regulation varies for the type of fireworks that can be displayed by a licensed fireworks exhibitor, the type of license required relative to the type of fireworks on exhibition, the extent of regulation for the exhibition site, State and local fire code requirements, and requirements for individual licensees. Federal background checks are required for this license type. Ohio's regulation falls on the side of greater safety for fireworks exhibitors, greater safety for consumers and the general public.

Surrounding state comparison (LSC)

Fireworks Exhibitor Assistant						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Registration <i>(R.C. 3743.56)</i>	No	No	No	No	Yes <i>(W. Va. Code R. 103-4-8)</i>
Education or training	At least three hours of in-service education in the safe operation of	N/A	N/A	N/A	N/A	No

Fireworks Exhibitor Assistant						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	a public display (O.A.C. 1301:7-7-56(S)(10)(b)(ii))					
Experience	No	N/A	N/A	N/A	N/A	No
Exam	No	N/A	N/A	N/A	N/A	No
Continuing education	No	N/A	N/A	N/A	N/A	No
Initial licensure fee	\$25 (O.A.C. 1301:7-7-56(S)(10)(a)(i))	N/A	N/A	N/A	N/A	\$20 (W. Va. Code R. 103-4-8)
License duration	One year (R.C. 3743.56)	N/A	N/A	N/A	N/A	Not specified
Renewal fee	\$25 (O.A.C. 1301:7-7-56(S)(10)(a)(i))	N/A	N/A	N/A	N/A	Not specified

Hotel or single room occupancy license

Survey responses (COM)

Description

Requires the licensure of any structure with one or more buildings containing more than five guestrooms that are approved by the local building code official having authority and the SFM as meeting the requirements for transient sleeping, or extended stay, or temporary residence and offered for pay to guests.

Type *(See R.C. 4798.01 for relevant definitions.)*

License

If the regulation is a registration, certification, or license requirement, please complete the following:

Number issued annually	41
Number renewed annually	1700

If the regulation is a registration, certification, or license requirement, please complete the following:

Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	Hotels have been steadily increasing over the past six years due to continued infrastructure development.
Education or training requirements	None
Experience requirements	None
Examination requirements (<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>)	Hotels must pass inspection by an SFM Code Enforcement Fire Safety Inspector in accordance with Ohio Fire Code. \$100 inspection fee. Proceeds are used for SFM and agency budget.
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	None
Initial fee	ranges from \$2,000 to \$4,000
Duration	Annual
Renewal fee (<i>If different from initial fee, please explain why.</i>)	6-110 sleeping rooms: \$110 110 or more sleeping rooms: \$1 per room

If the regulation is a registration, certification, or license requirement, please complete the following:

<p>Does the Board recognize uniform licensure requirements or allow for reciprocity?</p>	<p>No</p>
<p>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</p>	<p>The Division is not aware of the existence of any similar national registrations, certifications of licenses that include 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>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?</p>	<p>Hotels with 5 rooms or less are exempt from Ohio hotel license law. Structures not offering rooms for a fee to the public are exempt from Hotel license law.</p>
<p>Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?</p>	<p>Yes</p>
<p>Other information <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i></p>	<p>None</p>

Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.

State Fire Marshal has authority to deny, suspend, revoke or refuse to renew this license. Actions against a license are accomplished through the issuance of a notice of opportunity for hearing and are subject to ORC Chapter 119; no fine or revocation is imposed until the licensee has first received notice and an opportunity to correct. In addition, violations of OFC requirements, when not corrected, may be addressed through a citation process which also includes an opportunity to correct and appeal rights pursuant to ORC Chapter 119.

**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?**

\$454,000. 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?

No

What is the “harm” that the regulation seeks to prevent? (See, R.C. 4798.02(B).)

This regulation seeks to prevent the construction of hotels that do not meet minimum building standards for fire safety. Hotels that are not in compliance with minimum fire safety and building code standards are harmful and dangerous to the public.

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

This regulation is effective. Being less restrictive will not prevent the harm. Hotels are not permitted to open until minimum building safety and fire safety standards are met. Hotels are inspected annually to ensure safety compliance measures are maintained. Hotels are given the opportunity to correct non-compliance. Citations are issued for non-corrected fire code offenses.

Are there any changes the Board would like to see implemented?

The transfer of authority to other agencies of certain ORC Chapter 3731 provisions that charge SFM Code Enforcement certified fire safety inspectors with the duty of inspecting hotel facilities for sanitary conditions not related to fire safety (such as bedding and carpeting sanitization). See ORC sec. 3731.05 together with ORC secs. 3731.09, 3731.12 and 3731.13.

Clarify the applicability of hotel definitions, rules and standards to temporary vacation rentals including, but not limited to, Air B and B and Vrbo.

Comparison to other states *(How many other states regulate the occupation? How do Ohio's regulations compare to those other states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)*

Type of regulation from state to state is widely varied on state and local jurisdiction levels. Regulation varies based on state and local building codes and fire codes. Required building specifications vary widely based on factors such as hotel license type being applied for and whether the hotel has any places of assembly. The definition of a hotel varies widely across the states. The involvement of local jurisdictions such as city building code officials and local hotel licenses issued is vastly different within each jurisdiction. Ohio's regulation falls on the side of greater safety for consumers and the general public.

Surrounding state comparison (LSC)

Hotel or Single Room Occupancy						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (<i>R.C. 3731.03</i>)	No	Permit (<i>Ky. Rev. Stat. Ann. 219.021</i>)	No	No	Certificate (<i>W. Va. Code Ann. 16-6-4</i>)
Education or training	No	N/A	No	N/A	N/A	No
Experience	No	N/A	No	N/A	N/A	No
Exam	No	N/A	No	N/A	N/A	No
Continuing education	No	N/A	No	N/A	N/A	No
Initial licensure fee	For hotels or SROs with exterior corridor rooms only, \$2,000 For hotels or SROs with interior corridor rooms only, \$3,000 For hotels or SROs with exterior or interior rooms and places of assembly, \$4,000	N/A	\$100 (<i>902 Ky. Admin. Regs. 7:010(3)(4)</i>)	N/A	N/A	\$2 plus \$0.25 per bedroom in excess of seven, but not more than \$10 total (<i>W. Va. Code Ann. 16-6-4</i>)

Hotel or Single Room Occupancy						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<i>(O.A.C. 1301:7-7-01(R)(7)(c))</i>					
License duration	One year <i>(R.C. 3731.03)</i>	N/A	One year <i>(Ky. Rev. Stat. Ann. 219.021)</i>	N/A	N/A	One year <i>(W. Va. Code Ann. 16-6-4)</i>
Renewal fee	\$110 or \$1 per room, whichever is greater <i>(O.A.C. 1301:7-7-01(R)(7)(c))</i>	N/A	\$100 <i>(902 Ky. Admin. Regs. 7:010(3)(4))</i>	N/A	N/A	\$2 plus \$0.25 per bedroom in excess of seven, but not more than \$10 total <i>(W. Va. Code Ann. 16-6-4)</i>

Underground storage tank systems installer certification

Survey responses (COM)

Description
License required for individuals to install, perform major repairs on site to, close-in-place, or remove an underground storage tank system.

Type (See R.C. 4798.01 for relevant definitions.)

License

If the regulation is a registration, certification, or license requirement, please complete the following:

Number issued annually	18
Number renewed annually	548
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	Active licenses issued has maintained at the same level over the past six years.
Education or training requirements	36-hour training program
Experience requirements	Complete above 36 hour training and participated in the install, major repair, abandonment or removal of 3 Underground Storage Tank (UST) systems; OR be a registered engineer and participate in the install, major repair, abandonment or removal of 6 Underground Storage Tank (UST) systems; OR participate in the install, major repair, abandonment or removal of 12 Underground Storage Tank (UST) systems

If the regulation is a registration, certification, or license requirement, please complete the following:

<p>Examination requirements (<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>Taking and passing an exam is required for this license. Exam is administered by SFM. Exam material is determined by SFM subject matter experts. \$175 initial application fee includes exam. Proceeds are used for SFM and agency budget.</p>
<p>Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)</p>	<p>8-hour refresher installer CE course as required in OAC. Education course is reviewed and subject to approval by SFM Environmental Supervisor.</p>
<p>Initial fee</p>	<p>\$175</p>
<p>Duration</p>	<p>Annual</p>
<p>Renewal fee (<i>If different from initial fee, please explain why.</i>)</p>	<p>\$150. Initial fee helps cover maintaining exam proctoring database.</p>
<p>Does the Board recognize uniform licensure requirements or allow for reciprocity?</p>	<p>No</p>
<p>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</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>

If the regulation is a registration, certification, or license requirement, please complete the following:

Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	No
Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?	Yes
Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)	None

Oversight and disciplinary authority of the Board 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 Board to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?

\$80,275. 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/Bureau of Underground Storage Tank Regulation (BUSTR) is required to mandate a method of certification for Installer 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 installers were not required to pass an exam and complete education to show they possess satisfactory competency in the install, major repairs on site, abandonment, or removal of 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 installers must complete CE with course sponsors approved by SFM. Facilities where licensed installers perform install work are registered UST facilities with SFM, which provides further oversight for safety and prevention.

Are there any changes the Board would like to see implemented?

No

Comparison to other states *(How many other states regulate the occupation? How do Ohio's regulations compare to those other states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)*

Type of regulation from state to state is widely varied. Regulation varies for UST Installer education hours required and experience requirements for licensure. Some state licenses combine other UST trades such as inspections with the installer license. Other states issue separate license categories based on the type of install work being performed. Ohio's regulation falls on the side of greater safety at UST facilities for the general public.

Surrounding state comparison (LSC)

Underground Storage Tank Systems Installer						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (<i>R.C. 3737.881(F)</i>)	Certification (<i>Ind. Code Ann. 13-23-3-3</i>)	Certification (<i>Ky. Rev. Stat. Ann. 224.60-135(5); 815 Ky. Admin. Regs. 30:060(2)</i>)	Owner must hire a qualified underground storage tank consultant to conduct corrective actions at a site where a release has occurred from a tank (<i>Mich. Comp. Laws 324.21307 et seq.; Michigan Department of Environmental Quality, Remediation and Development Division, Frequently Asked Questions</i>)	Certification for installers and inspectors (<i>35 Pa. Cons. Stat. 6021.501(c); 25 Pa. Code 245.102</i>)	Certification (<i>W. Va. Code Ann. 22-17-6(b)(12); W. Va. Code R. 33-30-3.2</i>)
Education or training	Applicant must meet at least one of several requirements to demonstrate sufficient training	No	No, but can reduce required experience by demonstrating specific training courses or	No, but if person does not have required experience, the person must possess or employ	Depends on the specific certification category (<i>25 Pa. Code 245.111 and 245.113</i>)	No

Underground Storage Tank Systems Installer						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	and experience (O.A.C. 1301:7-9-11(I))		education (815 Ky. Admin. Regs. 30:060(6)(1))	at least one person with either one of several specified authorizations or with a specific master's degree plus experience (Mich. Comp. Laws 324.21325(a))		
Experience	Applicant must meet at least one of several requirements to demonstrate sufficient training and experience (O.A.C. 1301:7-9-11(I))	No	Participation in installation of, performance of repairs on site to, closure of, interior lining of, installation of corrosion protection to, or removal of a minimum of six underground storage tanks within immediately prior five years Applicant can reduce required	Has experience in all phases of underground storage tank work If person does not have the required experience, person must possess or employ at least one person with either one of several specified authorizations or with a specific master's degree plus experience	Depends on the specific certification category (25 Pa. Code 245.111 and 245.113)	Depends on the specific certification category (W. Va. Code R. 33-30-3.4)

Underground Storage Tank Systems Installer

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
			experience by demonstrating specific training courses or education Additional experience required depending on the specific type of certification sought Applicant can obtain probationary certificate under certain conditions if applicant does not have enough experience <i>(815 Ky. Admin. Regs. 30:060(6) and (7))</i>	<i>(Mich. Comp. Laws 324.21325(a))</i>		
Exam	Yes <i>(O.A.C. 1301:7-9-11(I))</i>	Yes <i>(Ind. Code Ann. 13-23-3-2)</i>	Yes <i>(815 Ky. Admin. Regs. 30:060(5)(4))</i>	No	Yes <i>(25 Pa. Code 245.102)</i>	Depends on the specific certification category <i>(W. Va. Code R. 33-30-3.4)</i>

Underground Storage Tank Systems Installer						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Continuing education	Eight hours per year (<i>O.A.C. 1301:7-9-11(L)(1)(b)</i>)	No	No	No	No	16 hours every three years (<i>W. Va. Code R. 33-30-3.5.a.2</i>)
Initial licensure fee	\$150 (<i>O.A.C. 1301:7-9-11(I)</i>)	\$25 (<i>675 Ind. Admin. Code 12-12-4(a)(2)</i>)	\$300 (<i>815 Ky. Admin. Regs. 30:060(5)</i>)	No	Not specified	\$185 (<i>W. Va. Code R. 33-30-3.4.h and i</i>)
License duration	One year (<i>R.C. 3737.881(A)</i>)	Two years (<i>Ind. Code Ann. 13-23-3-4</i>)	One year (<i>815 Ky. Admin. Regs. 30:060(9)(1)</i>)	No	Three years (<i>25 Pa. Code 245.114</i>)	Three years (<i>W. Va. Code R. 33-30-3.5</i>)
Renewal fee	\$150 (<i>O.A.C. 1301:7-9-11(L)(1)(a)</i>)	\$25 (<i>675 Ind. Admin. Code 12-12-4(a)(2)</i>)	\$100 (<i>815 Ky. Admin. Regs. 30:060(9)(1)</i>)	No	Not specified	\$125 (<i>W. Va. Code R. 33-30-3.5</i>)

Underground storage tank systems inspector

Survey responses (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 (See R.C. 4798.01 for relevant definitions.)

License

If the regulation is a registration, certification, or license requirement, please complete the following:

Number issued annually	20
Number renewed annually	129
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	Active licenses issued have slightly increased overall in the past six years.
Education or training requirements	Completion of a UST Installer training program and a UST Inspector training program
Experience requirements	None

If the regulation is a registration, certification, or license requirement, please complete the following:

<p>Examination requirements (<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>Passing an exam is required for this license. Exam is administered by SFM. Exam material is determined by SFM subject matter experts. \$25 initial application fee include exam. Proceeds are used for SFM and agency budget.</p>
<p>Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)</p>	<p>No</p>
<p>Initial fee</p>	<p>\$25</p>
<p>Duration</p>	<p>Annual</p>
<p>Renewal fee (<i>If different from initial fee, please explain why.</i>)</p>	<p>\$25</p>
<p>Does the Board recognize uniform licensure requirements or allow for reciprocity?</p>	<p>No</p>
<p>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</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>

If the regulation is a registration, certification, or license requirement, please complete the following:

Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	No
Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?	Yes
Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)	None

Oversight and disciplinary authority of the Board 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 Board to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?

\$852. 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 Board would like to see implemented?

No

Comparison to other states *(How many other states regulate the occupation? How do Ohio's regulations compare to those other states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)*

Type of regulation from state to state is widely varied. Regulation varies for UST Inspector education hours required and experience requirements for licensure. Some state licenses combine other UST trades such as installers with the inspection license. Other states issue separate license categories based on the type of install work being performed. Ohio's regulation falls on the side of greater safety at UST facilities for the general public.

Underground storage tank systems installer training (both the initial 36-hour training course and eight hour continuing education training) sponsor certification

Survey responses (COM)

Description
The SFM may certify a person to sponsor an installer training program if the person applies to the SFM and pays a fee, and provides the following: program description and syllabus; lesson plans for each class session; study materials and handouts; name, address and qualifications of all faculty; pre-test and post-test examinations; method of attendance verification; and the instructor for the training program must be a certified installer and possess a valid installer certificate issued by the SFM.

Type <i>(See R.C. 4798.01 for relevant definitions.)</i>
Regulation of process

If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	No new training sponsor licenses in the past year.
Number renewed annually	3 renewals for the 36-hour training course sponsor license and 7 renewals for the 8-hour continuing education training sponsor license.

If the regulation is a registration, certification, or license requirement, please complete the following:	
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	There has not been a significant change in the number of course sponsors over the past six years.
Education or training requirements	Training program instructor must be a certified installer and possess a valid installer certificate issued by the SFM.
Experience requirements	Be a certified installer and possess a valid installer certificate issued by the SFM
Examination requirements (<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
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	None
Initial fee	For 36-hour course - \$200; For 8-hour course - \$50
Duration	Annual
Renewal fee (<i>If different from initial fee, please explain why.</i>)	For 36-hour course - \$150; For 8-hour course - \$50. The initial fee is to cover comprehensive review of sponsor's presented materials and evaluation of their testing being offered.

If the regulation is a registration, certification, or license requirement, please complete the following:

<p>Does the Board recognize uniform licensure requirements or allow for reciprocity?</p>	<p>No</p>
<p>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</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>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?</p>	<p>No</p>
<p>Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?</p>	<p>Yes</p>
<p>Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)</p>	<p>None</p>

Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.

The SFM may approve, amend, revoke, or deny the sponsor certification.

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?

Renewal revenue: \$800. 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?

None. No.

What is the “harm” that the regulation seeks to prevent? (*See, R.C. 4798.02(B).*)

This regulation allows private entities to provide the necessary training and continuing education needed in teaching UST installers how to safely perform their tasks. In turn, that prevents potential harm caused if installers were not required to demonstrate they possessed satisfactory competency in hazardous activities such as installing, repairing, removal, etc. of underground storage tanks containing highly flammable 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 UST installer education sponsors must regularly demonstrate they are adequately ensuring that UST installers are trained appropriately and have demonstrated competency in performing tasks regulated to tanks that store highly flammable and toxic substances. The continuing education component is important to ensure UST installers keep up with changes to the UST rules and regulations.

Are there any changes the Board would like to see implemented?

No.

Comparison to other states *(How many other states regulate the occupation? How do Ohio's regulations compare to those other states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)*

Type of regulation from state to state is widely varied. Some states perform all their own education courses/training while others may do a hybrid. Ohio's regulations probably fall within the middle.

Surrounding state comparison (LSC)

Underground Storage Tank Systems Installer – Trainer						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (<i>R.C. 3737.881(F)</i>)	No	No	No	Approval (<i>25 Pa. Code 245.141</i>)	Operator training course must be approved (<i>W. Va. Code R. 33-30-6</i>)
Education or training	No	N/A	N/A	N/A	No	No
Experience	Must be a certified underground storage tank systems installer (<i>O.A.C. 1301:7-9-11(M)(7)(c)</i>)	N/A	N/A	N/A	No	No
Exam	No	N/A	N/A	N/A	No	No
Continuing education	No	N/A	N/A	N/A	Yes (<i>25 Pa. Code 245.114</i>)	No
Initial licensure fee	\$200 (<i>O.A.C. 1301:7-9-11(M)(5)</i>)	N/A	N/A	N/A	No	\$280 (<i>W. Va. Code R. 33-30-6</i>)
License duration	One year (<i>R.C. 3737.881(B)</i>)	N/A	N/A	N/A	Three years (<i>25 Pa. Code 245.141</i>)	Five years (<i>W. Va. Code R. 33-30-6</i>)

Underground Storage Tank Systems Installer – Trainer						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Renewal fee	\$150 (<i>O.A.C. 1301:7-9-11(M)(11)</i>)	N/A	N/A	N/A	No	\$280 (<i>W. Va. Code R. 33-30-6</i>)

Underground Storage Tank Systems Installer – Continuing Education Sponsor						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Certification (<i>O.A.C. 1301:7-9-11(N)(4)</i>)	No	No	No	No	No
Education or training	No	N/A	N/A	N/A	N/A	N/A
Experience	Must be a certified underground tank systems installer (<i>O.A.C. 1301:7-9-11(N)(6)</i>)	N/A	N/A	N/A	N/A	N/A
Exam	No	N/A	N/A	N/A	N/A	N/A
Continuing education	No	N/A	N/A	N/A	N/A	N/A

Underground Storage Tank Systems Installer – Continuing Education Sponsor						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Initial licensure fee	\$50 (O.A.C. 1301:7-9-11(N)(4))	N/A	N/A	N/A	N/A	N/A
License duration	One year (O.A.C. 1301:7-9-11(N)(9))	N/A	N/A	N/A	N/A	N/A
Renewal fee	\$50 (O.A.C. 1301:7-9-11(N)(10))	N/A	N/A	N/A	N/A	N/A

Operator training sponsor certification

Survey responses (COM)

Description
<p>The SFM may certify a person to sponsor an operator training program if the person applies to the SFM and pays a fee, and provides the following: program description and syllabus; lesson plans for each topic session; study materials and handouts; pre-test and post-test examinations; method of attendance verification for three separate classifications of Operators (Class A, B, or C) that are based on the operators role at the UST facility.</p>

Type (See R.C. 4798.01 for relevant definitions.)

Regulation of process

If the regulation is a registration, certification, or license requirement, please complete the following:

Number issued annually	One new license in the past year.
Number renewed annually	16 renewals
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	There has not been a significant change in the number of course sponsors over the past six years.
Education or training requirements	No
Experience requirements	None
Examination requirements (<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

If the regulation is a registration, certification, or license requirement, please complete the following:	
Continuing education requirements <i>(Including a description of the curriculum and the process of setting it.)</i>	None
Initial fee	\$200
Duration	Annual
Renewal fee <i>(If different from initial fee, please explain why.)</i>	\$150. The initial fee is to cover the initial comprehensive review of sponsor's presented materials and evaluation of their testing being offered.
Does the Board recognize uniform licensure requirements or allow for reciprocity?	No.
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	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.
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	No
Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?	Yes

If the regulation is a registration, certification, or license requirement, please complete the following:

Other information (*Significant attributes or prerequisites to licensure not addressed in this chart.*)

None

Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.

The SFM may approve, amend, revoke, or deny the sponsor certification.

**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?**

Renewal revenue: \$2,600. 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 operator training. Our licensing program satisfies this requirement.

What is the “harm” that the regulation seeks to prevent? (See, R.C. 4798.02(B).)

This regulation allows private entities to provide the necessary training to owners and operators on how to safely operate their UST systems. This education helps operators learn the complex rules and regulations so they can be in compliance. It also shows them how to operate their complex release detection systems and look for signs of a petroleum release, etc. This in turn, reduces the instances of releases and/or preventing slow responses to releases. Reducing releases or reducing the severity of them helps minimize the explosion and fire risk as well as reducing the potential harm caused to human health and the environment.

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 operator education sponsors must regularly demonstrate they are adequately versed in UST rules and regulations to ensure they can properly teach relevant materials and test operator’s knowledge.

Are there any changes the Board would like to see implemented?

No.

Comparison to other states *(How many other states regulate the occupation? How do Ohio's regulations compare to those other states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)*

All states have some form of operator training, but the methods are widely varied. Some states perform all their own education courses/training while others may do a hybrid. Ohio's regulations probably fall within the middle.

STATE SPEECH AND HEARING PROFESSIONALS BOARD (SHP)

General information (SHP)

General questions about the State Speech and Hearing Professionals Board

Duties

The Ohio Speech and Hearing Professionals Board (SHP) issues licenses and oversees the practice of audiologists (AUD), hearing aid dealers (HAD), hearing aid fitters (HAS), trainee permit holders (TPH), conditional speech-language pathologists (CSLP), speech-language pathologists (SLP), audiology aides, (AUD-A), and speech-language pathology aides (SLP-A) under the authority of the Speech and Hearing Practices Act pursuant to Ohio Revised and Administrative Code Chapters 4744, 4747, and 4753.

The SHP Board's duties are clearly delineated under Ohio Revised Code sections 4744.12, 4747.04, and 4753.05. The SHP Board's authorized duties include:

- Investigating complaints against applicants and licensees and taking appropriate disciplinary action against those who violate the public health and safety standards established by the General Assembly and SHP Board;
- Investigating complaints against individuals and/or entities practicing without a license;
- Determining the nature and scope of qualifying examinations;
- Determining whether persons holding similar valid licenses from other states or jurisdictions shall be required to take and successfully pass the appropriate qualifying examination;
- Adopting reasonable rules, in accordance with R.C. Chapter 119 necessary for the administration of R.C. Chapters 4744, 4747, and 4753, including but not limited to:
 - Amount of fees;
 - Information to be included in a hearing aid receipt;
- Conducting hearings as are necessary to carry out R.C. Chapters 4744, 4747, and 4753;
- Adopting a seal and certificate;
- Maintaining a record of its proceedings; and
- Maintaining a register of every individual holding a certificate, license, or permit used under R.C. Chapters 4747 and 4753 and every individual whose certificate, license, or permit has been disciplined under those chapters.

The SHP Board's Mission Statement is as follows:

- The Mission of the Ohio Speech and Hearing Professionals Board is to protect consumers by regulating the practice of audiology, hearing aid dealing, fitting and dispensing, and speech-language pathology by establishing, promoting, and enforcing practice

Duties

standards and professional competency among licensees pursuant to Chapters 4744, 4747, and 4753 of the Ohio Revised Code and Ohio Administrative Code.

The SHP Board's Vision Statement is as follows:

- Our vision is for Ohioans to possess maximum communication skills in order to achieve social and vocational independence.

The SHP Board's Value Statement is as follows:

- The Ohio Speech and Hearing Professionals Board and its employees share a set of core values, which are reflected in licensing, investigations, policy-making, and public relations; these values include: accountability, accuracy, fairness, integrity, leadership/role model, professionalism, respect, responsiveness, and transparency.

Membership *(Current members, chairperson and other officers, and selection process.)*

The SHP Board is overseen by nine board members who are appointed by the Governor, with the advice and consent of the Senate, to serve a three-year term. The Governor may remove a member of the board for malfeasance, misfeasance, or nonfeasance. The SHP Board elects a president and secretary each year. The SHP Board's compositions consist of three audiologists, two speech-language pathologists, two hearing aid fitters, and two public members. Below are the current members and officers as of August 2020:

Audiology Board Members

Tammy Brown, M.A., CCC-A, FAAA, Board Certified in Audiology; **Board President**

Karen Mitchell, Au.D., CCC-A

Carrie Spangler, Au.D., CCC-A

Hearing Aid Fitter Board Members

Michael Pratt

Mathew Starner

Speech-Language Pathology Board Members

Barbara Prakup, Ph.D., CCC-SLP, **Board Secretary**

Ann Slone, Ph.D., CCC-SLP

Public Board Members

Lisa Dodge Burton

Vacant

Budget (Current budget, description of budgeting process, sources of funding, and expected increases or decreases in budget or funding in future years.)

The SHP Board's current budget, e.g., FY2021 is as follows:

Budget allotment: \$636,709

The SHP Board's budgeting process involves following guidance from the Office of Budget and Management. The SHP Board is assigned a budget analyst who reviews its budget request that is incorporated into the Governor's overall executive biennium budget for the state of Ohio.

The source of the SHP Board's funding is fees generated by various licensure applications, which are deposited into the 4K9 account established for occupational licensure boards.

The SHP Board expects a ten to twenty percent decrease to its allotted budget due to the impact the COVID-19 pandemic is having on the state's economy. We expect funding generated by licensure fees to continue to fully sustain board operations.

Workload (Assess current, past, and anticipated workload. Has the workload increased or decreased significantly in the preceding six years?)

The Board licenses and regulates over 11,000 audiologists, hearing aid dealers, hearing aid fitters, speech-language pathologists, conditional speech-language pathologists, trainee permit holders, and audiology and speech-language pathology aides – a growth of over twenty-seven in the past five years, and over forty-three percent in the past decade. During FY20, staffing levels included four full-time positions, which has remained the same since at least 1995. During FY18, the Ohio Board of Speech-Language Pathology and Audiology and Hearing Aid Dealers and Fitters Licensure Board were abolished by the General Assembly and consolidated into the current SHP Board, effective January 21, 2018.

Total licenses have increased steadily during the past four renewal cycles as follows:

- 2011-2012 – 5.4%
- 2013-2014 – 5.6%
- 2015-2016 – 6.4%
- 2017-2018 – 4.8%

Workload (Assess current, past, and anticipated workload. Has the workload increased or decreased significantly in the preceding six years?)

	2018 Dec.	2017 Dec.	2016 Dec.	2015 Dec.	2014 Dec.	2013 Dec.	2012 Dec.	2011 Dec.
Speech–Language Path.	7741	7360	7367	6913	7008	6587	6578	6191
Audiologist	1054	1053	1031	983	988	969	972	937
Inactive SLP	307	244	244	215	151	157	102	107
Inactive AUD	54	38	44	38	26	26	22	25
Conditional SLP	385	374	375	374	357	379	324	326
Permit Holders	0	0	0	0	0	0	42	47
SLP–Aide	4	4	8	9	10	8	10	10
AUD–Aide	99	85	81	66	73	69	72	63
TOTAL	9644	9196	9187	8635	8653	8195	8122	7706
	448-4.8%		552-6.4%		458-5.6%		416-5.4%	

Total licenses continue to increase for the current practice period of 2019-2020 as follows:

	Dec. 2019	August 2020
Audiologists	1094	1055
Dual AUD/SLP	33	33
Hearing Aid Dealers	221	232
Hearing Aid Satellites	379	386
Hearing Aid Fitters	440	466
Inactive Audiologists	54	54
Inactive SLP	303	303

295			
Conditional SLP	379	327	
Speech-Lang. Path.	7667	7983	
Trainee Permits	39	51	
AUD Aides	84	89	
SLP Aides	3	5	
Total	10,657	11,015	+3.4%

We expect licenses to increase between approximately four to five percent for the 2021-2022 practice period and for the foreseeable future. This is based on projections from the U.S. Bureau of Labor Statistics, which projects that employment for audiologists, hearing aid fitters,

Workload *(Assess current, past, and anticipated workload. Has the workload increased or decreased significantly in the preceding six years?)*

and speech-language pathologists will increase 16 percent, 16 percent, and 27 percent respectively through 2028, which is much faster than the average for all occupations. The elderly population's rapid growth is likely to result in a significant increase in the number of people with hearing loss and more demand for audiologists and hearing aid dealers and hearing aid fitters. Additionally, as the large baby boomer population ages, health conditions that cause speech or language impairments are more likely. Improved awareness of speech, language, and hearing disorders should also stimulate demand for audiologists, hearing aid fitters, and speech-language pathologists. Additionally, due to the COVID-19 pandemic, we anticipate an increased awareness and demand for services by licensees, secondary to the disease that decreases the communicative ability of patients or clients.

The SHP Board investigates complaints involving applicants, licensees, and unlicensed practice. The SHP Board employs one full-time investigator to review complaints and conduct investigations. There is an Investigative Review Group Committee (IRG) consisting of the executive director, one board member who chairs the committee, the Board's investigator, and the SHP Board's assistant attorney general. The IRG prepares recommendations on cases to the SHP Board for possible disciplinary action, which includes, but is not limited to, proposed denial of the application, suspension or revocation of a license, probationary terms, reprimand, or educational letters. The SHP Board will also negotiate Consent Agreements when applicable.

The number of complaints that SHP Board investigates increased after the board consolidation in 2018. Despite the increased workload, the caseload is still able to be managed by one full-time investigator.

Staffing *(How many staff are currently employed by the board? What are their roles? Are staffing levels proportionate to the board's current and anticipated workload?)*

The SHP Board currently employs the following four positions:

Executive Director, Licensing Administrator, Investigator, and Administrative Professional. The Executive Director manages the day-to-day operations and executes the SHP Board's directives. The Licensing Administrator is responsible for overseeing the SHP Board's licensing program to ensure that licensure applications are processed. The Investigator is responsible for investigating complaints against applicants, licensees, and unlicensed practice and performing continuing education audits. The Administrative Professional duties have been increased to align with providing administrative support to all positions and assists with the review and processing of licensure applications. The staffing levels are proportionate to the SHP Board's current and anticipated workload for the foreseeable future.

Administrative hearings and public complaints *(Describe the Board's processes for administering discipline and addressing complaints. Assess the efficiency of the processes.)*

The SHP Board is charged by statute to investigate complaints filed against applicants, licensees, and individuals/entities alleged to be practicing without a license. The SHP Board has an Investigative Review Group Committee (IRG) that is responsible for overseeing the complaint process. Complaints are typically received through the complaint portal via the eLicense Ohio license management system. Upon determining the SHP Board has jurisdiction over the complaint, the matter is assigned a case number and investigated by the SHP Board's investigator. Upon completion of the investigation, the case is reviewed by the IRG committee to make a recommendation to the SHP Board on whether to pursue formal disciplinary action, pursuant to Ohio Revised Code Chapter 119, e.g., Ohio's Administrative Procedures Act. The SHP Board can vote to issue a Notice of Opportunity for Hearing or propose a Consent Agreement. Individuals and/or entities subject to formal disciplinary action are afforded due process, under R.C. Chapter 119, prior to any disciplinary being taken, including, but not limited to, the right to being represented by an attorney at an administrative hearing. Administrative hearings are typically held before the SHP Board, but the SHP Board may also hold the hearing before a hearing officer. Upon conclusion of the hearing, the SHP Board may impose disciplinary action against the license, which can range from proposed denial of an application, reprimand, probation, suspension, or revocation of the license. For unlicensed practice, the SHP Board may seek appropriate relief from a court of common pleas following prior anti-trust review by the Office of Common Sense Initiative. Board adjudication orders may also be appealed through the court of common pleas and appellate court system pursuant to R.C. 119.12. The SHP Board's complaint process is very efficient and ensures complaints are investigated within a reasonable time frame and individuals are afforded due process so that all information is taken into consideration to reach an outcome that addresses any violations and protects the public.

Hearing aid dealer's or fitter's license

Survey responses (SHP)

Description

The hearing aid dealer's and hearing aid fitter's license are two distinct licenses issued by the SHP Board pursuant to R.C. section 4747.04 and defined under R.C. section 4747.05 (A)(1) and (2). A hearing aid dealer's license is issued to the owner or person employed by a firm, partnership, association, or corporation who engages in the practice of dealing in, advertising, or merchandising of hearing aids. The owner of a hearing aid dealer does not need to be a licensed hearing aid fitter, but has to have at least one hearing aid fitter associated with the dealer's license.

Type (See R.C. 4798.01 for relevant definitions.)

License

If the regulation is a registration, certification, or license requirement, please complete the following:

<p>Number issued annually</p>	<p>Hearing Aid Dealer: 15 Hearing Aid Satellites: 30 Hearing Aid Fitter: 20</p>																					
<p>Number renewed annually</p>	<p>Hearing Aid Dealer: 258 Hearing Aid Satellites: 485 Hearing Aid Fitter: 485</p>																					
<p>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</p>	<p>The following is a summary of the license totals for the preceding six years.</p> <table border="0" style="margin-left: auto; margin-right: auto;"> <tr> <td></td> <td style="text-align: center;">FY19</td> <td style="text-align: center;">FY18</td> <td style="text-align: center;">FY17</td> <td style="text-align: center;">FY16</td> <td style="text-align: center;">FY15</td> <td style="text-align: center;">FY14</td> </tr> <tr> <td>Hearing Aid Dealer</td> <td style="text-align: center;">214</td> <td style="text-align: center;">226</td> <td style="text-align: center;">239</td> <td style="text-align: center;">242</td> <td style="text-align: center;">223</td> <td style="text-align: center;">242</td> </tr> <tr> <td>Hearing Aid Fitter</td> <td style="text-align: center;">422</td> <td style="text-align: center;">409</td> <td style="text-align: center;">411</td> <td style="text-align: center;">415</td> <td style="text-align: center;">430</td> <td style="text-align: center;">404</td> </tr> </table>		FY19	FY18	FY17	FY16	FY15	FY14	Hearing Aid Dealer	214	226	239	242	223	242	Hearing Aid Fitter	422	409	411	415	430	404
	FY19	FY18	FY17	FY16	FY15	FY14																
Hearing Aid Dealer	214	226	239	242	223	242																
Hearing Aid Fitter	422	409	411	415	430	404																
<p>Education or training requirements</p>	<p>There are no minimum education or training requirements to qualify for a hearing aid dealer’s license.</p> <p>There are no minimum education or training requirements to qualify for a hearing aid fitter’s license.</p> <p>Training to become a licensed hearing aid dealer or fitter under a trainee permit is optional.</p>																					

If the regulation is a registration, certification, or license requirement, please complete the following:

<p>Experience requirements</p>	<p>There are no requirements of experience to become a licensed hearing aid dealer or hearing aid fitter.</p>
<p>Examination requirements <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 is no examination requirement to become a licensed hearing aid dealer.</p> <p>Passing a qualifying exam is required to become a licensed hearing aid fitter. Below is summary of the qualifying exam process:</p> <p>Candidates must first pass a national written exam comprised of 105 multiple-choice questions administered by the International Hearing Society (IHS). The fee for the national written exam is \$225 paid directly to IHS. The exam requires candidates to demonstrate their competency of principles on the testing of human hearing, as well as procedures and safety protocols for selecting, fitting and dispensing hearing aids. The SHP Board and IHS coordinate during the national exam process. For instance, the SHP Board determines whether an individual has met the necessary requirements to take the national exam. The SHP Board will notify IHS of any applicant who is eligible to take the national exam. IHS communicates with the applicant and schedules their national exam. IHS sends the applicant’s exam score report to the SHP Board. The SHP Board notifies the applicant of their national exam result. Applicants who have successfully passed their national exam and eligible to take the next set of exams administered by the SHP Board.</p> <p>The SHP Board administers to candidates applying for a hearing aid fitter’s license a laws and rules exam and the practical exam. The hearing aid fitter application fee of \$262 includes the cost for both exams. The laws and rules exam and the practical exam are both proctored exams. An SHP Board staff member proctors the laws and rules exam. The practical exam is proctored by licensed audiologist and/or hearing aid fitters, including audiology or hearing aid fitter board members. The SHP examinations are set forth in R.C. 4747.08.</p>
<p>Continuing education requirements <i>(Including a description of the curriculum and the process of setting it.)</i></p>	<p>Since hearing aid dealers are entities where hearing aids fitters and trainees operate, there is no continuing education requirement for hearing aid dealers. Hearing aid fitters are required to complete 20 hours of continuing education every two years. Continuing education hours must be acquired in subjects related to hearing aid fitting or audiology. At least 2 of the 20 hours must be related to ethics. No continuing education is required for individuals renewing their license for the first time. The SHP Board may waive or reduce continuing education hours due to</p>

If the regulation is a registration, certification, or license requirement, please complete the following:	
	<p>military active duty, illness, or other extenuating circumstances. Continuing education programs may include academic coursework or programs approved by any licensure board or courses offered by the International Hearing Society, American Speech-Language Hearing Association, or the American Academy of Audiology. Continuing education may also be earned for providing volunteer services to indigent and uninsured persons at a free clinic or other non-profit organization. Courses may be online, in-service professional development or traditional workshops. The SHP Board audits 10% of licensees for compliance with the continuing education requirements. The SHP Board's continuing education requirements are established under its rules.</p>
Initial fee	<p>Hearing Aid Dealer's Initial Application Fee: \$200 Hearing Aid Fitter's Initial Application Fee: \$262</p>
Duration	<p>Hearing Aid Dealer: 2 years or the remainder of the 2-year practice biennium Hearing Aid Fitter: 2 years or the remainder of the 2-year practice biennium</p> <p>Note: when an initial license is issued less than 100 days before December 31st of the renewal year, the SHP Board shall waive the renewal fee and the licensee shall be considered to have been issued in the next renewal cycle.</p>
Renewal fee <i>(If different from initial fee, please explain why.)</i>	<p>Hearing Aid Dealer's renewal fee: \$120 every two years Hearing Aid Fitter's renewal fee: \$120 every two years</p> <p>The renewal fee is less than the initial application fees due to less administrative costs associated with the processing of renewal applications.</p>
Does the Board recognize uniform licensure requirements or allow for reciprocity?	<p>Yes – the SHP Board recognizes uniform licensure requirements for its practical exam when out-of-state hearing aid fitters have passed the practical exam administered by the International Hearing Society. There are currently 13 states that the SHP Board would allow reciprocity for exemption from the SHP Board's practical exam. Applicants licensed in these states would only be required to take the SHP Board's laws and rules exam.</p>

If the regulation is a registration, certification, or license requirement, please complete the following:

Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?

The SHP Board is not aware of any national registrations or certifications for hearing aid dealers.

For a hearing aid fitter, there is a national certification for hearing instrument specialists administered by the National Board for Certification in Hearing Instrument Sciences (NBC-HIS). The NBC-HIS is an independent, non-profit, credentialing organization. It is not a substitute for state licensure requirements. The certification process consists of passing an exam developed by the NBC-HIS Exam Committee. Exam candidates must hold a current state dispensing license and have two years of full-time dispensing experience. NBC-HIS' organization, oversight of its certified members and their investigative process of consumer complaints is unknown.

Additionally, NBC-HIS' 2-year full-time dispensing experience requirement is not equivalent to the SHP Board's supervised training permit requirements. Each person engaged in training to become a licensed hearing aid dealer or fitter shall apply for a trainee permit, which is valid for one year. The trainee permit's activities, while engaged in the practice of dealing in or fitting of hearing aids, are supervised by a licensed hearing aid fitter during this time frame. During the first ninety days, the supervisor must be physically present with the trainee permit holder. In order to ensure that meaningful supervision is available to each permit holder engaged in training to become a licensed hearing aid fitter, supervisors must be licensed for at least two years and may supervise no more than two trainees at any time.

Certification is also a voluntary process and governed by a private organization with far less accountability and transparency than a state licensure board.

Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?

The Hearing Aid Dealers and Fitters Practice Act under R.C. section 4747.15 recognizes the following exemptions:

- (A) Any person engaged in the practice of measuring human hearing for the purpose of selection of hearing aids provided that such selection does not result in an actual sale of a hearing aid by such person;
- (B) Any practicing physician who is licensed by the Ohio state medical board;
- (C) Any audiologist who is licensed pursuant to Chapter 4753. of the Revised Code.

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?

The SHP Board's licensure requirements are delineated under statute and authorize the issuance of a license when all requirements have been met, e.g., qualifying exam, criminal background check, minimum education, supervised training, etc.

Other information (*Significant attributes or prerequisites to licensure not addressed in this chart.*)

N/A

Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.

The SHP Board's oversight authority of individuals engaged in the practice of dealing in or the fitting of hearing aids is pursuant to R.C. sections 4744.02, 4747.01, and 4747.04. The SHP Board's disciplinary authority is pursuant to R.C. sections 4747.02, 4747.12, and 4747.14. The penalty for unlicensed practice is specified under R.C. 4747.99, which states that whoever violates R.C. sections 4747.02 or 4747.14 shall be fined not less than one hundred nor more than five hundred dollars or imprisoned not less than ten nor more than ninety days, or both.

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?

The SHP Board does not receive any funding from the General Revenue Fund. The SHP Board's operations are supported by license fees and deposited into a non-GRF account, e.g., Fund 4K90.

FY 2019 Revenue - \$1,396,573

Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?

Pursuant to federal regulations promulgated under CFR Title 21, the United States Food and Drug Administration regulates hearing aid devices, including requirements regarding patient and professional labeling, conditions for sale, classification of devices, etc. The Board's rules cannot exceed any federal requirements governing hearing aid devices.

What is the "harm" that the regulation seeks to prevent? (See, R.C. 4798.02(B).)

The hearing aid dealer and hearing aid fitter regulations seek to prevent harm to consumers with hearing loss to ensure that the testing of their hearing is conducted for the accurate and proper selecting and fitting of a hearing aid. Preventing physical harm is also a consideration with the placement of hearing aids and inspection of the middle ear canal to determine proper functioning, abnormalities, or other conditions requiring a medical referral. Therefore, consumers need services that are provided by a licensed hearing aid fitter who possesses the required knowledge, skill, and training. The licensure regulations ensure that individuals are qualified with the requisite education and training, have no disqualifying criminal convictions, demonstrate competency by passage of a qualifying exam, and maintain their continued competency by completion of continuing education in order to renew their license. The regulation also seeks to protect consumers through a complaint, investigative, and disciplinary process when standards of care for safe practice are violated. The overall purpose of the regulation is to protect the public's health, safety, and welfare.

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

The SHP Board maintains that its regulations are effective at preventing harm to consumers and believes its laws and rules demonstrate the least restrictive means to protect consumers and avoid unreasonable barriers to this occupation.

Are there any changes the Board would like to see implemented?

Not at this time because as part of the SHP Board consolidation in 2018, changes were implemented in March 2019 as part of a statute clean-up bill to resolve discrepancies and maximize efficiencies. For instance, the hearing aid dealer’s license and the hearing aid fitter’s license are now on a biennial renewal cycle and have the same practice period and expiration date as the audiology, speech-language pathology and aide licenses, e.g., January 1, 2019 to December 31, 2020; January 1, 2021 to December 31, 2022, etc. In addition, licensure fees were either eliminated or reduced.

Comparison to other states *(How many other states regulate the occupation? How do Ohio’s regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)*

At least 42 states have licensure requirements for hearing aid dealers and hearing aid fitters. The majority of states require individuals to have a high school diploma or GED as the minimum education requirements. Ohio does not specify a minimum education for hearing aid fitters; however, a trainee permit holder must have a high school diploma or equivalent GED.

Surrounding state comparison (LSC)

Hearing Aid Dealer’s or Fitter’s License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (<i>R.C. 4747.02</i>)	Yes (<i>Ind. Code Ann. 25-20-1-2</i>)	Yes (<i>Ky. Rev. Stat. Ann. 334.020</i>)	Yes (<i>Mich. Comp. Laws 339.1305</i>)	Yes (<i>35 Pa. Cons. Stat. 6700-605</i>)	Yes (<i>W. Va. Code Ann. 30-26-2</i>)
Education or training	No	High school diploma or equivalent (<i>Ind.</i>)	High school diploma or GED (<i>Ky. Rev. Stat. Ann. 334.050</i>)	High school or secondary school diploma (<i>Mich.</i>)	No	Four years of high school or equivalent (<i>W.</i>)

Hearing Aid Dealer's or Fitter's License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
		<i>Code Ann. 25-20-1-3)</i>		<i>Comp. Laws 339.1305)</i>		<i>Va. Code Ann. 30-26-5)</i>
Experience	No	No	Must complete 12-month apprenticeship unless holds a master's degree and certification of clinical competence in audiology (<i>Ky. Rev. Stat. Ann. 334.050, 334.080, and 334.090</i>)	Must serve for six months as a licensed trainee for a salesperson's license; must serve for two years under licensed dealer's direction and supervision for a dealer's license (<i>Mich. Comp. Laws 339.1305)</i>	Must complete an apprenticeship (<i>35 Pa. Cons. Stat. 6700-605 and 6700-606; Pennsylvania Department of Health, Frequently Asked Questions</i>)	No
Exam	Required (<i>R.C. 4747.08</i>)	Required (<i>Ind. Code Ann. 25-20-1-3)</i>	Required (<i>Ky. Rev. Stat. Ann. 334.060</i>)	Required unless completed a specified home study course or have passed another state's examination if the state's requirements are substantially equal to Michigan's (<i>Mich.</i>	Required (<i>35 Pa. Cons. Stat. 6700-302)</i>	Required (<i>W. Va. Code Ann. 30-26-5)</i>

Hearing Aid Dealer's or Fitter's License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
				<i>Comp. Laws 339.1305)</i>		
Continuing education	20 hours every two years (<i>R.C. 4747.06</i>)	20 hours every two years (<i>Ind. Code Ann. 25-20-1-25</i>)	Ten hours every year (<i>201 Ky. Admin. Regs. 7:075</i>)	Not required	20 hours every two years (<i>35 Pa. Cons. Stat. 6700-311</i>)	20 hours every two years (<i>W. Va. Code Ann. 30-26-9</i>)
Initial licensure fee	\$200 for dealer's license and \$260 for fitter's license (<i>O.A.C. 4747-1-22</i>)	\$60 (<i>844 Ind. Admin. Code 9-1-1</i>)	\$300 for license and \$245 for exam (<i>201 Ky. Admin. Regs. 7:015</i>)	\$20 application fee; \$160 for dealer or \$100 for salesperson; and \$100 for dealer exam or salesperson exam (<i>Mich. Comp. Laws 338.2231</i>)	\$400 (<i>35 Pa. Cons. Stat. 6700-316</i>)	\$50 application fee and \$200 for practical exam and state law test (<i>W. Va. Code R. 8-1-4; Minutes of West Virginia Board of Hearing Aid Dealers and Fitters, January 9, 2017</i>)
License duration	Two years (<i>R.C. 4747.06</i>)	Two years (<i>Ind. Code Ann. 25-20-1-12</i>)	One year (<i>Ky. Rev. Stat. Ann. 334.080</i>)	Two years (<i>Michigan Department of Licensing and Regulatory Affairs, Renewing a License</i>)	One year (<i>35 Pa. Cons. Stat. 6700-311</i>)	One year (<i>W. Va. Code Ann. 30-26-9</i>)

Hearing Aid Dealer's or Fitter's License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Renewal fee	\$120 (<i>O.A.C. 4747-1-22</i>)	\$40 (<i>844 Ind. Admin. Code 9-1-1</i>)	\$200 (<i>201 Ky. Admin. Regs. 7:015</i>)	\$160 for dealer and \$100 for salesperson (<i>Michigan Department of Licensing and Regulatory Affairs, Renewing a License</i>)	\$100 (<i>35 Pa. Cons. Stat. 6700-316</i>)	\$100 (<i>W. Va. Code R. 8-1-4</i>)

Hearing aid dealer's or fitter's trainee permit

Survey responses (SHP)

Description
The trainee permit license is issued by the SHP Board pursuant to R.C. section 4747.04 and defined under R.C. section 4747.10. The trainee permit is a viable option that allows an individual to be gainfully employed while receiving training to become a licensed hearing aid dealer or fitter under the supervision of a licensed hearing aid fitter.

Type (See R.C. 4798.01 for relevant definitions.)

License

If the regulation is a registration, certification, or license requirement, please complete the following:

Number issued annually	31 trainee permits were issued in FY2020														
Number renewed annually	Trainee permits renewed in FY2020: 61														
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	<p>The following is a summary of the license totals for the preceding six years.</p> <table border="1"> <thead> <tr> <th></th> <th>FY19</th> <th>FY18</th> <th>FY17</th> <th>FY16</th> <th>FY15</th> <th>FY14</th> </tr> </thead> <tbody> <tr> <td>Trainee Permit</td> <td>59</td> <td>57</td> <td>47</td> <td>51</td> <td>47</td> <td>32</td> </tr> </tbody> </table>		FY19	FY18	FY17	FY16	FY15	FY14	Trainee Permit	59	57	47	51	47	32
	FY19	FY18	FY17	FY16	FY15	FY14									
Trainee Permit	59	57	47	51	47	32									
Education or training requirements	High school diploma or certificate of high school equivalence issued by the department of education.														
Experience requirements	There are no requirements of experience to receive a trainee permit.														
Examination requirements (<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>)	There is no exam requirement to receive a trainee permit.														

If the regulation is a registration, certification, or license requirement, please complete the following:	
Continuing education requirements <i>(Including a description of the curriculum and the process of setting it.)</i>	There are no continuing education requirements to maintain a trainee permit.
Initial fee	\$150
Duration	One year
Renewal fee <i>(If different from initial fee, please explain why.)</i>	The trainee permit is not renewable; however, a second trainee permit can be issued at a fee of \$105.
Does the Board recognize uniform licensure requirements or allow for reciprocity?	There is no reciprocity equivalency for a trainee permit.
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	There are no similar national registrations, certifications, or licenses for a trainee permit.
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	<p>The Hearing Aid Dealers and Fitters Practice Act under R.C. section 4747.15 recognizes the following exemptions:</p> <p>(A) Any person engaged in the practice of measuring human hearing for the purpose of selection of hearing aids provided that such selection does not result in an actual sale of a hearing aid by such person;</p> <p>(B) Any practicing physician who is licensed by the Ohio state medical board;</p> <p>(C) Any audiologist who is licensed pursuant to Chapter 4753. of the Revised Code.</p>

If the regulation is a registration, certification, or license requirement, please complete the following:

<p>Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?</p>	<p>The SHP Board’s licensure requirements are delineated under statute and authorize the issuance of a license when all requirements have been met, e.g., qualifying exam, criminal background check, minimum education, supervised training, etc.</p>
<p>Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)</p>	<p>N/A</p>

Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.

The SHP Board’s oversight authority of individuals engaged in activities under a trainee permit is pursuant to R.C. sections 4744.02, 4747.04, and 4747.10. The SHP Board’s disciplinary authority is pursuant to R.C. sections 4747.02, 4747.12, and 4747.14. The penalty for unlicensed practice is specified under R.C. 4747.99, which states that whoever violates R.C. sections 4747.02 or 4747.14 shall be fined not less than one hundred nor more than five hundred dollars or imprisoned not less than ten nor more than ninety days, or both.

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?

The SHP Board does not receive any funding from the General Revenue Fund. The SHP Board’s operations are supported by license fees and deposited into a non-GRF account, e.g., Fund 4K90.

FY 2019 Revenue - \$1,396,573

Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?

The SHP Board is not aware of any federal law that requires the state to regulate this occupation.

What is the “harm” that the regulation seeks to prevent? (See, R.C. 4798.02(B).)

The regulation for trainee permits seeks to prevent harm to consumers with hearing loss in need of services provided by a licensed practitioner. Preventing physical harm is also a consideration because trainee permit holders are still gaining experience and skills under the supervision of a licensed hearing aid fitter. The licensure regulations ensure that individuals are qualified with the requisite education, knowledge, and training, have no disqualifying criminal convictions, demonstrate competency by passage of a qualifying exam, and maintain their continued competency by completion of continuing education in order to renew their license. The regulation also seeks to protect consumers through a complaint, investigative, and disciplinary process when standards of care for safe practice are violated. The overall purpose of trainee permit regulation is to protect the public’s health, safety, and welfare.

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

The SHP Board maintains that its regulations are effective at preventing harm to consumers and believes its laws and rules demonstrate the least restrictive means to protect consumers and avoid unreasonable barriers to this occupation.

Are there any changes the Board would like to see implemented?

Not at this time because as part of the SHP Board consolidation in 2018, changes were implemented in March 2019 as part of a statute clean-up bill to resolve discrepancies and maximize efficiencies. For instance, the hearing aid dealer’s license and the hearing aid fitter’s license are now on a biennial renewal cycle and have the same practice period and expiration date as the audiology, speech-language pathology and aide licenses, e.g., January 1, 2019 to December 31, 2020; January 1, 2021 to December 31, 2022, etc. In addition, licensure fees were either eliminated or reduced.

Comparison to other states *(How many other states regulate the occupation? How do Ohio’s regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)*

At least 42 states have licensure requirements for hearing aid dealers, hearing aid fitters, and completion of training under a licensure model. The majority of states require individuals to have a high school diploma or GED as the minimum education requirements. Ohio does not specify a minimum education for hearing aid fitters; however, a trainee permit holder must have a high school diploma or equivalent GED.

Surrounding state comparison (LSC)

Hearing Aid Dealer or Fitter Trainee Permit						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (<i>R.C. 4747.02</i>)	No	Yes – apprenticeship permit (<i>Ky. Rev. Stat. Ann. 334.020</i>)	Yes (<i>Mich. Comp. Laws 339.1305 and 339.1307</i>)	Yes (<i>35 Pa. Cons. Stat. 6700-306</i>)	Yes (<i>W. Va. Code Ann. 30-26-2</i>)

Hearing Aid Dealer or Fitter Trainee Permit						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Education or training	High school diploma or equivalent (<i>R.C. 4747.10</i>)	N/A	High school diploma or GED (<i>Ky. Rev. Stat. Ann. 334.050 and 334.090</i>)	No	No	No
Experience	No	N/A	No	No	No	No
Exam	No	N/A	No	No	No	No
Continuing education	No	N/A	No	No	No	No
Initial licensure fee	\$150 (<i>O.A.C. 4747-1-22</i>)	N/A	\$100 (<i>201 Ky. Admin. Regs. 7:015</i>)	\$10 application fee and \$40 license fee (<i>Mich. Comp. Laws 338.2231</i>)	\$50 (<i>35 Pa. Cons. Stat. 6700-316</i>)	\$100 (<i>West Virginia Board of Hearing Aid Dealers and Fitters, Frequently Asked Questions</i>)
License duration	One year (<i>R.C. 4747.10</i>)	N/A	One year (<i>Ky. Rev. Stat. Ann. 334.090</i>)	One year (<i>Mich. Comp. Laws 339.1307</i>)	Six months (<i>35 Pa. Cons. Stat. 6700-308</i>)	One year (<i>W. Va. Code Ann. 30-26-12</i>)
Renewal fee	\$105 (<i>O.A.C. 4747-1-22</i>)	N/A	\$100 (<i>201 Ky. Admin. Regs. 7:015</i>)	\$10 application fee and \$40 license fee (<i>Mich. Comp. Laws 338.2231</i>)	\$100 (<i>35 Pa. Cons. Stat. 6700-316</i>)	\$100 (<i>West Virginia Board of Hearing Aid Dealers and Fitters, Frequently Asked Questions</i>)

Speech-language pathologist license

Survey responses (SHP)

Description

The speech-language pathology (SLP) license is issued by the SHP Board pursuant to R.C. sections 4753.06 and 4753.07 and defined under R.C. section 4753.01. The SLP license authorizes an individual to treat individuals who have disorders of communication.

Type *(See R.C. 4798.01 for relevant definitions.)*

License

If the regulation is a registration, certification, or license requirement, please complete the following:

Number issued annually

FY 2020: 378

Number renewed annually

7,168

If the regulation is a registration, certification, or license requirement, please complete the following:															
<p>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</p>	<p>The following is a summary of the license totals for the preceding six years.</p> <table style="margin-left: auto; margin-right: auto;"> <tr> <td></td> <td>FY19</td> <td>FY18</td> <td>FY17</td> <td>FY16</td> <td>FY15</td> <td>FY14</td> </tr> <tr> <td>Speech-Lang. Path.</td> <td>7470</td> <td>7655</td> <td>7177</td> <td>7192</td> <td>6708</td> <td>6829</td> </tr> </table>		FY19	FY18	FY17	FY16	FY15	FY14	Speech-Lang. Path.	7470	7655	7177	7192	6708	6829
	FY19	FY18	FY17	FY16	FY15	FY14									
Speech-Lang. Path.	7470	7655	7177	7192	6708	6829									
<p>Education or training requirements</p>	<p>The education requirements for a speech-language pathology license is at least a master’s degree in speech-language pathology or the equivalent, such as communication science and disorders from an accredited college or university.</p>														
<p>Experience requirements</p>	<p>A supervised professional experience is required, which will be more fully addressed under the conditional speech-language pathology license.</p>														
<p>Examination requirements (<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>Applicants for a speech-language pathology license are required to receive a passing score from a national Praxis exam in speech-language pathology, which is administered by the Educational Testing Service. The Board does not oversee or administer the Praxis exam, nor receive any exam fees. ETS charges \$146 to take the Praxis exam.</p>														
<p>Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)</p>	<p>Speech-language pathologists are required to complete 20 hours of continuing education every two years. At least 10 hours of continuing education must be specific to the clinical practice of speech-language pathology and up to ten hours may be related to the practice of speech-language pathology or audiology. At least 2 of the 20 hours must be related to ethics. No continuing education is required for individuals renewing their license for the first time. The SHP Board may waive or reduce continuing education hours due to military active duty, illness, or other extenuating circumstances. Continuing education programs may include academic coursework or programs approved by any licensure board or courses offered by the American Speech-Language Hearing Association or the American Academy of Audiology. Continuing education may also be earned for providing volunteer services to indigent and uninsured persons at a free clinic or other non-profit organization. Courses may be online, in-service professional development or traditional workshops. The SHP Board audits 10% of licensees for</p>														

If the regulation is a registration, certification, or license requirement, please complete the following:	
	compliance with the continuing education requirements. The SHP Board's continuing education requirements are established under its rules.
Initial fee	\$200 for initial application; there is no licensure fee for a conditional licensee applying for their speech-language pathology license upon completing their professional experience.
Duration	Two years or the remainder of the 2-year practice period. Note: when an initial license is issued less than 100 days before December 31 st of the renewal year, the SHP Board shall waive the renewal fee and the licensee shall be considered to have been issued in the next renewal cycle.
Renewal fee <i>(If different from initial fee, please explain why.)</i>	\$120 The renewal fee is less than the initial application fees due to less administrative costs associated with the processing of renewal applications.
Does the Board recognize uniform licensure requirements or allow for reciprocity?	Yes, the SHP Board allows reciprocity of licensure from an out-of-state applicant who holds a license in good standing in their home state or holds certification with the American Speech-Language Hearing Association.
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	There is a national certification issued by the American Speech-Language Hearing Association called the Certificate of Clinical Competency in Speech-Language Pathology. This certification cannot be used as a substitute for state licensure because it does not address the occupation's scope of practice as Ohio defines it. In addition, the continuing education requirements are every three years to maintain certification, instead of every two years are required by the SHP Board. Certification is also a voluntary process and governed by a private organization with fall less accountability and transparency than a state licensure board.
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	The Speech-Language Pathology Practice Act under R.C. Chapter 4753 recognizes the following exemptions under section 4753.12: (A) Prohibit a person other than an individual from engaging in the business of speech-language pathology or audiology without licensure if it employs a licensed individual in the direct practice

If the regulation is a registration, certification, or license requirement, please complete the following:

- of speech-language pathology and audiology. Such entity shall file a statement with the state speech and hearing professionals board, on a form approved by the board for this purpose, swearing that it submits itself to the rules of the board and the provisions of this chapter which the board determines applicable.
- (B) Prevent or restrict the practice of a person employed as a speech-language pathologist or audiologist by any agency of the federal government.
- (C) Restrict the activities and services of a student or intern in speech-language pathology or audiology from pursuing a course of study leading to a degree in these areas at a college or university accredited by a recognized regional or national accrediting body or in one of its cooperating clinical training facilities, if these activities and services are supervised by a person licensed in the area of study or certified by the American speech-language-hearing association in the area of study and if the student is designated by a title such as “speech-language pathology intern,” “audiology intern,” “trainee,” or other such title clearly indicating the training status.
- (D) Prevent a person from performing speech-language pathology or audiology services when performing these services in pursuit of the required supervised professional experience as prescribed in section [4753.06](#) of the Revised Code and that person has been issued a conditional license pursuant to section [4753.071](#) of the Revised Code.
- (E) Restrict a speech-language pathologist or audiologist who holds the certification of the American speech-language-hearing association, or who is licensed as a speech-language pathologist or audiologist in another state and who has made application to the board for a license in this state from practicing speech-language pathology or audiology without a valid license pending the disposition of the application.
- (F) Restrict a person not a resident of this state from offering speech-language pathology or audiology services in this state if such services are performed for not more than one period of thirty consecutive calendar days in any year, if the person is licensed in the state of the person’s residence or certified by the American speech-language-hearing association and files a statement as prescribed by the board in advance of providing these services. Such person shall be subject to the rules of the board and the provisions of this chapter.
- (G) Restrict a person licensed under Chapter 4747. of the Revised Code from engaging in the duties as defined in that chapter related to measuring, testing, and counseling for the purpose of

If the regulation is a registration, certification, or license requirement, please complete the following:

	<p>identifying or modifying hearing conditions in connection with the fitting, dispensing, or servicing of a hearing aid, or affect the authority of hearing aid dealers to deal in hearing aids or advertise the practice of dealing in hearing aids in accordance with Chapter 4747. of the Revised Code.</p> <p>(H) Restrict a physician from engaging in the practice of medicine and surgery or osteopathic medicine and surgery or prevent any individual from carrying out any properly delegated responsibilities within the normal practice of medicine and surgery or osteopathic medicine and surgery.</p> <p>(I) Restrict a person registered or licensed under Chapter 4723. of the Revised Code from performing those acts and utilizing those procedures that are within the scope of the practice of professional or practical nursing as defined in Chapter 4723. of the Revised Code and the ethics of the nursing profession, provided such a person does not claim to the public to be a speech-language pathologist or audiologist.</p> <p>(J) Restrict an individual licensed as an audiologist under this chapter from fitting, selling, or dispensing hearing aids.</p> <p>(K) Authorize the practice of medicine and surgery or entitle a person licensed pursuant to this chapter to engage in the practice of medicine or surgery or any of its branches.</p> <p>(L) Restrict a person licensed pursuant to Chapter 4755. of the Revised Code from performing those acts and utilizing those procedures that are within the scope of the practice of occupational therapy or occupational therapy assistant as defined in Chapter 4755. of the Revised Code, provided the person does not claim to the public to be a speech-language pathologist or audiologist.</p>
<p>Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?</p>	<p>The SHP Board’s licensure requirements are delineated under statute and authorize the issuance of a license when all requirements have been met, e.g., qualifying exam, criminal background check, minimum education, supervised training, etc.</p>
<p>Other information <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i></p>	<p>N/A</p>

Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.

The SHP Board's oversight authority of individuals engaged in the practice of speech-language pathology is pursuant to R.C. sections 4744.02, 4753.01, and 4753.05. The SHP Board's disciplinary authority is pursuant to R.C. sections 4753.02 and 4753.10. The penalty for unlicensed practice is specified under R.C. 4753.99, which states that whoever violates R.C. section 4753.02 shall be guilty of a minor misdemeanor.

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?

The SHP Board does not receive any funding from the General Revenue Fund. The SHP Board's operations are supported by license fees and deposited into a non-GRF account, e.g., Fund 4K90.

FY 2019 Revenue - \$1,396,573

Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?

The SHP Board is not aware of any federal law that requires the state to regulate this occupation.

What is the “harm” that the regulation seeks to prevent? (See, R.C. 4798.02(B).)

The regulation for speech-language pathology seeks to prevent harm to consumers across all age groups that have communication disorders in need of services provided by a licensed practitioner. Preventing physical harm is also a consideration for speech-language pathologists when treating more serious communication disorders, such as swallowing disorders, and providing services to our most vulnerable populations, such as the elderly, children, and individuals with disabilities. The licensure regulations ensure that individuals are qualified with the requisite education, experience, have no disqualifying criminal convictions, demonstrate competency by passage of a national exam, and maintain their continued competency by completion of continuing education in order to renew their license. The regulation also seeks to protect consumers through a complaint, investigative, and disciplinary process when standards of care for safe practice are violated. The overall purpose of this regulation is to protect the public’s health, safety, and welfare.

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

The SHP Board maintains that its regulations are effective at preventing harm to consumers and believes its laws and rules demonstrate the least restrictive means to protect consumers and avoid unreasonable barriers to this occupation.

Are there any changes the Board would like to see implemented?

No

Comparison to other states (How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)

All 50 states require licensure for speech-language pathology. Ohio's regulations are deemed equivalent to nearly all states by virtue of the reciprocity in place for out-of-state practitioners to eligible for licensure in Ohio based on their out-of-state license and/or certification. For instance, all 50 states require at least a master's degree in speech-language pathology or the equivalent to be licensed as a speech-language pathologist.

Surrounding state comparison (LSC)

Speech-language Pathologist License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (<i>R.C. 4753.02</i>)	Yes (<i>Ind. Code Ann. 25-35.6-1-3</i>)	Yes (<i>Ky. Rev. Stat. Ann. 334A.030</i>)	Yes (<i>Mich. Comp. Laws 333.17607</i>)	Yes (<i>63 Pa. Cons. Stat. 1706</i>)	Yes (<i>W. Va. Code Ann. 30-32-1</i>)
Education or training	Master's degree in speech-language pathology or the equivalent (<i>R.C. 4753.06</i>)	Master's degree in speech-language pathology or the equivalent (<i>Ind. Code Ann. 25-35.6-1-5; 880 Ind. Admin. Code 1-1-2</i>)	Master's degree in speech-language pathology or the equivalent (<i>Ky. Rev. Stat. Ann. 334A.050 and 334A.183; 201 Ky. Admin. Regs. 17:012</i>)	Master's or doctor of science or philosophy degree in speech-language pathology (<i>Mich. Comp. Laws 333.17609</i>)	Master's degree in speech-language pathology (<i>63 Pa. Cons. Stat. 1707; 49 Pa. Code 45.17</i>)	Master's degree or equivalent in speech-language pathology (<i>W. Va. Code Ann. 30-32-9</i>)
Experience	36 weeks of professional experience at 30	If does not have a national certification in	36 weeks of professional experience at 35	1,260 hours of supervised postgraduate	Nine months of supervised professional	400 hours of clinical practicum (<i>W. Va. Code Ann.</i>)

Speech-language Pathologist License

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	hours per week or part-time equivalent (<i>R.C. 4753.06; O.A.C. 4753-3-07</i>)	speech-language pathology, must have 400 hours of supervised clinical experience in speech-language pathology practice (<i>Ind. Code Ann. 25-35.6-1-5; 880 Ind. Admin. Code 1-1-2</i>)	hours per week or part-time equivalent (<i>Ky. Rev. Stat. Ann. 334A.050 and 334A.183; 201 Ky. Admin. Regs. 17:011</i>)	clinical experience (<i>Mich. Admin. Code R. 338.615</i>)	experience (<i>63 Pa. Cons. Stat. 1707</i>)	<i>30-32-9; W. Va. Code R. 29-1-11</i>)
Exam	National examination in speech pathology or Praxis Series II test in speech-language pathology or other practical and oral or written examination determined by the Speech and Hearing Professionals Board (<i>O.A.C. 4753-3-06</i>)	National examination in speech-language pathology, or other suitable examination approved by the Speech-Language Pathology and Audiology Board, and jurisprudence examination (<i>Ind. Code Ann. 25-35.6-3-2; 880 Ind. Admin. Code 1-1-1 and 1-1-2</i>)	National Praxis examination in speech-language pathology (<i>Ky. Rev. Stat. Ann. 334A.050 and 334A.183; 201 Ky. Admin. Regs. 17:012</i>)	Praxis Series II speech-language pathology examination (<i>Mich. Admin. Code R. 338.605</i>)	National teachers examination in appointed specialty speech-language pathology (<i>63 Pa. Cons. Stat. 1707 and 1709; 49 Pa. Code 45.12; Pennsylvania Department of State, Speech-Language Pathology and Audiology, Examination Information</i>)	Educational Testing Service's national examination in speech-language pathology and jurisprudence examination (<i>W. Va. Code Ann. 30-32-9; W. Va. Code R. 29-1-3</i>)

Speech-language Pathologist License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Continuing education	20 hours every two years (<i>O.A.C. 4753-4-01</i>)	36 hours every two years (<i>Ind. Code Ann. 25-35.6-3-9; 880 Ind. Admin. Code 1-3.1-2</i>)	30 hours every two years (<i>Ky. Rev. Stat. Ann. 334A.170; 201 Ky. Admin. Regs. 17:090</i>)	20 credits every two years (<i>Mich. Admin. Code R. 338.627</i>)	20 hours every two years (<i>49 Pa. Code 45.501</i>)	20 hours every two years (<i>W. Va. Code Ann. 30-32-17; W. Va. Code R. 29-1-13</i>)
Initial licensure fee	\$200 (<i>R.C. 4753.11; O.A.C. 4753-5-01</i>)	\$150 (<i>880 Ind. Admin. Code 1-1-5</i>)	\$50 application fee; \$100 issuance fee for one year or \$150 for two years (<i>Ky. Rev. Stat. Ann. 334A.160; 201 Ky. Admin. Regs. 17:030</i>)	\$20 application processing fee; \$75 per year (<i>Mich. Comp. Laws 333.16342</i>)	\$50 (<i>63 Pa. Cons. Stat. 1708; 49 Pa. Code 45.1</i>)	\$200 (<i>W. Va. Code R. 29-1-10</i>)
License duration	Two years (<i>R.C. 4753.09</i>)	Two years (<i>880 Ind. Admin. Code 1-3.1-1</i>)	Two years (<i>Ky. Rev. Stat. Ann. 334A.170; 201 Ky. Admin. Regs. 17:030</i>)	Two years (<i>Mich. Admin. Code R. 338.627</i>)	Two years (<i>63 Pa. Cons. Stat. 1713</i>)	Two years (<i>W. Va. Code Ann. 30-32-17; W. Va. Code R. 29-1-6</i>)
Renewal fee	\$120 (<i>O.A.C. 4753-5-01</i>)	\$100 (<i>880 Ind. Admin. Code 1-1-5</i>)	\$100 (<i>Ky. Rev. Stat. Ann. 334A.170; 201 Ky. Admin. Regs. 17:030</i>)	\$75 per year (<i>Mich. Comp. Laws 333.16342</i>)	\$65 (<i>63 Pa. Cons. Stat. 1708; 49 Pa. Code 45.1</i>)	\$175 (<i>W. Va. Code R. 29-1-10</i>)

Audiologist license

Survey responses (SHP)

Description

The audiology (AUD) license is issued by the SHP Board pursuant to R.C. sections 4753.06 and 4753.07 and defined under R.C. section 4753.01. The audiology scope of practice is authorizes an individual holding the AUD license to diagnose, manage, and treat an individual's disorders of hearing, auditory processing, and vestibular function in all age groups, and includes testing for the purpose of fitting and dispensing hearing aids.

Type *(See R.C. 4798.01 for relevant definitions.)*

License

If the regulation is a registration, certification, or license requirement, please complete the following:

Number issued annually

FY 2020: 47

Number renewed annually

985

If the regulation is a registration, certification, or license requirement, please complete the following:															
<p>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</p>	<p>The following is a summary of the license totals for the preceding six years.</p> <table border="1"> <thead> <tr> <th></th> <th>FY19</th> <th>FY18</th> <th>FY17</th> <th>FY16</th> <th>FY15</th> <th>FY14</th> </tr> </thead> <tbody> <tr> <td>Audiologists</td> <td>1038</td> <td>1056</td> <td>1037</td> <td>1050</td> <td>994</td> <td>996</td> </tr> </tbody> </table>		FY19	FY18	FY17	FY16	FY15	FY14	Audiologists	1038	1056	1037	1050	994	996
	FY19	FY18	FY17	FY16	FY15	FY14									
Audiologists	1038	1056	1037	1050	994	996									
<p>Education or training requirements</p>	<p>The education requirements for an audiology license is at least a doctoral degree in audiology, e.g., Au.D., received from an accredited college or university.</p>														
<p>Experience requirements</p>	<p>A supervised professional experience for audiology is completed during the 4th and final year of the academic program; therefore, the conditional audiology license was discontinued.</p>														
<p>Examination requirements (<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>Applicants for an audiology license are required to receive a passing score from a national Praxis exam in audiology, which is administered by the Educational Testing Service. The Board does not oversee or administer the Praxis exam, nor receive any exam fees. ETS charges \$146 to take the Praxis exam.</p>														
<p>Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)</p>	<p>Audiologists are required to complete 20 hours of continuing education every two years. At least 10 hours of continuing education must be specific to the clinical practice of audiology and up to ten hours may be related to the practice of speech-language pathology or audiology. At least 2 of the 20 hours must be related to ethics. No continuing education is required for individuals renewing their license for the first time. The SHP Board may waive or reduce continuing education hours due to military active duty, illness, or other extenuating circumstances. Continuing education programs may include academic coursework or programs approved by any licensure board or courses offered by the American Speech-Language Hearing Association or the American Academy of Audiology. Continuing education may also be earned for providing volunteer services to indigent and uninsured persons at a free clinic or other non-profit organization. Courses may be online, in-service professional development or traditional workshops. The SHP Board audits 10% of licensees for compliance with the continuing education requirements. The SHP Board's continuing education requirements are established under its rules.</p>														

If the regulation is a registration, certification, or license requirement, please complete the following:	
Initial fee	\$200
Duration	Two years or the remainder of the 2-year practice period. Note: when an initial license is issued less than 100 days before December 31 st of the renewal year, the SHP Board shall waive the renewal fee and the licensee shall be considered to have been issued in the next renewal cycle.
Renewal fee (If different from initial fee, please explain why.)	\$120 The renewal fee is less than the initial application fees due to less administrative costs associated with the processing of renewal applications.
Does the Board recognize uniform licensure requirements or allow for reciprocity?	Yes, the SHP Board allows reciprocity of licensure from an out-of-state applicant who holds a license in good standing in their home state or holds certification with the American Speech-Language Hearing Association or American Board of Audiology.
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	There is a national certification issued by the American Speech-Language Hearing Association called the Certificate of Clinical Competency in Audiology and a national certification issued by the American Board of Audiology is specific areas of specialty such as cochlear implants, pediatric audiology, and general audiology. Neither of these certifications can be used as a substitute for state licensure because it does not address the occupation's scope of practice as Ohio defines it. In addition, the continuing education requirements to maintain certification are different than the SHP Board. Certification is also a voluntary process and governed by a private organization with fall less accountability and transparency than a state licensure board.
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	The Speech-Language Pathology Practice Act under R.C. Chapter 4753 recognizes the following exemptions under section 4753.12: (A) Prohibit a person other than an individual from engaging in the business of speech-language pathology or audiology without licensure if it employs a licensed individual in the direct practice of speech-language pathology and audiology. Such entity shall file a statement with the state speech and hearing professionals board, on a form approved by the board for this purpose,

If the regulation is a registration, certification, or license requirement, please complete the following:

- swearing that it submits itself to the rules of the board and the provisions of this chapter which the board determines applicable.
- (B) Prevent or restrict the practice of a person employed as a speech-language pathologist or audiologist by any agency of the federal government.
- (C) Restrict the activities and services of a student or intern in speech-language pathology or audiology from pursuing a course of study leading to a degree in these areas at a college or university accredited by a recognized regional or national accrediting body or in one of its cooperating clinical training facilities, if these activities and services are supervised by a person licensed in the area of study or certified by the American speech-language-hearing association in the area of study and if the student is designated by a title such as “speech-language pathology intern,” “audiology intern,” “trainee,” or other such title clearly indicating the training status.
- (D) Prevent a person from performing speech-language pathology or audiology services when performing these services in pursuit of the required supervised professional experience as prescribed in section [4753.06](#) of the Revised Code and that person has been issued a conditional license pursuant to section [4753.071](#) of the Revised Code.
- (E) Restrict a speech-language pathologist or audiologist who holds the certification of the American speech-language-hearing association, or who is licensed as a speech-language pathologist or audiologist in another state and who has made application to the board for a license in this state from practicing speech-language pathology or audiology without a valid license pending the disposition of the application.
- (F) Restrict a person not a resident of this state from offering speech-language pathology or audiology services in this state if such services are performed for not more than one period of thirty consecutive calendar days in any year, if the person is licensed in the state of the person’s residence or certified by the American speech-language-hearing association and files a statement as prescribed by the board in advance of providing these services. Such person shall be subject to the rules of the board and the provisions of this chapter.
- (G) Restrict a person licensed under Chapter 4747. of the Revised Code from engaging in the duties as defined in that chapter related to measuring, testing, and counseling for the purpose of identifying or modifying hearing conditions in connection with the fitting, dispensing, or servicing of a hearing aid, or affect the authority of hearing aid dealers to deal in hearing aids or

If the regulation is a registration, certification, or license requirement, please complete the following:

	<p>advertise the practice of dealing in hearing aids in accordance with Chapter 4747. of the Revised Code.</p> <p>(H) Restrict a physician from engaging in the practice of medicine and surgery or osteopathic medicine and surgery or prevent any individual from carrying out any properly delegated responsibilities within the normal practice of medicine and surgery or osteopathic medicine and surgery.</p> <p>(I) Restrict a person registered or licensed under Chapter 4723. of the Revised Code from performing those acts and utilizing those procedures that are within the scope of the practice of professional or practical nursing as defined in Chapter 4723. of the Revised Code and the ethics of the nursing profession, provided such a person does not claim to the public to be a speech-language pathologist or audiologist.</p> <p>(J) Restrict an individual licensed as an audiologist under this chapter from fitting, selling, or dispensing hearing aids.</p> <p>(K) Authorize the practice of medicine and surgery or entitle a person licensed pursuant to this chapter to engage in the practice of medicine or surgery or any of its branches.</p> <p>(L) Restrict a person licensed pursuant to Chapter 4755. of the Revised Code from performing those acts and utilizing those procedures that are within the scope of the practice of occupational therapy or occupational therapy assistant as defined in Chapter 4755. of the Revised Code, provided the person does not claim to the public to be a speech-language pathologist or audiologist.</p>
<p>Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?</p>	<p>The SHP Board’s licensure requirements are delineated under statute and authorize the issuance of a license when all requirements have been met, e.g., qualifying exam, criminal background check, minimum education, supervised training, etc.</p>
<p>Other information <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i></p>	<p>N/A</p>

Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.

The SHP Board's oversight authority of individuals engaged in the practice of audiology is pursuant to R.C. sections 4744.02, 4753.01, and 4753.05. The SHP Board's disciplinary authority is pursuant to R.C. sections 4753.02 and 4753.10. The penalty for unlicensed practice is specified under R.C. 4753.99, which states that whoever violates R.C. section 4753.02 shall be guilty of a minor misdemeanor.

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?

The SHP Board does not receive any funding from the General Revenue Fund. The SHP Board's operations are supported by license fees and deposited into a non-GRF account, e.g., Fund 4K90.

FY 2019 Revenue - \$1,396,573

Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?

Pursuant to federal regulations promulgated under CFR Title 21, the United States Food and Drug Administration regulates hearing aid devices, including requirements regarding patient and professional labeling, conditions for sale, classification of devices, etc. The Board's rules cannot exceed any federal requirements governing hearing aid devices.

What is the “harm” that the regulation seeks to prevent? (See, R.C. 4798.02(B).)

The regulation for audiology seeks to prevent harm to consumers across all age groups that have communication disorders in need of services provided by a licensed practitioner. Preventing physical harm is also a consideration for audiologists with the placement of hearing aids and inspection of the middle ear canal to determine proper functioning, abnormalities, or other conditions requiring a medical referral. Audiologists also treat serious conditions such as vestibular (balance) functioning, as well as tinnitus (ringing in the ear), which studies show can lead to depression. The licensure regulations ensure that individuals are qualified with the requisite education and experience, have no disqualifying criminal convictions, demonstrate competency by passage of a national exam, and maintain their continued competency by completion of continuing education in order to renew their license. The regulation also seeks to protect consumers through a complaint, investigative, and disciplinary process when standards of care for safe practice are violated. The overall purpose of this regulation is to protect the public’s health, safety, and welfare.

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

The SHP Board maintains that its regulations are effective at preventing harm to consumers and believes its laws and rules demonstrate the least restrictive means to protect consumers and avoid unreasonable barriers to this occupation.

Are there any changes the Board would like to see implemented?

No

Comparison to other states (How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)

All 50 states require licensure for audiology. Ohio's regulations are deemed equivalent to nearly all states by virtue of the reciprocity in place for out-of-state practitioners to eligible for licensure in Ohio based on their out-of-state license and/or certification. For instance, fifteen states require either a master's degree or doctor of audiology degree. Thirty-three states are similar to Ohio in requiring a doctoral degree in audiology to be eligible for licensure as an audiologist. Furthermore, Ohio has an open grandparenting provision for audiology licensure with a master's degree in audiology when the master's degree was earned before 1/1/2006. Three states require only a master's degree in audiology.

Surrounding state comparison (LSC)

Audiologist License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (R.C. 4753.02)	Yes (Ind. Code Ann. 25-35.6-1-3)	Yes (Ky. Rev. Stat. Ann. 334A.030)	Yes (Mich. Comp. Laws 333.16803)	Yes (63 Pa. Cons. Stat. 1706)	Yes (W. Va. Code Ann. 30-32-1)
Education or training	Doctor of audiology degree or equivalent (R.C. 4753.06; O.A.C. 4753-3-04)	Doctoral degree or its equivalent (Ind. Code Ann. 25-35.6-1-6; 880 Ind. Admin. Code 1-1-2.5)	Doctorate degree in audiology (Ky. Rev. Stat. Ann. 334A.185; 201 Ky. Admin. Regs. 17:036)	Master's or doctoral degree in audiology (Mich. Comp. Laws 333.16811)	Doctoral degree in audiology (63 Pa. Cons. Stat. 1707; 49 Pa. Code 45.17)	Master's degree or equivalent or doctorate degree in audiology (W. Va. Code Ann. 30-32-10; W. Va. Code R. 29-1-4)
Experience	36 weeks of professional experience at 30 hours per week or part-time equivalent (R.C.	If no national certification in audiology, must have 1,820 hours of supervised clinical experience	36 weeks of professional experience at 35 hours per week or part-time equivalent (201	1,080 hours or equivalent of nine months of clinical supervised experience in audiology (Mich.	Must have nine months of supervised professional experience; if hold doctoral	For master's degree applicant, 350 hours of clinical practicum (W. Va. Code Ann.

Audiologist License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	4753.06; O.A.C. 4753-3-07)	(Ind. Code Ann. 25-35.6-1-6; 880 Ind. Admin. Code 1-1-2.5)	Ky. Admin. Regs. 17:032)	Comp. Laws 333.16811; Mich. Admin. Code R. 338.2 and 338.4)	degree, none required (63 Pa. Cons. Stat. 1707; 49 Pa. Code 45.12)	30-32-10; W. Va. Code R. 29-1-11)
Exam	National examination in audiology or Praxis Series II test in audiology or other practical and oral or written examination determined by the Board (O.A.C. 4753-3-06)	National examination in audiology, or other examination approved by the Board, and jurisprudence examination (Ind. Code Ann. 25-35.6-3-2; 880 Ind. Admin. Code 1-1-1 and 1-1-2.5)	National Praxis examination in audiology (Ky. Rev. Stat. Ann. 334A.185; 201 Ky. Admin. Regs. 17:036)	National teacher's examination in audiology or the Praxis Series II audiology test (Mich. Comp. Laws 333.16811; Mich. Admin. Code R. 338.7)	National teachers examination in appointed specialty audiology (63 Pa. Cons. Stat. 1707 and 1709; 49 Pa. Code 45.12; Pennsylvania Department of State, Speech-Language Pathology and Audiology, Examination Information)	Educational Testing Service's national examination in audiology and jurisprudence examination (W. Va. Code 30-32-10; W. Va. Code R. 29-1-4)
Continuing education	20 hours every two years (O.A.C. 4753-4-01)	36 hours every two years (Ind. Code Ann. 25-35.6-3-9; 880 Ind. Admin. Code 1-3.1-2)	30 hours every two years (Ky. Rev. Stat. Ann. 334A.170; 201 Ky. Admin. Regs. 17:090)	20 hours every two years (Mich. Comp. Laws 333.16811; Mich. Admin. Code R. 338.10)	20 hours every two years (49 Pa. Code 45.501)	20 hours every two years (W. Va. Code Ann. 30-32-17; W. Va. Code R. 29-1-13)

Audiologist License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Initial licensure fee	\$200 (<i>O.A.C. 4753-5-01</i>)	\$150 (<i>880 Ind. Admin. Code 1-1-5</i>)	\$50 application fee; \$100 issuance fee for one year or \$150 for two years (<i>Ky. Rev. Stat. Ann. 334A.160; 201 Ky. Admin. Regs. 17:030</i>)	\$120 application processing fee; \$150 per year (<i>Mich. Comp. Laws 333.16323a</i>)	\$50 (<i>49 Pa. Code 45.1</i>)	\$200 (<i>W. Va. Code R. 29-1-10</i>)
License duration	Two years (<i>R.C. 4753.09</i>)	Two years (<i>880 Ind. Admin. Code 1-3.1-1</i>)	Two years (<i>Ky. Rev. Stat. Ann. 334A.170; 201 Ky. Admin. Regs. 17:030</i>)	Two years (<i>Mich. Admin. Code R. 338.10</i>)	Two years (<i>63 Pa. Cons. Stat. 1713</i>)	Two years (<i>W. Va. Code Ann. 30-32-17; W. Va. Code R. 29-1-6</i>)
Renewal fee	\$120 (<i>O.A.C. 4753-5-01</i>)	\$100 (<i>880 Ind. Admin. Code 1-1-5</i>)	\$100 (<i>Ky. Rev. Stat. Ann. 334A.170; 201 Ky. Admin. Regs. 17:030</i>)	\$150 per year (<i>Mich. Comp. Laws 333.16323a</i>)	\$65 (<i>49 Pa. Code 45.1</i>)	\$175 (<i>W. Va. Code R. 29-1-10</i>)

Speech-language pathologist conditional license

Survey responses (SHP)

Description

The speech-language pathology conditional license (SLP-COND) is issued by the SHP Board pursuant to R.C. sections 4753.06, 4753.07 and 4753.071 and defined under R.C. section 4753.01. The SLP COND license authorizes an individual to treat individuals who have disorders of communication while completing their supervised professional experience.

Type *(See R.C. 4798.01 for relevant definitions.)*

License

If the regulation is a registration, certification, or license requirement, please complete the following:

Number issued annually

FY 2020: 313

Number renewed annually

N/A

If the regulation is a registration, certification, or license requirement, please complete the following:															
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	<p>The following is a summary of the license totals for the preceding six years.</p> <table border="1"> <thead> <tr> <th></th> <th>FY19</th> <th>FY18</th> <th>FY17</th> <th>FY16</th> <th>FY15</th> <th>FY14</th> </tr> </thead> <tbody> <tr> <td>Conditional SLP</td> <td>333</td> <td>484</td> <td>288</td> <td>309</td> <td>314</td> <td>317</td> </tr> </tbody> </table>		FY19	FY18	FY17	FY16	FY15	FY14	Conditional SLP	333	484	288	309	314	317
	FY19	FY18	FY17	FY16	FY15	FY14									
Conditional SLP	333	484	288	309	314	317									
Education or training requirements	The education requirements for a SLP-COND license is at least a master's degree in speech-language pathology or the equivalent, such as communication science and disorders from an accredited college or university.														
Experience requirements	There is are no experience requirements to meet the qualifications for this license.														
Examination requirements (<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>)	Applicants for an SLP-COND license are required to receive a passing score from a national Praxis exam in speech-language pathology, which is administered by the Educational Testing Service. The Board does not oversee or administer the Praxis exam, nor receive any exam fees. ETS charges \$146 to take the Praxis exam.														
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	There are no continuing education requirements for the SLP-COND license.														
Initial fee	\$210														
Duration	18 months														
Renewal fee (<i>If different from initial fee, please explain why.</i>)	A second COND-SLP license may be issued at a fee of \$10.														

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?	Yes, the SHP Board allows reciprocity of licensure from an out-of-state applicant who holds a SLP-COND license in good standing in their home state.
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	There are no similar national registrations, certifications, or a national license equivalent to the SLP-COND license.
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	<p>The Speech-Language Pathology Practice Act under R.C. Chapter 4753 recognizes the following exemptions under section 4753.12:</p> <p>(A) Prohibit a person other than an individual from engaging in the business of speech-language pathology or audiology without licensure if it employs a licensed individual in the direct practice of speech-language pathology and audiology. Such entity shall file a statement with the state speech and hearing professionals board, on a form approved by the board for this purpose, swearing that it submits itself to the rules of the board and the provisions of this chapter which the board determines applicable.</p> <p>(B) Prevent or restrict the practice of a person employed as a speech-language pathologist or audiologist by any agency of the federal government.</p> <p>(C) Restrict the activities and services of a student or intern in speech-language pathology or audiology from pursuing a course of study leading to a degree in these areas at a college or university accredited by a recognized regional or national accrediting body or in one of its cooperating clinical training facilities, if these activities and services are supervised by a person licensed in the area of study or certified by the American speech-language-hearing association in the area of study and if the student is designated by a title such as “speech-language pathology intern,” “audiology intern,” “trainee,” or other such title clearly indicating the training status.</p> <p>(D) Prevent a person from performing speech-language pathology or audiology services when performing these services in pursuit of the required supervised professional experience as prescribed in section 4753.06 of the Revised Code and that person has been issued a conditional license pursuant to section 4753.071 of the Revised Code.</p>

If the regulation is a registration, certification, or license requirement, please complete the following:

(E) Restrict a speech-language pathologist or audiologist who holds the certification of the American speech-language-hearing association, or who is licensed as a speech-language pathologist or audiologist in another state and who has made application to the board for a license in this state from practicing speech-language pathology or audiology without a valid license pending the disposition of the application.

(F) Restrict a person not a resident of this state from offering speech-language pathology or audiology services in this state if such services are performed for not more than one period of thirty consecutive calendar days in any year, if the person is licensed in the state of the person's residence or certified by the American speech-language-hearing association and files a statement as prescribed by the board in advance of providing these services. Such person shall be subject to the rules of the board and the provisions of this chapter.

(G) Restrict a person licensed under Chapter 4747. of the Revised Code from engaging in the duties as defined in that chapter related to measuring, testing, and counseling for the purpose of identifying or modifying hearing conditions in connection with the fitting, dispensing, or servicing of a hearing aid, or affect the authority of hearing aid dealers to deal in hearing aids or advertise the practice of dealing in hearing aids in accordance with Chapter 4747. of the Revised Code.

(H) Restrict a physician from engaging in the practice of medicine and surgery or osteopathic medicine and surgery or prevent any individual from carrying out any properly delegated responsibilities within the normal practice of medicine and surgery or osteopathic medicine and surgery.

(I) Restrict a person registered or licensed under Chapter 4723. of the Revised Code from performing those acts and utilizing those procedures that are within the scope of the practice of professional or practical nursing as defined in Chapter 4723. of the Revised Code and the ethics of the nursing profession, provided such a person does not claim to the public to be a speech-language pathologist or audiologist.

(J) Restrict an individual licensed as an audiologist under this chapter from fitting, selling, or dispensing hearing aids.

If the regulation is a registration, certification, or license requirement, please complete the following:	
	<p>(K) Authorize the practice of medicine and surgery or entitle a person licensed pursuant to this chapter to engage in the practice of medicine or surgery or any of its branches.</p> <p>(L) Restrict a person licensed pursuant to Chapter 4755. of the Revised Code from performing those acts and utilizing those procedures that are within the scope of the practice of occupational therapy or occupational therapy assistant as defined in Chapter 4755. of the Revised Code, provided the person does not claim to the public to be a speech-language pathologist or audiologist.</p>
Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?	The SHP Board's licensure requirements are delineated under statute and authorize the issuance of a license when all requirements have been met, e.g., qualifying exam, criminal background check, minimum education, supervised experience, etc.
Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)	N/A

Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.

The SHP Board's oversight authority of individuals engaged in the practice of speech-language pathology holding the SLP-COND license is pursuant to R.C. sections 4744.02, 4753.01, and 4753.05. The SHP Board's disciplinary authority is pursuant to R.C. sections 4753.02 and 4753.10. The penalty for unlicensed practice is specified under R.C. 4753.99, which states that whoever violates R.C. section 4753.02 shall be guilty of a minor misdemeanor.

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?

The SHP Board does not receive any funding from the General Revenue Fund. The SHP Board's operations are supported by license fees and deposited into a non-GRF account, e.g., Fund 4K90.

FY 2019 Revenue - \$1,396,573

Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?

The SHP Board is not aware of any federal law that requires the state to regulate this occupation.

What is the "harm" that the regulation seeks to prevent? (See, R.C. 4798.02(B).)

The regulation for the speech-language pathology conditional license seeks to prevent harm to consumers across all age groups, including our most vulnerable elderly, children, and people with disabilities, that have communication disorders by having a licensed SLP supervising the conditional licensee. Therefore, consumers in need of services are ensured that the conditional licensee providing the services are being supervised by a licensed practitioner. The licensure regulations ensure that individuals are qualified with the requisite education, have no disqualifying criminal convictions, demonstrate competency by passage of a national exam, and complete a supervised professional experience under the mentorship of a licensed speech-language pathologists, which facilitates a smooth transition from student to a licensed healthcare professional. The regulation also seeks to protect consumers through a complaint, investigative, and disciplinary process when standards of care for safe practice are violated. The overall purpose of this regulation is to protect the public's health, safety, and welfare.

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

The SHP Board maintains that its regulations are effective at preventing harm to consumers and believes its laws and rules demonstrate the least restrictive means to protect consumers and avoid unreasonable barriers to this occupation.

Are there any changes the Board would like to see implemented?

No

Comparison to other states *(How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)*

42 states require licensure for conditional speech-language pathology. Ohio's regulations are deemed equivalent to the 42 states by virtue of the reciprocity in place for out-of-state practitioners to eligible for licensure in Ohio based on their out-of-state license.

Surrounding state comparison (LSC)

Speech-language Pathologist Conditional License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (<i>R.C. 4753.071</i>)	No	Yes – interim license (<i>Ky. Rev. Stat. Ann. 334A.035</i>)	Yes – educational limited license (<i>Mich. Comp. Laws 333.16182; Mich. Admin. Code R. 338.613</i>)	Yes – provisional license (<i>63 Pa. Cons. Stat.1707; 49 Pa. Code 45.23</i>)	Yes – provisional license (<i>W. Va. Code Ann. 30-32-11</i>)
Education or training	Master’s degree in speech-language pathology or the equivalent (<i>R.C. 4753.06 and 4753.071</i>)	N/A	Master’s or doctoral degree in speech-language pathology or communication disorders, or enrolled in doctoral degree program, or have equivalent coursework (<i>Ky. Rev. Stat. Ann. 334A.035; 201 Ky. Admin. Regs. 17:011</i>)	Master’s or doctoral degree (<i>Mich. Admin. Code R. 338.613</i>)	Master’s degree in speech-language pathology (<i>63 Pa. Cons. Stat.1707; 49 Pa. Code 45.23</i>)	Master’s degree or equivalent in speech-language pathology (<i>W. Va. Code Ann. 30-32-9 and 30-32-11; W. Va. Code R. 29-1-5</i>)
Experience	N/A	N/A	N/A	N/A	N/A	N/A
Exam	National examination in speech pathology	N/A	N/A	N/A	National teachers examination in appointed	Educational testing service for the specialty area

Speech-language Pathologist Conditional License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	or Praxis Series II test in speech-language pathology (<i>O.A.C. 4753-3-07</i>)				specialty speech-language pathology (<i>63 Pa. Cons. Stat. 1707; 49 Pa. Code 45.23; Pennsylvania Department of State, Speech-Language Pathology and Audiology, Examination Information</i>)	of speech-language pathology (<i>W. Va. Code Ann. 30-32-11; W. Va. Code R. 29-1-5</i>)
Continuing education	N/A	N/A	N/A	N/A	N/A	Ten hours (<i>W. Va. Code R. 29-1-5</i>)
Initial licensure fee	\$10 (<i>O.A.C. 4753-5-01</i>)	N/A	\$50 (<i>201 Ky. Admin. Regs. 17:030</i>)	\$183.80 (<i>Michigan Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, Speech-Language Pathology Licensing Guide</i>)	\$50 (<i>49 Pa. Code 45.1</i>)	\$50 (<i>W. Va. Code R. 29-1-10</i>)

Speech-language Pathologist Conditional License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License duration	18 months (<i>R.C. 4753.071</i>)	N/A	Not more than two years (<i>Ky. Rev. Stat. Ann. 334A.035; 201 Ky. Admin. Regs. 17:030</i>)	Two years, cannot be renewed more than twice (<i>Mich. Admin. Code R. 338.613</i>)	Six months (<i>63 Pa. Cons. Stat. 1707; 49 Pa. Code 45.23</i>)	One year (<i>W. Va. Code Ann. 30-32-11</i>)
Renewal fee	\$10; may be renewed once at Board's discretion (<i>O.A.C. 4753-3-07 and 4753-5-01</i>)	N/A	None, cannot be renewed (<i>201 Ky. Admin. Regs. 17:030</i>)	\$162.20 (<i>Michigan Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, Speech-Language Pathology Licensing Guide</i>)	\$30 (<i>49 Pa. Code 45.1</i>)	\$50 (<i>W. Va. Code R. 29-1-10</i>)

Audiologist conditional license

Survey responses (SHP)

Description

This license was discontinued beginning January 1, 2006, when the General Assembly amended the educational requirements for audiology, which requires a doctor of audiology degree as the requisite terminal degree to become a licensed audiologist. A supervised professional experience is completed during the audiology graduate student's final academic year.

Type *(See R.C. 4798.01 for relevant definitions.)*

License

If the regulation is a registration, certification, or license requirement, please complete the following:

Number issued annually

N/A – See description of license above.

Number renewed annually

If the regulation is a registration, certification, or license requirement, please complete the following:

<p>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</p>	
<p>Education or training requirements</p>	
<p>Experience requirements</p>	
<p>Examination requirements (<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>Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)</p>	
<p>Initial fee</p>	
<p>Duration</p>	
<p>Renewal fee (<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:

<p>Does the Board recognize uniform licensure requirements or allow for reciprocity?</p>	
<p>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</p>	
<p>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?</p>	
<p>Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?</p>	
<p>Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)</p>	

Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.

N/A – See description of license above.

**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?**

N/A – See description of license above.

Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?

N/A – See description of license above.

What is the “harm” that the regulation seeks to prevent? (*See, R.C. 4798.02(B).*)

N/A – See description of license above.

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

N/A – See description of license above.

Are there any changes the Board would like to see implemented?

N/A – See description of license above.

Comparison to other states *(How many other states regulate the occupation? How do Ohio’s regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)*

N/A – See description of license above.

Surrounding state comparison (LSC)

Audiologist Conditional License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (<i>R.C. 4753.071</i>)	No	Yes – interim license (<i>Ky. Rev. Stat. Ann. 334A.185</i>)	Yes – limited license (<i>Mich. Admin. Code R. 338.4</i>)	Yes – provisional license (<i>63 Pa. Cons. Stat. 1707; 49 Pa. Code 45.23</i>)	Yes – provisional license (<i>W. Va. Code Ann. 30-32-11</i>)
Education or training	Doctor of audiology degree or equivalent (<i>R.C. 4753.06 and 4753.071</i>)	N/A	Doctorate degree in audiology or a related field or have equivalent education (<i>Ky. Rev. Stat. Ann. 334A.185; 201 Ky. Admin. Regs. 17:032</i>)	Master’s or doctoral degree in audiology (<i>Mich. Admin. Code R. 338.4</i>)	Doctoral degree in audiology (<i>63 Pa. Cons. Stat. 1707; 49 Pa. Code 45.23</i>)	Master’s degree or equivalent in audiology (<i>W. Va. Code Ann. 30-32-11; W. Va. Code R. 29-1-4</i>)
Experience	N/A	N/A	N/A	N/A	N/A	N/A
Exam	National examination in speech pathology or Praxis Series II test in speech-language pathology (<i>O.A.C. 4753-3-07</i>)	N/A	N/A	N/A	National teachers examination in appointed specialty audiology (<i>63 Pa. Cons. Stat. 1707; 49 Pa. Code 45.23; Pennsylvania Department of</i>	Educational testing service for the specialty area of speech-language pathology (<i>W. Va. Code Ann. 30-32-11; W. Va. Code R. 29-1-5</i>)

Audiologist Conditional License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
					<i>State, Speech-Language Pathology and Audiology, Examination Information</i>	
Continuing education	N/A	N/A	N/A	N/A	N/A	Ten hours per year (<i>W. Va. Code R. 29-1-5</i>)
Initial licensure fee	\$10 (<i>O.A.C. 4753-5-01</i>)	N/A	\$50 (<i>201 Ky. Admin. Regs. 17:030</i>)	N/A	\$50 (<i>49 Pa. Code 45.1</i>)	\$50 (<i>W. Va. Code R. 29-1-10</i>)
License duration	18 months (<i>R.C. 4753.071</i>)	N/A	Two years (<i>201 Ky. Admin. Regs. 17:030</i>)	One year (three years maximum) (<i>Michigan Department of Licensing and Regulatory Affairs, License Renewal Fees</i>)	Six months (<i>63 Pa. Cons. Stat. 1707; 49 Pa. Code 45.23</i>)	One year (<i>W. Va. Code Ann. 30-32-11</i>)
Renewal fee	\$10; may be renewed once at Board's discretion (<i>O.A.C. 4753-3-07 and 4753-5-01</i>)	N/A	None, not renewable (<i>201 Ky. Admin. Regs. 17:030</i>)	\$162.30 (<i>Michigan Department of Licensing and Regulatory</i>)	\$30 (<i>49 Pa. Code 45.1</i>)	\$50 (<i>W. Va. Code R. 29-1-10</i>)

Audiologist Conditional License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
				<i>Affairs, License Renewal Fees)</i>		

Speech-language pathology student permit

Survey responses (SHP)

Description
<p>The speech-language pathology student permit (SLP-PMT) is issued by the SHP Board pursuant to R.C. sections 4753.05 and defined under R.C. section 4753.073. The SLP-PMT is issued to any applicant with at least one year of postgraduate training or equivalent coursework in speech-language pathology and who submits a plan that has been approved by the applicant’s university graduate program in speech-language pathology. The SLP-PMT was created in 2007 to address shortages in rural and hard-to-place school districts. The SLP-PMT was issued in coordination of a program administered and funded by the Ohio Department of Education called the Ohio Masters Network Initiatives in Education (OMNIE). OMNIE was discontinued in 2012 due to lack of funding. No additional SLP-PMTs have been issued since this time. Approximately 187 SLP-PMTs were issued by the former Board of Speech-Language Pathology and Audiology between 2007 to 2012.</p>
Type <i>(See R.C. 4798.01 for relevant definitions.)</i>
<p>License</p>

If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	0
Number renewed annually	0
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	As explained in the license description section, state funding for the OMNIE program was discontinued by the Ohio Department of Education in 2012.
Education or training requirements	Individuals must be enrolled in an accredited graduate program in this state in speech-language pathology and have completed at least one year of post-graduate training in speech-language pathology or equivalent coursework.
Experience requirements	N/A
Examination requirements (<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>)	There is no examination requirement for the SLP-PMT.
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	There is no continuing education requirement for the SLP-PMT.
Initial fee	\$50

If the regulation is a registration, certification, or license requirement, please complete the following:	
Duration	Two years
Renewal fee <i>(If different from initial fee, please explain why.)</i>	\$50
Does the Board recognize uniform licensure requirements or allow for reciprocity?	There is no reciprocity for the SLP-PMT.
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	There are no similar national registrations, certifications, or a national license equivalent to the SLP-PMT.
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	N/A
Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?	The SHP Board shall issue the SLP-PMT when all requirements have been met. The Board has the discretion to recognize any state university program that approves and supervises an applicant for the SLP-PMT.
Other information <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i>	N/A

Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.

The SHP Board's oversight authority of individuals engaged in the practice of speech-language pathology holding the SLP-PMT license is pursuant to R.C. sections 4744.02, 4753.01, and 4753.073. The SHP Board's disciplinary authority is pursuant to R.C. sections 4753.02 and 4753.101. The penalty for unlicensed practice is specified under R.C. 4753.99, which states that whoever violates R.C. section 4753.02 shall be guilty of a minor misdemeanor.

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?

The SHP Board does not receive any funding from the General Revenue Fund. The SHP Board's operations are supported by license fees and deposited into a non-GRF account, e.g., Fund 4K90.

The SLP-PMT does not generate revenue at this time.

Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?

The SHP Board is not aware of any federal law that requires the state to regulate this occupation.

What is the “harm” that the regulation seeks to prevent? (See, R.C. 4798.02(B).)

The regulation for the speech-language pathology student permit seeks to prevent harm to students in the school setting who are receiving services to address their communication disability. Preventing physical harm is also a consideration because student permit holders are still completing their graduate level programs in speech-language pathology; therefore, must be under the supervision of a licensed speech-language pathologist. The licensure regulations ensure that individuals are qualified and being supervised by a licensed speech-language pathologist. The regulation also seeks to protect consumers through a complaint, investigative, and disciplinary process when standards of care for safe practice are violated. The overall purpose of this regulation is to protect the public’s health, safety, and welfare.

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

The SHP Board maintains that its regulations are effective at preventing harm to consumers and believes its laws and rules demonstrate the least restrictive means to protect consumers and avoid unreasonable barriers to this occupation.

Are there any changes the Board would like to see implemented?

No. The SHP Board would like to maintain statutory authority to issue speech-language pathology student permits in the event there are critical shortages, such as the case in 2008 with the Ohio Department of Education (ODE) created the OMNIE program to address shortages of SLPs in the school setting. The SHP Board continues to collaborate with ODE and in 2018 served on ODE’s Related Service Personnel Shortage Workgroup to address shortages amongst all school-based related service providers. This workgroup proposed recommendations to address short-term, medium-term, and long-term goals to recruit and retain related service providers, which included creating a program similar to OMNIE.

Comparison to other states (How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)

The Board is aware of at least two other states that have a similar regulatory model, similar to the SLP-PMT, that authorizes graduate students to practice in a rural or hard-to-place school setting to address critical shortages of licensed speech-language pathologists. The SHP Board's regulations for the SLP-PMT are equivalent to other states, which address supervision and caseload requirements.

Surrounding state comparison (LSC)

Speech-language Pathology Student Permit						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (R.C. 4753.073)	No	No	No	No	No
Education or training	One year of graduate study in speech-language pathology and 25 hours of observation (R.C. 4753.073; O.A.C. 4753-10-01)	N/A	N/A	N/A	N/A	N/A
Experience	75 hours of clinical experience (O.A.C. 4753-10-01)	N/A	N/A	N/A	N/A	N/A

Speech-language Pathology Student Permit

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
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	\$50 (<i>O.A.C. 4753-5-01</i>)	N/A	N/A	N/A	N/A	N/A
License duration	Two years; may be renewed once for a one-year period (<i>R.C. 4753.073; O.A.C. 4753-10-04</i>)	N/A	N/A	N/A	N/A	N/A
Renewal fee	\$50 (<i>O.A.C. 4753-10-04</i>)	N/A	N/A	N/A	N/A	N/A

Speech-language pathology aide

Survey responses (SHP)

Description

The speech-language pathology aide license (SLP-AIDE) is issued by the SHP Board pursuant to R.C. section 4753.05 and defined under R.C. section 4753.072. The SLP AIDE license authorizes an individual to work under the direction and supervision of a licensed speech-language pathologist to support the speech-language pathologist in specified aspects of testing and recordkeeping.

Type *(See R.C. 4798.01 for relevant definitions.)*

License

If the regulation is a registration, certification, or license requirement, please complete the following:

Number issued annually

FY 2020: 2

Number renewed annually

3

If the regulation is a registration, certification, or license requirement, please complete the following:															
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	<p>The following is a summary of the license totals for the preceding six years.</p> <table border="1"> <thead> <tr> <th></th> <th>FY19</th> <th>FY18</th> <th>FY17</th> <th>FY16</th> <th>FY15</th> <th>FY14</th> </tr> </thead> <tbody> <tr> <td>SLP Aide</td> <td>3</td> <td>4</td> <td>4</td> <td>8</td> <td>10</td> <td>10</td> </tr> </tbody> </table>		FY19	FY18	FY17	FY16	FY15	FY14	SLP Aide	3	4	4	8	10	10
	FY19	FY18	FY17	FY16	FY15	FY14									
SLP Aide	3	4	4	8	10	10									
Education or training requirements	The education requirements for an SLP-AIDE are a high school diploma or equivalent and successful completion of training provided by the supervising licensed speech-language pathologist.														
Experience requirements	N/A														
Examination requirements (<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>)	There is no examination requirement.														
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	There is no continuing education requirement.														
Initial fee	\$50.00														
Duration	<p>Two years or the remainder of the 2-year practice period.</p> <p>Note: when an initial license is issued less than 100 days before December 31st of the renewal year, the SHP Board shall waive the renewal fee and the licensee shall be considered to have been issued in the next renewal cycle.</p>														

If the regulation is a registration, certification, or license requirement, please complete the following:	
Renewal fee <i>(If different from initial fee, please explain why.)</i>	\$50.00
Does the Board recognize uniform licensure requirements or allow for reciprocity?	There is no reciprocity for this license type.
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	There are no similar national registrations, certifications, or a national license for this license type.
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	<p>The Speech-Language Pathology Practice Act under R.C. Chapter 4753 recognizes the following exemptions under section 4753.12:</p> <p>(A) Prohibit a person other than an individual from engaging in the business of speech-language pathology or audiology without licensure if it employs a licensed individual in the direct practice of speech-language pathology and audiology. Such entity shall file a statement with the state speech and hearing professionals board, on a form approved by the board for this purpose, swearing that it submits itself to the rules of the board and the provisions of this chapter which the board determines applicable.</p> <p>(B) Prevent or restrict the practice of a person employed as a speech-language pathologist or audiologist by any agency of the federal government.</p> <p>(C) Restrict the activities and services of a student or intern in speech-language pathology or audiology from pursuing a course of study leading to a degree in these areas at a college or university accredited by a recognized regional or national accrediting body or in one of its cooperating clinical training facilities, if these activities and services are supervised by a person licensed in the area of study or certified by the American speech-language-hearing association in the area of study and if the student is designated by a title such as “speech-language pathology intern,” “audiology intern,” “trainee,” or other such title clearly indicating the training status.</p>

If the regulation is a registration, certification, or license requirement, please complete the following:

(D) Prevent a person from performing speech-language pathology or audiology services when performing these services in pursuit of the required supervised professional experience as prescribed in section 4753.06 of the Revised Code and that person has been issued a conditional license pursuant to section 4753.071 of the Revised Code.

(E) Restrict a speech-language pathologist or audiologist who holds the certification of the American speech-language-hearing association, or who is licensed as a speech-language pathologist or audiologist in another state and who has made application to the board for a license in this state from practicing speech-language pathology or audiology without a valid license pending the disposition of the application.

(F) Restrict a person not a resident of this state from offering speech-language pathology or audiology services in this state if such services are performed for not more than one period of thirty consecutive calendar days in any year, if the person is licensed in the state of the person's residence or certified by the American speech-language-hearing association and files a statement as prescribed by the board in advance of providing these services. Such person shall be subject to the rules of the board and the provisions of this chapter.

(G) Restrict a person licensed under Chapter 4747. of the Revised Code from engaging in the duties as defined in that chapter related to measuring, testing, and counseling for the purpose of identifying or modifying hearing conditions in connection with the fitting, dispensing, or servicing of a hearing aid, or affect the authority of hearing aid dealers to deal in hearing aids or advertise the practice of dealing in hearing aids in accordance with Chapter 4747. of the Revised Code.

(H) Restrict a physician from engaging in the practice of medicine and surgery or osteopathic medicine and surgery or prevent any individual from carrying out any properly delegated responsibilities within the normal practice of medicine and surgery or osteopathic medicine and surgery.

(I) Restrict a person registered or licensed under Chapter 4723. of the Revised Code from performing those acts and utilizing those procedures that are within the scope of the practice of professional or practical nursing as defined in Chapter 4723. of the Revised Code and the ethics of the nursing profession, provided such a person does not claim to the public to be a speech-language pathologist or audiologist.

If the regulation is a registration, certification, or license requirement, please complete the following:

	<p>(J) Restrict an individual licensed as an audiologist under this chapter from fitting, selling, or dispensing hearing aids.</p> <p>(K) Authorize the practice of medicine and surgery or entitle a person licensed pursuant to this chapter to engage in the practice of medicine or surgery or any of its branches.</p> <p>(L) Restrict a person licensed pursuant to Chapter 4755. of the Revised Code from performing those acts and utilizing those procedures that are within the scope of the practice of occupational therapy or occupational therapy assistant as defined in Chapter 4755. of the Revised Code, provided the person does not claim to the public to be a speech-language pathologist or audiologist.</p>
<p>Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?</p>	<p>The SHP Board’s licensure requirements for the SLP-AIDE are delineated under statute and authorize the issuance of a license when all requirements have been met, e.g., approved aide plan specifying the training, duties, and supervision.</p>
<p>Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)</p>	<p>N/A</p>

Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.

The SHP Board’s oversight authority of SLP-AIDES is pursuant to R.C. sections 4744.02, 4753.05, and 4753.072. The SHP Board’s disciplinary authority is pursuant to R.C. sections 4753.02 and 4753.10. The penalty for unlicensed practice is specified under R.C. 4753.99, which states that whoever violates R.C. section 4753.02 shall be guilty of a minor misdemeanor.

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?

The SHP Board does not receive any funding from the General Revenue Fund. The SHP Board's operations are supported by license fees and deposited into a non-GRF account, e.g., Fund 4K90.

FY 2019 Revenue - \$1,396,573

Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?

The SHP Board is not aware of any federal law that requires the state to regulate this occupation.

What is the "harm" that the regulation seeks to prevent? (*See, R.C. 4798.02(B).*)

The regulation for the SLP-AIDE seeks to prevent harm to consumers across all age groups that have communication disorders by ensuring that an SLP-AIDE is properly supervised by a licensed speech-language pathologist (SLP) and not providing speech-language pathology services that must be performed by a licensed SLP; thereby, protecting consumers. The licensure regulations ensure that individuals are qualified with the requisite education, have no disqualifying criminal convictions, appropriate training, and are supporting the licensed speech-language pathologist with specified duties under appropriate supervision. The regulation also seeks to protect consumers through a complaint, investigative, and disciplinary process when standards of care for safe practice are violated. The overall purpose of this regulation is to protect the public's health, safety, and welfare.

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

The SHP Board maintains that its regulations are effective at preventing harm to consumers and believes its laws and rules demonstrate the least restrictive means to protect consumers and avoid unreasonable barriers to this occupation.

Are there any changes the Board would like to see implemented?

As part of the SHP Board consolidation in 2018, changes were implemented in March 2019 as part of a statute clean-up bill to resolve discrepancies and maximize efficiencies. For instance, the hearing aid dealer's license and the hearing aid fitter's license are now on a biennial renewal cycle and have the same practice period and expiration date as the audiology, speech-language pathology and aide licenses, e.g., January 1, 2019 to December 31, 2020; January 1, 2021 to December 31, 2022, etc. In addition, licensure fees were either eliminated or reduced.

Comparison to other states *(How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)*

At least 14 states license support personnel and 20 states require registration of support personnel. Ohio's regulations for support personnel are on par with other states. All states address education, supervision, training, and duties. Some states allow more duties to be performed by support personnel with high education, such as a bachelor's degree. Some states require support personnel to complete continuing education.

Surrounding state comparison (LSC)

Speech-language Pathology Aide License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (<i>R.C. 4753.072</i>)	Yes (<i>Ind. Code Ann. 25-35.6-1-5</i>)	Yes – assistant license (<i>Ky. Rev. Stat. Ann. 334A.033</i>)	No	Yes – assistant (<i>63 Pa. Cons. Stat. 1705; 49 Pa. Code 45.302 and 45.307</i>)	Yes – assistant registration (<i>W. Va. Code Ann. 30-32-15</i>)
Education or training	High school degree or equivalent and competency-based training specific to aide’s assigned tasks (<i>O.A.C. 4753-7-01</i>)	High school degree or equivalent (<i>Ind. Code Ann. 25-35.6-1-5; 880 Ind. Admin. Code 1-2.1-2</i>)	Bachelor’s degree in speech-language pathology or communication disorders or equivalent education (<i>Ky. Rev. Stat. Ann. 334A.033; 201 Ky. Admin. Regs. 17:034</i>)	N/A	30 semester hours or higher education equivalent in speech-language pathology and 20 hours of practical training for each assigned duty (<i>49 Pa. Code 45.304</i>)	Associate’s degree or technical training program and supervised practicum training, on-the-job training, and demonstrated competence through outcome-based measures (<i>W. Va. Code Ann. 30-32-15; W. Va. Code R. 29-2-3</i>)
Experience	N/A	N/A	Postgraduate professional experience (<i>Ky. Rev. Stat. Ann. 334A.033; 201 Ky.</i>	N/A	N/A	N/A

Speech-language Pathology Aide License

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
			<i>Admin. Regs. 17:034)</i>			
Exam	N/A	N/A	N/A	N/A	N/A	N/A
Continuing education	Must be provided to ensure practices are current and that skills are maintained (O.A.C. 4753-7-01)	N/A	30 hours (Ky. Rev. Stat. Ann. 334A.170; 201 Ky. Admin. Regs. 17:090)	N/A	N/A	Five hours (W. Va. Code R. 29-2-8)
Initial licensure fee	\$50 (O.A.C. 4753-5-02)	\$50 (880 Ind. Admin. Code 1-1-5)	\$50 application fee; \$75 issuance fee for one year or \$125 for two years (Ky. Rev. Stat. Ann. 334A.160; 201 Ky. Admin. Regs. 17:030)	N/A	N/A	\$50 (W. Va. Code R. 29-1-10)
License duration	Two years (O.A.C. 4753-5-02)	One year (880 Ind. Admin. Code 1-2.1-6)	Two years (Ky. Rev. Stat. Ann. 334A.170; 201 Ky. Admin. Regs. 17:030)	N/A	N/A	One year (W. Va. Code R. 29-2-8)

Speech-language Pathology Aide License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Renewal fee	\$50 (<i>O.A.C. 4753-5-02</i>)	\$25 (<i>880 Ind. Admin. Code 1-1-5</i>)	\$100 (<i>Ky. Rev. Stat. Ann. 334A.170; 201 Ky. Admin. Regs. 17:030</i>)	N/A	N/A	\$30 (<i>W. Va. Code R. 29-1-10</i>)

Audiology aide

Survey responses (SHP)

Description
<p>The audiology aide license (AUD-AIDE) is issued by the SHP Board pursuant to R.C. section 4753.05 and defined under R.C. section 4753.072. The AUD AIDE license authorizes an individual to work under the direction and supervision of a licensed audiologist to support the audiologist in specified aspects of testing and recordkeeping.</p>
Type (See R.C. 4798.01 for relevant definitions.)
<p>License</p>

If the regulation is a registration, certification, or license requirement, please complete the following:															
Number issued annually	FY 2020: 17														
Number renewed annually	72														
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	<p>The following is a summary of the license totals for the preceding six years.</p> <table border="1"> <thead> <tr> <th></th> <th>FY19</th> <th>FY18</th> <th>FY17</th> <th>FY16</th> <th>FY15</th> <th>FY14</th> </tr> </thead> <tbody> <tr> <td>AUD Aide</td> <td>76</td> <td>89</td> <td>78</td> <td>73</td> <td>61</td> <td>66</td> </tr> </tbody> </table>		FY19	FY18	FY17	FY16	FY15	FY14	AUD Aide	76	89	78	73	61	66
	FY19	FY18	FY17	FY16	FY15	FY14									
AUD Aide	76	89	78	73	61	66									
Education or training requirements	The education requirements for an AUD-AIDE are a high school diploma or equivalent and successful completion of training provided by the supervising licensed audiologist.														
Experience requirements	N/A														
Examination requirements (<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>)	There is no examination requirement.														
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	There is no continuing education requirement.														
Initial fee	\$50.00														
Duration	Two years or the remainder of the 2-year practice period.														

If the regulation is a registration, certification, or license requirement, please complete the following:	
	Note: when an initial license is issued less than 100 days before December 31 st of the renewal year, the SHP Board shall waive the renewal fee and the licensee shall be considered to have been issued in the next renewal cycle.
Renewal fee (If different from initial fee, please explain why.)	\$50.00
Does the Board recognize uniform licensure requirements or allow for reciprocity?	There is no reciprocity for this license type.
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	There are no similar national registrations, certifications, or a national license for this license type.
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	<p>The Speech-Language Pathology Practice Act under R.C. Chapter 4753 recognizes the following exemptions under section 4753.12:</p> <p>(A) Prohibit a person other than an individual from engaging in the business of speech-language pathology or audiology without licensure if it employs a licensed individual in the direct practice of speech-language pathology and audiology. Such entity shall file a statement with the state speech and hearing professionals board, on a form approved by the board for this purpose, swearing that it submits itself to the rules of the board and the provisions of this chapter which the board determines applicable.</p> <p>(B) Prevent or restrict the practice of a person employed as a speech-language pathologist or audiologist by any agency of the federal government.</p> <p>(C) Restrict the activities and services of a student or intern in speech-language pathology or audiology from pursuing a course of study leading to a degree in these areas at a college or university accredited by a recognized regional or national accrediting body or in one of its cooperating clinical training facilities, if these activities and services are supervised by a person licensed in the area of study or certified by the American speech-language-hearing association</p>

If the regulation is a registration, certification, or license requirement, please complete the following:

in the area of study and if the student is designated by a title such as “speech-language pathology intern,” “audiology intern,” “trainee,” or other such title clearly indicating the training status.

(D) Prevent a person from performing speech-language pathology or audiology services when performing these services in pursuit of the required supervised professional experience as prescribed in section 4753.06 of the Revised Code and that person has been issued a conditional license pursuant to section 4753.071 of the Revised Code.

(E) Restrict a speech-language pathologist or audiologist who holds the certification of the American speech-language-hearing association, or who is licensed as a speech-language pathologist or audiologist in another state and who has made application to the board for a license in this state from practicing speech-language pathology or audiology without a valid license pending the disposition of the application.

(F) Restrict a person not a resident of this state from offering speech-language pathology or audiology services in this state if such services are performed for not more than one period of thirty consecutive calendar days in any year, if the person is licensed in the state of the person’s residence or certified by the American speech-language-hearing association and files a statement as prescribed by the board in advance of providing these services. Such person shall be subject to the rules of the board and the provisions of this chapter.

(G) Restrict a person licensed under Chapter 4747. of the Revised Code from engaging in the duties as defined in that chapter related to measuring, testing, and counseling for the purpose of identifying or modifying hearing conditions in connection with the fitting, dispensing, or servicing of a hearing aid, or affect the authority of hearing aid dealers to deal in hearing aids or advertise the practice of dealing in hearing aids in accordance with Chapter 4747. of the Revised Code.

(H) Restrict a physician from engaging in the practice of medicine and surgery or osteopathic medicine and surgery or prevent any individual from carrying out any properly delegated responsibilities within the normal practice of medicine and surgery or osteopathic medicine and surgery.

(I) Restrict a person registered or licensed under Chapter 4723. of the Revised Code from performing those acts and utilizing those procedures that are within the scope of the practice of

If the regulation is a registration, certification, or license requirement, please complete the following:

	<p>professional or practical nursing as defined in Chapter 4723. of the Revised Code and the ethics of the nursing profession, provided such a person does not claim to the public to be a speech-language pathologist or audiologist.</p> <p>(J) Restrict an individual licensed as an audiologist under this chapter from fitting, selling, or dispensing hearing aids.</p> <p>(K) Authorize the practice of medicine and surgery or entitle a person licensed pursuant to this chapter to engage in the practice of medicine or surgery or any of its branches.</p> <p>(L) Restrict a person licensed pursuant to Chapter 4755. of the Revised Code from performing those acts and utilizing those procedures that are within the scope of the practice of occupational therapy or occupational therapy assistant as defined in Chapter 4755. of the Revised Code, provided the person does not claim to the public to be a speech-language pathologist or audiologist.</p>
<p>Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?</p>	<p>The SHP Board’s licensure requirements for the AUD-AIDE are delineated under statute and authorize the issuance of a license when all requirements have been met, e.g., approved aide plan specifying the training, duties, and supervision.</p>
<p>Other information <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i></p>	<p>N/A</p>

Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.

The SHP Board’s oversight authority of AUD-AIDES is pursuant to R.C. sections 4744.02, 4753.05, and 4753.072. The SHP Board’s disciplinary authority is pursuant to R.C. sections 4753.02 and 4753.10. The penalty for unlicensed practice is specified under R.C. 4753.99, which states that whoever violates R.C. section 4753.02 shall be guilty of a minor misdemeanor.

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?

The SHP Board does not receive any funding from the General Revenue Fund. The SHP Board's operations are supported by license fees and deposited into a non-GRF account, e.g., Fund 4K90.

FY 2019 Revenue - \$1,396,573

Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?

The SHP Board is not aware of any federal law that requires the state to regulate this occupation.

What is the "harm" that the regulation seeks to prevent? (See, R.C. 4798.02(B).)

The regulation for the AUD-AIDE seeks to prevent harm to consumers across all age groups that have hearing and communication disorders by ensuring that an AUD-AIDE is properly supervised by a licensed audiologist and not providing audiology services that must be performed by a licensed audiologist; thereby, protecting consumers. The licensure regulations ensure that individuals are qualified with the requisite education, have no disqualifying criminal convictions, appropriate training, and are supporting the licensed audiologist with specified duties under appropriate supervision. The regulation also seeks to protect consumers through a complaint, investigative, and disciplinary process when standards of care for safe practice are violated. The overall purpose of this regulation is to protect the public's health, safety, and welfare.

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

The SHP Board maintains that its regulations are effective at preventing harm to consumers and believes its laws and rules demonstrate the least restrictive means to protect consumers and avoid unreasonable barriers to this occupation.

Are there any changes the Board would like to see implemented?

As part of the SHP Board consolidation in 2018, changes were implemented in March 2019 as part of a statute clean-up bill to resolve discrepancies and maximize efficiencies. For instance, the hearing aid dealer's license and the hearing aid fitter's license are now on a biennial renewal cycle and have the same practice period and expiration date as the audiology, speech-language pathology and aide licenses, e.g., January 1, 2019 to December 31, 2020; January 1, 2021 to December 31, 2022, etc. In addition, licensure fees were either eliminated or reduced.

Comparison to other states *(How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)*

At least 14 states license support personnel and 20 states require registration of support personnel. Ohio's regulations for support personnel are on par with other states. All states address education, supervision, training, and duties. Some states allow more duties to be performed by support personnel with high education, such as a bachelor's degree. Some states require support personnel to complete continuing education.

Surrounding state comparison (LSC)

Audiology Aide License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (<i>R.C. 4753.072</i>)	No	No	No	Yes – assistant (<i>63 Pa. Cons. Stat. 1705; 49 Pa. Code 45.302 and 45.307</i>)	Yes – assistant (<i>W. Va. Code Ann. 30-32-15</i>)
Education or training	High school degree or equivalent and competency-based training specific to aide’s assigned tasks (<i>O.A.C. 4753-7-01</i>)	N/A	N/A	N/A	30 semester hours or higher education equivalent in audiology and 20 hours of practical training for each assigned duty (<i>49 Pa. Code 45.304</i>)	Associate’s degree or technical training program and supervised practicum training, on-the-job training, and demonstrated competence through outcome-based measures (<i>W. Va. Code Ann. 30-32-15; W. Va. Code R. 29-2-3</i>)
Experience	N/A	N/A	N/A	N/A	N/A	N/A
Exam	N/A	N/A	N/A	N/A	N/A	N/A
Continuing education	Must be provided to ensure	N/A	N/A	N/A	N/A	Five hours (<i>W. Va. Code R. 29-2-8</i>)

Audiology Aide License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	practices are current and that skills are maintained <i>(O.A.C. 4753-7-01)</i>					
Initial licensure fee	\$50 <i>(O.A.C. 4753-5-02)</i>	N/A	N/A	N/A	N/A	\$50 <i>(W. Va. Code R. 29-1-10)</i>
License duration	Two years <i>(O.A.C. 4753-5-02)</i>	N/A	N/A	N/A	N/A	One year <i>(W. Va. Code R. 29-2-8)</i>
Renewal fee	\$50 <i>(O.A.C. 4753-5-02)</i>	N/A	N/A	N/A	N/A	\$30 <i>(W. Va. Code R. 29-1-10)</i>

STATE VISION PROFESSIONALS BOARD (VPB)

General information (VPB)

Duties

House Bill 49 of the 132nd General Assembly consolidated the State Board of Optometry and the Optical Dispensers Board into the Ohio Vision Professionals Board (VPB) in January of 2018, to achieve administrative efficiencies and to align state programs and regulatory functions. The VPB is the regulatory body for the licensing and registering of nearly 7,000 qualified optometrists, opticians, ocularists and apprentices. VPB ensures timely and appropriate licensure and license renewals. VPB monitors compliance with continuing education requirements, approves provider program relevance to practice in Ohio and educates the licensees on the laws and rules, which govern licensees and consumers on services provided by the licensees.

Membership *(Current members, chairperson and other officers, and selection process.)*

The current members are Cheryl Archer, O.D., Thomas Barracato, Jacqueline Davis, O.D., Secretary, Darrell Dye, O.D., Brian J. Miller, Thomas E. Nye, O.D., Chair, and a public member, currently vacant. Members are appointed by the Governor for three-year terms and may service up to three consecutive terms.

Budget *(Current budget, description of budgeting process, sources of funding, and expected increases or decreases in budget or funding in future years.)*

The budget funding for fiscal year 2020 is nearly \$641,000, which is a 1.5% decrease from fiscal year 2019. Funding for fiscal year 2021 is \$654,000, for a total biennium budget of nearly \$1.3 million. The Ohio ***Vision Professionals Board is self-supported through revenue generated from license applications and renewal fees.*** The ***VPB does not receive any funds from the State's General Revenue Fund.*** As required, by the Ohio Revised Code ORC 4734.54, all receipts of the VPB are deposited into the Occupational and Professional Licensing Fund (4K90). The VPB is one of 19 boards that deposit into the 4K90 fund.

Workload *(Assess current, past, and anticipated workload. Has the workload increased or decreased significantly in the preceding six years?)*

The Board continues to review areas, where streamlining can be done administratively or through the eLicense system for efficiency. Several IT tickets have been created for completion in 2020 such as apprentices printing registration cards online, opticians printing license renewal cards online (same as optometrists), ability for CE providers to submit CE applications online, and etc. Additional tickets may be created after the analysis of complaint, violation and inspection formats in the eLicense system. The agency experiences minor increases of licensees annually.

Staffing *(How many staff are currently employed by the board? What are their roles? Are staffing levels proportionate to the board's current and anticipated workload?)*

4. The Board currently has four positions as listed below:

5.

6. Staff

7. Marlene Anielski, Executive Director

8. Gary Price, Investigator

9. Adela Lopez-Wellman, Administrative Professional 4

10. Wilma Simmons, Administrative Professional 4

11.

12. The staff fulfills numerous duties to make certain that the citizens of the state of Ohio receive care from qualified optometrists, opticians, and ocularists. Those duties include annually licensing optometrists, opticians, and ocularists, registering apprentices, investigating complaints, compliance initiatives, and monitoring. The staff also performs numerous services such as sharing laws and rules, conducting administrative rule filings and legislative activities, fulfilling public records requests, and administrative functions including answering inquiries, fiscal, human resources, records retention, inventory and asset management activities.

13.

Staffing *(How many staff are currently employed by the board? What are their roles? Are staffing levels proportionate to the board's current and anticipated workload?)*

14. Currently, staffing levels are proportionate to the board's current and anticipated workload.

Administrative hearings and public complaints *(Describe the Board's processes for administering discipline and addressing complaints. Assess the efficiency of the processes.)*

The Ohio Vision Professionals Board follows the Ohio Revised Code (ORC) 4725.19 Disciplinary actions in accordance with Chapter 119 and the Ohio Administrative Code (OAC) sections related to the practices of optometry, opticianry, ocularistry and registering optician apprentices. Administrative hearings are held when appropriate. Public complaints are received via different means. The complaints are investigated with the progress and closure logged in the eLicense system.

Optometrist certificate of licensure

Survey responses (VPB)

Description

4725.01 Optometry definitions.

As used in this chapter:

(A)

Description

(1) The “practice of optometry” means the application of optical principles, through technical methods and devices, in the examination of human eyes for the purpose of ascertaining departures from the normal, measuring their functional powers, adapting optical accessories for the aid thereof, and detecting ocular abnormalities that may be evidence of disease, pathology, or injury.

(2) In the case of a licensed optometrist who holds a topical ocular pharmaceutical agents certificate, the “practice of optometry” has the same meaning as in division (A)(1) of this section, except that it also includes administering topical ocular pharmaceutical agents.

(3) In the case of a licensed optometrist who holds a therapeutic pharmaceutical agents certificate, the “practice of optometry” has the same meaning as in division (A)(1) of this section, except that it also includes all of the following:

(a) Employing, applying, administering, and prescribing instruments, devices, and procedures, other than invasive procedures, for purpose of examination, investigation, diagnosis, treatment, or prevention of any disease, injury, or other abnormal condition of the visual system;

(b) Employing, applying, administering, and prescribing topical ocular pharmaceutical agents;

(c) Employing, applying, administering, and prescribing therapeutic pharmaceutical agents;

(d) Assisting an individual in determining the individual’s blood glucose level by using a commercially available glucose-monitoring device. Nothing in this section precludes a licensed optometrist who holds a therapeutic pharmaceutical agents certificate from using any particular type of commercially available glucose-monitoring device.

(B) “Topical ocular pharmaceutical agent” means a drug or dangerous drug that is a topical drug and used in the practice of optometry as follows:

(1) In the case of a licensed optometrist who holds a topical ocular pharmaceutical agents certificate, for evaluative purposes in the practice of optometry as set forth in division (A)(1) of this section;

(2) In the case of a licensed optometrist who holds a therapeutic pharmaceutical agents certificate, for purposes of examination, investigation, diagnosis, treatment, or prevention of any disease, injury, or other abnormal condition of the visual system.

(C) “Therapeutic pharmaceutical agent” means a drug or dangerous drug that is used for examination, investigation, diagnosis, treatment, or prevention of any disease, injury, or other abnormal condition of the visual system in the practice of optometry by a licensed optometrist who holds a therapeutic pharmaceutical agents certificate, and is any of the following:

(1) An oral drug or dangerous drug in one of the following classifications:

(a) Anti-infectives, including antibiotics, antivirals, antimicrobials, and antifungals;

(b) Anti-allergy agents;

(c) Antiglaucoma agents;

Description

(d) Analgesics, including only analgesic drugs that are available without a prescription, analgesic drugs or dangerous drugs that require a prescription but are not controlled substances, and, to the extent authorized by the state vision professionals board in rules adopted under section [4725.091](#) of the Revised Code, analgesic controlled substances;

(e) Anti-inflammatories, excluding all drugs or dangerous drugs classified as oral steroids other than methylpredisolone, except that methylpredisolone may be used under a therapeutic pharmaceutical agents certificate only if it is prescribed under all of the following conditions:

(i) For use in allergy cases;

(ii) For use by an individual who is eighteen years of age or older;

(iii) On the basis of an individual's particular episode of illness;

(iv) In an amount that does not exceed the amount packaged for a single course of therapy.

(2) Epinephrine administered by injection to individuals in emergency situations to counteract anaphylaxis or anaphylactic shock. Notwithstanding any provision of this section to the contrary, administration of epinephrine in this manner does not constitute performance of an invasive procedure.

(3) An oral drug or dangerous drug that is not included under division (C)(1) of this section, if the drug or dangerous drug is approved, exempt from approval, certified, or exempt from certification by the federal food and drug administration for ophthalmic purposes and the drug or dangerous drug is specified in rules adopted by the board under section [4725.09](#) of the Revised Code.

(D) "Controlled substance" has the same meaning as in section [3719.01](#) of the Revised Code.

(E) "Drug" and "dangerous drug" have the same meanings as in section [4729.01](#) of the Revised Code.

(F) "Invasive procedure" means any procedure that involves cutting or otherwise infiltrating human tissue by mechanical means including surgery, laser surgery, ionizing radiation, therapeutic ultrasound, administering medication by injection, or the removal of intraocular foreign bodies.

(G) "Visual system" means the human eye and its accessory or subordinate anatomical parts.

(H) "Certificate of licensure" means a certificate issued by the board under section [4725.13](#) of the Revised Code authorizing the holder to practice optometry as provided in division (A)(1) of this section.

(I) "Topical ocular pharmaceutical agents certificate" means a certificate issued by the board under section [4725.13](#) of the Revised Code authorizing the holder to practice optometry as provided in division (A)(2) of this section.

Description

(J) "Therapeutic pharmaceutical agents certificate" means a certificate issued by the board under division (A)(3) or (4) of section [4725.13](#) of the Revised Code authorizing the holder to practice optometry as provided in division (A)(3) of this section.

Type (See R.C. 4798.01 for relevant definitions.)

Specialty occupational license for medical reimbursement

If the regulation is a registration, certification, or license requirement, please complete the following:

Number issued annually	86
Number renewed annually	2,300
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	Slight decrease.
Education or training requirements	Doctoral in Optometry from the Accreditation Council on Optometric Education (ACOE) is the only accrediting body for professional optometric degree (O.D.) programs, optometric residency

If the regulation is a registration, certification, or license requirement, please complete the following:

programs and optometric technician programs in the United States and Canada.
<https://www.aoa.org/education/accreditation-council-on-optometric-education?sso=y>).

Experience requirements

O.D. degree.

Examination requirements (*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?*)

National exam given by the National Board of Examiners in Optometry (NBEO). Fees for 2021 appear below. The Ohio Vision Professionals Board does not receive any proceeds from the National exam. The National exam is proctored by NBEO.

NBEO Examination	Examination Fee
Part I ABS	\$950
Part II PAM	\$950
Part III CSE	\$950
TMOD	\$450
ISE	\$250
Laser Section of LSPE	\$900
Surgical Section of LSPE	\$900
CPDO	\$500
ACMO**	\$780
Remote Online State Law Exam*	\$25
In-House Online State Law Exam*	\$100
Late Registration Fee*	\$400
Extended Late Registration Fee*	\$500

If the regulation is a registration, certification, or license requirement, please complete the following:	
Continuing education requirements <i>(Including a description of the curriculum and the process of setting it.)</i>	CE Requirements for Ohio: Reporting Period 10/01/XX through 09/30/XX Pharmacology 10 (Required) Online 10 (maximum) Grand Rounds/Surgery Observation 8 (maximum) Volunteer Hours (see Laws/Rules for guidelines) 8 (maximum) Practice Management or Jurisprudence 2 (maximum) CPR: Cardiopulmonary resuscitation refresher training is acceptable for up to three hours credit for any one continuing education period once every two years. The three hours can be utilized for pharmacology continuing education compliance.
Initial fee	\$175
Duration	1 year
Renewal fee <i>(If different from initial fee, please explain why.)</i>	\$175
Does the Board recognize uniform licensure requirements or allow for reciprocity?	Yes, the Board recognizes reciprocity from all 50 states and requirements are mostly uniform.
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	No there is not.
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	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?

Yes

Other information (*Significant attributes or prerequisites to licensure not addressed in this chart.*)

4725.11 Examination.

(A) The state vision professionals board shall accept as the examination that must be passed to receive a license to practice optometry in this state the examination prepared, administered, and graded by the national board of examiners in optometry or an examination prepared, administered, and graded by another professional testing organization recognized by the board as being qualified to examine applicants for licenses to practice optometry in this state. The board shall periodically review its acceptance of a licensing examination under this section to determine if the examination and the organization offering it continue to meet standards the board considers appropriate.

(B) The licensing examination accepted by the board under this section may be divided into parts and offered as follows:

(1) Part one: Tests in basic science, human biology, ocular and visual biology, theoretical ophthalmic, physiological optics, and physiological psychology;

(2) Part two: Tests in clinical science, systemic conditions, the treatment and management of ocular disease, refractive oculomotor, sensory integrative conditions, perceptual conditions, public health, the legal issues regarding the clinical practice of optometry, and pharmacology;

(3) Part three: Tests in patient care and management, clinical skills, and the visual recognition and interpretation of clinical signs.

(C) The licensing examination accepted by the board may be offered in a manner other than the manner specified in division (B) of this section, but if offered in another manner, the examination must test the person sitting for the examination in the areas specified in division (B) of this section and may test the person in other areas.

The board may require as a condition of its acceptance of an examination that the examination cover subject matters in addition to those specified in division (B) of this section, if the schools of

If the regulation is a registration, certification, or license requirement, please complete the following:

optometry it approves under section 4725.10 of the Revised Code include the additional subject matters in their prescribed curriculum.

(D) The board shall accept direct delivery of the results of the licensing examination from the testing organization administering the examination.

The results shall be kept as a permanent part of the board's records maintained pursuant to section 4725.07 of the Revised Code.

(E) On request of any person seeking to practice optometry in this state, the board shall provide information on the licensing examination accepted by the board, including requirements that must be met to be eligible to sit for the examination and the dates the examination is offered.

Amended by 132nd General Assembly File No. TBD, HB 49, §130.11, eff. 1/21/2018.

Effective Date: 03-09-1999 .

Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.

4725.091 Rules governing practice under therapeutic pharmaceutical agents certificates.

(A) The state vision professionals board shall adopt rules governing the authority of licensed optometrists practicing under therapeutic pharmaceutical agents certificates to employ, apply, administer, and prescribe analgesic controlled substances. The rules shall be adopted in accordance with Chapter 119. of the Revised Code and in consultation with the state board of pharmacy.

(B) All of the following apply to the state vision professionals board in the adoption of rules under this section:

(1) The board shall not permit an optometrist to employ, apply, administer, or prescribe an analgesic controlled substance other than a drug product that is used for the treatment of pain and meets one of the following conditions:

(a) The product is a preparation that contains an amount of codeine per dosage unit, as specified by the board, and also contains other active, nonnarcotic ingredients, such as acetaminophen or aspirin, in a therapeutic amount.

(b) The product is a preparation that contains an amount of hydrocodone per dosage unit, as specified by the board, and also contains other active, nonnarcotic ingredients, such as acetaminophen, aspirin, or ibuprofen, in a therapeutic amount.

Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.

(c) The product contains or consists of a drug or dangerous drug that was an analgesic included in the practice of optometry under a therapeutic pharmaceutical agents certificate immediately prior to March 23, 2015, was not a controlled substance at that time, and subsequently becomes a schedule II, III, IV, or V controlled substance.

(2) The board shall limit the analgesic controlled substances that optometrists may employ, apply, administer, or prescribe to the drugs that the board determines are appropriate for use in the practice of optometry under a therapeutic pharmaceutical agents certificate.

(3) With regard to the prescribing of analgesic controlled substances, the board shall establish prescribing standards to be followed by optometrists who hold therapeutic pharmaceutical agents certificates. The board shall take into account the prescribing standards that exist within the health care marketplace.

(4) The board shall establish standards and procedures for employing, applying, administering, and prescribing analgesic controlled substances under a therapeutic pharmaceutical agents certificate by taking into consideration and examining issues that include the appropriate length of drug therapy, appropriate standards for drug treatment, necessary monitoring systems, and any other factors the board considers relevant.

c. Amended by 132nd General Assembly File No. TBD, HB 49, §130.11, eff. 1/21/2018.

Amended by 130th General Assembly File No. TBD, SB 258, §1, eff. 3/23/2015.

Effective Date: 2007 HB149 03-24-2008

**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?**

FY2020 – License fee for 86 new Therapeutic Optometrist \$15,050

FY2020- Renewal fees for 2,232 Therapeutic and 10 Diagnostic Optometrist \$392,350

FY2020- Renewal fee for Optometrist \$2,100

The revenue supports the functions of the Ohio Vision Professionals Board, which is completely fee based.

Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?

HIPPA.

Yes, Medicaid and Medicare programs require a license in order to bill large federal programs.

What is the “harm” that the regulation seeks to prevent? (See, R.C. 4798.02(B).)

Violations of the Ohio Revised Code and Ohio Administrative Code, particularly the Code of Ethics (OAC 4755-7-08. ORC 4798.02(B)(7) applies.

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 law allows the Ohio Vision Professionals Board to effectively determine if an individual is qualified to practice.

It also allows for the investigation of and discipline for violations of the ORC and OAC.

Are there any changes the Board would like to see implemented?

Include therapeutic optometrists to any new telehealth legislation.

Comparison to other states *(How many other states regulate the occupation? How do Ohio’s regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)*

All 50 States license optometrists with very similar regulations.

Surrounding state comparison (LSC)

Optometrist Certificate of Licensure						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (<i>R.C. 4725.02</i>)	Yes (<i>Ind. Code Ann. 25-24-1-17</i>)	Yes (<i>Ky. Rev. Stat. Ann. 320.220</i>)	Yes (<i>Mich. Comp. Laws 333.17411</i>)	Yes (<i>63 Pa. Cons. Stat. 244.8</i>)	Yes (<i>W. Va. Code Ann. 30-8-1</i>)
Education or training	Satisfactorily complete a course of study of at least six college	Be a graduate from a college of optometry with two years of	Be a graduate of a school or college of optometry accredited by a	Be a graduate of a professional optometric degree program	Hold a Doctor of Optometry degree from an accredited	Be a graduate from a school approved by the Accreditation

Optometrist Certificate of Licensure

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	years and be a graduate of an approved school of optometry (<i>R.C. 4725.12</i>)	preoptometry or premedicine in a college of arts and science and at least four years of optometry in a college of optometry (<i>Ind. Code Ann. 25-24-2-1</i>)	regional or professional accreditation organization; have at least six semester hours in general and ocular pharmacology with emphasis on diagnostic pharmaceutical agents and six hours in ocular pathology and therapy with emphasis on utilization of therapeutic pharmaceutical agents (<i>Ky. Rev. Stat. Ann. 320.250</i>)	approved by the Michigan Board of Optometry (<i>Mich. Admin. Code R. 338.307</i>)	optometric educational institution in the United States or Canada (<i>63 Pa. Cons. Stat. 244.4</i>)	Council on Optometric Education or a successor organization (<i>W. Va. Code Ann. 30-8-8</i>)
Experience	N/A	N/A	N/A	N/A	N/A	N/A
Exam	Passage of the exam administered by the National Board of	Passage of the exam administered by the National Board of	Passage of the exam administered by the National Board of	Passage of the exam administered by the National Board of	Passage of the exam administered by the National Board of	Passage of the exam administered by the National Board of

Optometrist Certificate of Licensure

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	Examiners in Optometry (<i>R.C. 4725.11</i>)	Examiners in Optometry (<i>852 Ind. Admin. Code 1-1.1-4</i>)	Examiners in Optometry and passage of an examination on Kentucky state optometric law (<i>Ky. Rev. Stat. Ann. 320.250; 201 Ky. Admin. Regs. 5:010</i>)	Examiners in Optometry and passage of the examination of state laws and rules related to the practice of optometry (<i>Mich. Admin. Code R. 338.307</i>)	Examiners in Optometry (<i>49 Pa. Code 23.11</i>)	Examiners in Optometry (<i>W. Va. Code R. 14-1-3</i>)
Continuing education	25 hours annually, including ten hours of instruction in pharmacology (<i>R.C. 4725.16</i>)	20 hours every two years (<i>852 Ind. Admin. Code 1-16-1</i>)	Eight hours annually (<i>201 Ky. Admin. Regs. 5:030</i>)	40 hours every two years (<i>Mich. Admin. Code R. 338.321</i>)	30 hours every two years (<i>63 Pa. Cons. Stat. 244.5</i>)	43 hours every two years (<i>W. Va. Code R. 14-10-3</i>)
Initial licensure fee	\$130 (<i>R.C. 4725.34</i>)	\$200 (<i>852 Ind. Admin. Code 1-10-1</i>)	\$500 (<i>201 Ky. Admin. Regs. 5:010</i>)	\$232.50 (<i>Michigan Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, Michigan Optometrist Licensing Guide</i>)	\$25 (<i>49 Pa. Code 23.91</i>)	\$300 (<i>W. Va. Code R. 14-5-2</i>)

Optometrist Certificate of Licensure						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License duration	One year (<i>R.C. 4725.16</i>)	Two years (<i>852 Ind. Admin. Code 1-10-1</i>)	One year (<i>201 Ky. Admin. Regs. 5:090</i>)	Two years (<i>Mich. Admin. Code R. 338.321</i>)	Two years (<i>63 Pa. Cons. Stat. 244.5</i>)	One year (<i>W. Va. Code R. 14-1-8</i>)
Renewal fee	\$130 (<i>R.C. 4725.34</i>)	\$100 (<i>852 Ind. Admin. Code 1-10-1</i>)	\$250 (<i>201 Ky. Admin. Regs. 5:090</i>)	\$205.50 (<i>Michigan Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, Michigan Optometrist Licensing Guide</i>)	\$135 (<i>49 Pa. Code 23.91</i>)	\$400 (<i>W. Va. Code R. 14-5-2</i>)

**Topical ocular pharmaceutical agents certificate
Survey responses (VPB)**

Description
Please refer to <u>4725.01 Optometry definitions.</u>

Description

Please see previous questions defining the Optometrist Certificate of Licensure and

4725.14 Therapeutic pharmaceutical agents certificate qualifications.

(A) The following apply to an optometrist licensed on or before May 19, 1992, who is seeking a therapeutic pharmaceutical agents certificate under division (A)(3) of section 4725.13 of the Revised Code:

(1) If the optometrist does not hold a valid topical ocular pharmaceutical agents certificate, the optometrist shall complete the course of study in general and ocular pharmacology prescribed by the board under division (B)(1) of this section, a three clock-hour course in cardiopulmonary resuscitation, and pass the portion of the optometry licensing examination accepted by the board under section 4725.11 of the Revised Code that pertains to the treatment and management of ocular disease.

(2) If the optometrist holds a valid topical ocular pharmaceutical agents certificate, the optometrist shall complete the course of study in general and ocular pharmacology prescribed under division (B)(2) of this section and pass the portion of the optometry licensing examination accepted by the board under section 4725.11 of the Revised Code that pertains to the treatment and management of ocular disease.

(B) The board shall prescribe by rule the following courses of study:

(1) An eighty-seven clock-hour course of study to be completed at an institution accredited by a post-secondary education accrediting organization recognized by the board. The course of study shall include instruction in at least the following:

- (a) General and ocular pharmacology, including the nature of adverse reactions caused by pharmaceutical agents and emergency steps to be taken in such cases;
- (b) Signs, symptoms, and treatment of ocular disease, injury, or abnormality;
- (c) Ocular signs and symptoms of systemic disease;
- (d) Appropriate criteria for referrals to physicians.

(2) A thirty clock-hour course of study that emphasizes the treatment of ocular disease to be completed at an institution accredited by a post-secondary education accreditation organization that is recognized by the board.

If the regulation is a registration, certification, or license requirement, please complete the following:

Number issued annually

0

Surrounding state comparison (LSC)

Topical Ocular Pharmaceutical Agents Certificate for Optometrists Licensed on or Before May 19, 1992						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (<i>R.C. 4725.02</i>)	No – authority included under optometry license (<i>Ind. Code Ann. 25-24-3-16</i>)	No – authority included under optometry license (<i>Ky. Rev. Stat. Ann. 320.210 and 320.240(12)</i>)	Yes (<i>Mich. Admin. Code R. 338.315</i>)	No	No – authority included under optometry license (<i>W. Va. Code Ann. 30-8-9(a)(2)</i>)
Education or training	Satisfy the requirements necessary to receive an optometrist certificate of licensure (<i>R.C. 4725.13(A)(2)</i>)	N/A (see optometry license educational requirements)	N/A (see optometry license educational requirements)	Complete a course of study in general and clinical pharmacology and a course of study in basic life support (<i>Mich. Admin. Code R. 338.315</i>)	N/A	N/A (see optometry license educational requirements)
Experience	N/A	N/A	N/A	N/A	N/A	N/A

Topical Ocular Pharmaceutical Agents Certificate for Optometrists Licensed on or Before May 19, 1992

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Exam	Have passed the general and ocular pharmacology exam then in effect (<i>R.C. 4725.13(A)(2)</i>)	N/A	N/A	N/A	N/A	N/A
Continuing education	Not specified	N/A	N/A	20 hours in pharmacological management of ocular conditions every two years, completed as part of the 40 hours required for renewal of the optometry license (<i>Mich. Admin. Code R. 338.321</i>)	N/A	N/A
Initial licensure fee	\$45 (<i>R.C. 4725.34</i>)	N/A	N/A	\$81.05 (or \$140.50 if applying simultaneously for a topical ocular pharmaceutical agents certificate) (<i>Michigan</i>	N/A	N/A

Topical Ocular Pharmaceutical Agents Certificate for Optometrists Licensed on or Before May 19, 1992

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
				<i>Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, Michigan Optometrist Licensing Guide)</i>		
License duration	One year (R.C. 4725.16)	N/A	N/A	Remains in effect as long as the optometrist license is active (Michigan Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, Michigan Optometrist DPA/TPA Certification Licensing Guide)	N/A	N/A
Renewal fee	\$45 (R.C. 4725.34)	N/A	N/A	N/A	N/A	N/A

Therapeutic pharmaceutical agents certificate

Survey responses (VPB)

Description

Please see previous questions defining the Optometrist Certificate of Licensure and

4725.14 Therapeutic pharmaceutical agents certificate qualifications.

(A) The following apply to an optometrist licensed on or before May 19, 1992, who is seeking a therapeutic pharmaceutical agents certificate under division (A)(3) of section 4725.13 of the Revised Code:

(1) If the optometrist does not hold a valid topical ocular pharmaceutical agents certificate, the optometrist shall complete the course of study in general and ocular pharmacology prescribed by the board under division (B)(1) of this section, a three clock-hour course in cardiopulmonary resuscitation, and pass the portion of the optometry licensing examination accepted by the board under section 4725.11 of the Revised Code that pertains to the treatment and management of ocular disease.

(2) If the optometrist holds a valid topical ocular pharmaceutical agents certificate, the optometrist shall complete the course of study in general and ocular pharmacology prescribed under division (B)(2) of this section and pass the portion of the optometry licensing examination accepted by the board under section 4725.11 of the Revised Code that pertains to the treatment and management of ocular disease.

(B) The board shall prescribe by rule the following courses of study:

(1) An eighty-seven clock-hour course of study to be completed at an institution accredited by a post-secondary education accrediting organization recognized by the board. The course of study shall include instruction in at least the following:

(a) General and ocular pharmacology, including the nature of adverse reactions caused by pharmaceutical agents and emergency steps to be taken in such cases;

(b) Signs, symptoms, and treatment of ocular disease, injury, or abnormality;

(c) Ocular signs and symptoms of systemic disease;

(d) Appropriate criteria for referrals to physicians.

(2) A thirty clock-hour course of study that emphasizes the treatment of ocular disease to be completed at an institution accredited by a post-secondary education accreditation organization that is recognized by the board.

Type (See R.C. 4798.01 for relevant definitions.)

Government certification

Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.

The Pharmacy Board issues the certificates.

Surrounding state comparison (LSC)

Therapeutic Pharmaceutical Agents Certificate for Optometrists Licensed on or Before May 19, 1992

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (<i>R.C. 4725.02</i>)	No – does not distinguish between optometrists licensed before, on, or after May 19, 1992, see “therapeutic pharmaceutical agents certificate for optometrists licensed after May 19, 1992”	No – does not distinguish between optometrists licensed before, on, or after May 19, 1992, see “therapeutic pharmaceutical agents certificate for optometrists licensed after May 19, 1992”	No – does not distinguish between optometrists licensed before, on, or after May 19, 1992, see “therapeutic pharmaceutical agents certificate for optometrists licensed after May 19, 1992”	No – does not distinguish between optometrists licensed before, on, or after May 19, 1992, see “therapeutic pharmaceutical agents certificate for optometrists licensed after May 19, 1992”	No – does not distinguish between optometrists licensed before, on, or after May 19, 1992, see “therapeutic pharmaceutical agents certificate for optometrists licensed after May 19, 1992”
Education or training	Satisfy the requirements necessary to receive an optometrist certificate of licensure (<i>R.C. 4725.13(A)(3)</i>)	N/A	N/A	N/A	N/A	N/A
Experience	N/A	N/A	N/A	N/A	N/A	N/A

Therapeutic Pharmaceutical Agents Certificate for Optometrists Licensed on or Before May 19, 1992

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Exam	Pass the Treatment and Management of Ocular Disease portion of the exam administered by the National Board of Examiners in Optometry (<i>R.C. 4725.13(A)(3) and 4725.14</i>)	N/A	N/A	N/A	N/A	N/A
Continuing education	Not specified	N/A	N/A	N/A	N/A	N/A
Initial licensure fee	\$35 (<i>R.C. 4725.34</i>)	N/A	N/A	N/A	N/A	N/A
License duration	One year (<i>R.C. 4725.16</i>)	N/A	N/A	N/A	N/A	N/A
Renewal fee	\$45 (<i>R.C. 4725.34</i>)	N/A	N/A	N/A	N/A	N/A

Therapeutic Pharmaceutical Agents Certificate for Optometrists Licensed after May 19, 1992

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (<i>R.C. 4725.02</i>)	Yes (<i>Ind. Code Ann 25-24-3-12</i>)	No – authority included under optometry license (<i>Ky. Rev. Stat. Ann. 320.210 and 320.240(13)</i>)	Yes (<i>Mich. Admin. Code R. 338.317</i>)	Yes, for optometrists licensed before June 6, 1998 (<i>63 Pa. Cons. Stat. 244.4a; 49 Pa. Code 23.202</i>) ²⁸	Yes (<i>W. Va. Code Ann. 30-8-9(a)(2) and (3) and 30-8-14; W. Va. Code R. 14-2-1</i>)
Education or training	Satisfy the requirements necessary to receive an optometrist certificate of licensure (<i>R.C. 4725.13(A)(4)</i>)	Provide to the Indiana Optometry Board proof of education in ocular pharmacology from a school or college of optometry or medicine (<i>Ind. Code Ann. 25-24-3-13</i>)	N/A (see optometry license educational requirements)	Complete a course of study relating to the didactic and clinical use of therapeutic pharmaceutical agents, in addition to meeting the requirements to hold a certificate to administer topical ocular pharmaceutical agents (<i>Mich. Admin. Code R. 338.317</i>)	Graduate from an accredited school of optometry and complete a minimum of 100 hours in the prescription and administration of pharmaceutical agents for therapeutic purposes or complete a course approved by the Pennsylvania Board of Optometry consisting of a minimum of 100	Complete a course in clinical pharmacology as applied to optometry, consisting of a minimum of 30 hours in clinical systemic pharmacology (<i>W. Va. Code R. 14-2-2</i>)

²⁸ Under Pennsylvania rules, on and after June 6, 1998, qualified applicants for licensure as optometrists by examination are to be certified to prescribe and administer pharmaceutical agents for therapeutic purposes “without further application” (see 47 Pa. Code 23.202(c)).

Therapeutic Pharmaceutical Agents Certificate for Optometrists Licensed after May 19, 1992

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
					hours in the topics (<i>63 Pa. Cons. Stat. Ann 244.4a</i>)	
Experience	N/A	N/A	N/A	N/A	N/A	N/A
Exam	Pass all parts of the exam administered by the National Board of Examiners in Optometry (<i>R.C. 4725.13(A)(4)</i>)	Pass the Treatment and Management of Ocular Disease exam administered by the National Board of Examiners in Optometry (<i>Ind. Code Ann. 25-24-3-13</i>)	N/A	N/A	Pass an optometry licensure exam that includes the prescription and administration of pharmaceutical agents for therapeutic purposes (<i>63 Pa. Cons. Stat. 244.4a</i>)	Pass the Treatment and Management of Ocular Disease exam administered by the National Board of Examiners in Optometry (<i>W. Va. Code R. 14-2-2</i>)
Continuing education	Not specified	20 hours every two years (<i>852 Ind. Admin. Code 1-16-1.1</i>)	N/A	20 hours in pharmacological management of ocular conditions every two years, completed as part of the 40 hours required for renewal of the optometry license	Six hours concerning the prescription and administration of pharmaceutical agents for therapeutic purposes, completed as part of the 30 hours for renewal of the	Six hours in ocular pathology or therapeutic pharmacological agents, to be completed as part of the 43 hours for renewal of the optometry license

Therapeutic Pharmaceutical Agents Certificate for Optometrists Licensed after May 19, 1992

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
				<i>(Mich. Admin. Code R. 338.321)</i>	optometry license <i>(49 Pa. Code 23.82)</i>	<i>(W. Va. Code R. 14-2-5)</i>
Initial licensure fee	\$45 <i>(R.C. 4725.34)</i>	\$20 <i>(852 Ind. Admin. Code 1-10-1)</i>	N/A	\$81.05 (or \$140.50 if applying simultaneously for a topical ocular pharmaceutical agents certificate) <i>(Michigan Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, Michigan Optometrist Licensing Guide)</i>	\$25 <i>(49 Pa. Code 23.91)</i>	\$200 <i>(W. Va. Code R. 14-5-2)</i>
License duration	Two years <i>(R.C. 4725.16)</i>	Two years <i>(Ind. Code Ann 25-24-3-15)</i>	N/A	Remains in effect as long as the optometrist license is active <i>(Michigan Department of Licensing and Regulatory</i>	Two years <i>(49 Pa. Code 23.82)</i>	One year <i>(W. Va. Code R. 14-2-5)</i>

Therapeutic Pharmaceutical Agents Certificate for Optometrists Licensed after May 19, 1992						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
				<i>Affairs, Bureau of Professional Licensing, Michigan Optometrist DPA/TPA Certification Licensing Guide)</i>		
Renewal fee	\$45 (R.C. 4725.34)	\$20 (852 Ind. Admin. Code 1-10-1)	N/A	N/A	Not specified	\$400 (W. Va. Code R. 14-2-5.3 and 14-5-2)

Spectacle dispensing optician certificate of licensure

Survey responses (VPB)

Description
<p>4725.40 Dispensing optician, ocularist definitions.</p> <p>As used in sections 4725.40 to 4725.59 of the Revised Code:</p> <p>(A) "Optical aid" means both of the following:</p> <p>(1) Spectacles or other instruments or devices that are not contact lenses, if the spectacles or other instruments or devices may aid or correct human vision and have been prescribed by a physician or optometrist licensed by any state;(2) Contact lenses, regardless of whether they address visual function, if they are designed to fit over the cornea of the eye or are otherwise designed for use in or on the eye or orbit.</p> <p>All contact lenses shall be dispensed only in accordance with a valid written prescription designated for contact lenses, including the following:</p> <p>(a) Zero-powered plano contact lenses;</p>

Description

(b) Cosmetic contact lenses;

(c) Performance-enhancing contact lenses;

(d) Any other contact devices determined by the state vision professionals board to be contact lenses.

(B) "Optical dispensing" means interpreting but not altering a prescription of a licensed physician or optometrist and designing, adapting, fitting, or replacing the prescribed optical aids, pursuant to such prescription, to or for the intended wearer; duplicating lenses, other than contact lenses, accurately as to power without a prescription; and duplicating nonprescription eyewear and parts of eyewear. "Optical dispensing" does not include selecting frames, placing an order for the delivery of an optical aid, transacting a sale, transferring an optical aid to the wearer after an optician has completed fitting it, or providing instruction in the general care and use of an optical aid, including placement, removal, hygiene, or cleaning.

(C) "Licensed dispensing optician" means a person holding a current, valid license issued under sections [4725.48](#) to [4725.51](#) of the Revised Code that authorizes the person to engage in optical dispensing. Nothing in this chapter shall be construed to permit a licensed dispensing optician to alter the specifications of a prescription.

(D) "Licensed spectacle dispensing optician" means a licensed dispensing optician authorized to engage in both of the following:

(1) The dispensing of optical aids other than contact lenses;

(2) The dispensing of prepackaged soft contact lenses in accordance with section [4725.411](#) of the Revised Code.

(E) "Licensed contact lens dispensing optician" means a licensed dispensing optician authorized to engage only in the dispensing of contact lenses.

(F) "Licensed spectacle-contact lens dispensing optician" means a licensed dispensing optician authorized to engage in the dispensing of any optical aid.

(G) "Apprentice" means any person dispensing optical aids under the direct supervision of a licensed dispensing optician.

(H) "Prescription" means the written or verbal directions or instructions as specified by a physician or optometrist licensed by any state for preparing an optical aid for a patient.

(I) "Supervision" means the provision of direction and control through personal inspection and evaluation of work.

(J) "Licensed ocularist" means a person holding a current, valid license issued under sections [4725.48](#) to [4725.51](#) of the Revised Code to engage in the practice of designing, fabricating, and fitting artificial eyes or prostheses associated with the appearance or function of the human eye.

Type (See R.C. 4798.01 for relevant definitions.)

Specialty occupational license for medical reimbursement

If the regulation is a registration, certification, or license requirement, please complete the following:

Number issued annually

150

Number renewed annually

1,967

Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?

Slight increase.

Education or training requirements

4725.48 Application and qualifications.

(A) Any person who desires to engage in optical dispensing shall file a properly completed application for an examination with the state vision professionals board or with the testing service the board has contracted with pursuant to section 4725.49 of the Revised Code. The application for examination shall be made using a form provided by the board and shall be accompanied by an examination fee the board shall establish by rule.

(B) Any person who desires to engage in optical dispensing shall file a properly completed application for a license with the board with a licensure application fee of fifty dollars.

No person shall be eligible to apply for a license under this division, unless the person is at least eighteen years of age, is free of contagious or infectious disease, has received a passing score, as determined by the board, on the examination administered under division (A) of this section, is a

If the regulation is a registration, certification, or license requirement, please complete the following:

graduate of an accredited high school of any state, or has received an equivalent education and has successfully completed either of the following:

(1) Two years of supervised experience under a licensed dispensing optician, optometrist, or physician engaged in the practice of ophthalmology, up to one year of which may be continuous experience of not less than thirty hours a week in an optical laboratory;

(2) A two-year college level program in optical dispensing that has been approved by the board and that includes, but is not limited to, courses of study in mathematics, science, English, anatomy and physiology of the eye, applied optics, ophthalmic optics, measurement and inspection of lenses, lens grinding and edging, ophthalmic lens design, keratometry, and the fitting and adjusting of spectacle lenses and frames and contact lenses, including methods of fitting contact lenses and post-fitting care.

(C) Any person who desires to obtain a license to practice as an ocularist shall file a properly completed application with the board accompanied by the appropriate fee and proof that the applicant has met the requirements for licensure. The board shall establish, by rule, the application fee and the minimum requirements for licensure, including education, examination, or experience standards recognized by the board as national standards for ocularists. The board shall issue a license to practice as an ocularist to an applicant who satisfies the requirements of this division and rules adopted pursuant to this division.

(D)

(1) Subject to divisions (D)(2), (3), and (4) of this section, the board shall not adopt, maintain, renew, or enforce any rule that precludes an individual from receiving or renewing a license as a dispensing optician issued under sections 4725.40 to 4725.59 of the Revised Code due to any past criminal activity or interpretation of moral character, unless the individual has committed a crime of moral turpitude or a disqualifying offense as those terms are defined in section 4776.10 of the Revised Code. If the board denies an individual a license or license renewal, the reasons for such denial shall be put in writing.

(2) Except as otherwise provided in this division, if an individual applying for a license has been convicted of or pleaded guilty to a misdemeanor that is not a crime of moral turpitude or a disqualifying offense less than one year prior to making the application, the board may use its discretion in granting or denying the individual a license. Except as otherwise provided in this

If the regulation is a registration, certification, or license requirement, please complete the following:

division, if an individual applying for a license has been convicted of or pleaded guilty to a felony that is not a crime of moral turpitude or a disqualifying offense less than three years prior to making the application, the board may use its discretion in granting or denying the individual a license. The provisions in this paragraph do not apply with respect to any offense unless the board, prior to September 28, 2012, was required or authorized to deny the application based on that offense.

In all other circumstances, the board shall follow the procedures it adopts by rule that conform to division (D)(1) of this section.

(3) In considering a renewal of an individual's license, the board shall not consider any conviction or plea of guilty prior to the initial licensing. However, the board may consider a conviction or plea of guilty if it occurred after the individual was initially licensed, or after the most recent license renewal.

(4) The board may grant an individual a conditional license that lasts for one year. After the one-year period has expired, the license is no longer considered conditional, and the individual shall be considered fully licensed.

(E) The board, subject to the approval of the controlling board, may establish examination fees in excess of the amount established by rule pursuant to this section, provided that such fees do not exceed those amounts established in rule by more than fifty per cent.

d. Amended by 132nd General Assembly File No. TBD, HB 420, §1, eff. 4/5/2019.

Amended by 132nd General Assembly File No. TBD, HB 49, §130.11, eff. 1/21/2018.

Amended by 129th General Assembly File No.131, SB 337, §1, eff. 9/28/2012.

Amended by 129th General Assembly File No.28, HB 153, §101.01, eff. 9/29/2011.

Effective Date: 09-05-2001.

Experience requirements

Please see 4725.48 referred above.

If the regulation is a registration, certification, or license requirement, please complete the following:

Examination requirements (*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?*)

America Board of Opticianry and the National Contact Lens Examiners, Inc. (ABO-NCLE)
 Fees for the ABO Exam \$225
 Fees for the NCLE Exam \$225
 The Ohio Vision Professionals Board does not receive any proceeds from the ABO-NCLE exam.

Continuing education requirements (*Including a description of the curriculum and the process of setting it.*)

4725.51 Renewal - continuing education.
 (A)
 (1) Each license issued under sections [4725.40](#) to [4725.59](#) of the Revised Code shall expire on the first day of January in the year after it was issued. Each person holding a valid, current license may apply to the state vision professionals board for the extension of the license under the standard renewal procedures of Chapter 4745. of the Revised Code. Each application for renewal shall be accompanied by a renewal fee the board shall establish by rule. In addition, except as provided in division (A)(2) of this section, the application shall contain evidence that the applicant has completed continuing education within the immediately preceding one-year period as follows:
 (a) Licensed spectacle dispensing opticians shall have pursued both of the following, approved by the board:
 (i) Four hours of study in spectacle dispensing;
 (ii) Two hours of study in contact lens dispensing.
 (b) Licensed contact lens dispensing opticians shall have pursued eight hours of study in contact lens dispensing, approved by the board.
 (c) Licensed spectacle-contact lens dispensing opticians shall have pursued both of the following, approved by the board:
 (i) Four hours of study in spectacle dispensing;
 (ii) Eight hours of study in contact lens dispensing.
 (d) Licensed ocularists shall have pursued courses of study as prescribed by rule of the board.

If the regulation is a registration, certification, or license requirement, please complete the following:

(2) An application for the initial renewal of a license issued under sections [4725.40](#) to [4725.55](#) of the Revised Code is not required to contain evidence that the applicant has completed the continuing education requirements of division (A)(1) of this section.

(B) No person who fails to renew the person’s license under division (A) of this section shall be required to take a qualifying examination under section [4725.48](#) of the Revised Code as a condition of renewal, provided that the application for renewal and proof of the requisite continuing education hours are submitted within ninety days from the date the license expired and the applicant pays the annual renewal fee and a penalty of seventy-five dollars. The board may provide, by rule, for an extension of the grace period for licensed dispensing opticians who are serving in the armed forces of the United States or a reserve component of the armed forces of the United States, including the Ohio national guard or the national guard of any other state and for waiver of the continuing education requirements or the penalty in cases of hardship or illness.

(C) The board shall approve continuing education programs and shall adopt rules as necessary for approving the programs. The rules shall permit programs to be conducted either in person or through electronic or other self-study means. Approved programs shall be scheduled, sponsored, and conducted in accordance with the board’s rules.

(D) Any license given a grandfathered issuance or renewal between March 22, 1979, and March 22, 1980, shall be renewed in accordance with this section.

Amended by 132nd General Assembly File No. TBD, HB 49, §130.11, eff. 1/21/2018.

Amended by 131st General Assembly File No. TBD, HB 64, §101.01, eff. 9/29/2015.

Amended by 130th General Assembly File No. TBD, HB 258, §1, eff. 3/23/2015.

Amended by 130th General Assembly File No. 45, HB 98, §1, eff. 11/15/2013.

Effective Date: 07-20-1994.

Initial fee

\$50

If the regulation is a registration, certification, or license requirement, please complete the following:

Duration	One Year.
Renewal fee <i>(If different from initial fee, please explain why.)</i>	\$100. The initial fee is at a discount rate.
Does the Board recognize uniform licensure requirements or allow for reciprocity?	Yes.
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	Yes.
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	No, not currently.
Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?	Yes.
Other information <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i>	N/A

Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.

4725.53 Disciplinary actions.

(A) The state vision professionals board, by a majority vote of its members, may refuse to grant a license and, in accordance with Chapter 119. of the Revised Code, may suspend or revoke the license of a licensed dispensing optician or impose a fine or order restitution pursuant to division (B) of this section on any of the following grounds:

- (1) Conviction of a crime involving moral turpitude or a disqualifying offense as those terms are defined in section [4776.10](#) of the Revised Code;
- (2) Obtaining or attempting to obtain a license by fraud or deception;
- (3) Obtaining any fee or making any sale of an optical aid by means of fraud or misrepresentation;
- (4) Habitual indulgence in the use of controlled substances or other habit-forming drugs, or in the use of alcoholic liquors to an extent that affects professional competency;
- (5) Finding by a court of competent jurisdiction that the applicant or licensee is incompetent by reason of mental illness and no subsequent finding by the court of competency;
- (6) Finding by a court of law that the licensee is guilty of incompetence or negligence in the dispensing of optical aids;
- (7) Knowingly permitting or employing a person whose license has been suspended or revoked or an unlicensed person to engage in optical dispensing;
- (8) Permitting another person to use the licensee's license;
- (9) Engaging in optical dispensing not pursuant to the prescription of a licensed physician or licensed optometrist, but nothing in this section shall prohibit the duplication or replacement of previously prepared optical aids, except contact lenses shall not be duplicated or replaced without a written prescription;
- (10) Violation of sections [4725.40](#) to [4725.59](#) of the Revised Code;
- (11) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers optical dispensing services, would otherwise be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that provider;
- (12) Advertising that the licensee will waive the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers optical dispensing services, would otherwise be required to pay;
- (13) Violating the code of ethical conduct adopted under section 4725.66 of the Revised Code.

Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.

(B) The board may impose a fine of not more than five hundred dollars for a first occurrence of an action that is grounds for discipline under this section and of not less than five hundred nor more than one thousand dollars for a subsequent occurrence, or may order the licensee to make restitution to a person who has suffered a financial loss as a result of the licensee's failure to comply with sections [4725.40](#) to [4725.59](#) of the Revised Code.

(C) Notwithstanding divisions (A)(11) and (12) of this section, sanctions shall not be imposed against any licensee who waives deductibles and copayments:

(1) In compliance with the health benefit plan that expressly allows such a practice. Waiver of the deductibles or copays shall be made only with the full knowledge and consent of the plan purchaser, payer, and third-party administrator. Such consent shall be made available to the board upon request.

(2) For professional services rendered to any other person licensed pursuant to this chapter to the extent allowed by this chapter and the rules of the board.

Amended by 132nd General Assembly File No. TBD, HB 49, §130.11, eff. 1/21/2018.

Amended by 129th General Assembly File No.131, SB 337, §1, eff. 9/28/2012.

Effective Date: 10-20-1994.

**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?**

FY2020 - \$204,300 (license and renewal fees)

The revenue supports the functions of the Ohio Vision Professionals Board, which is completely fee based.

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).)

Any violations of the Ohio Revised Code and Ohio Administrative Code, particularly the Code of Ethics (OAC 4755-7-08. ORC 4798.02(B)(7) applies.

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 law allows the Ohio Vision Professionals Board to effectively determine if an individual is qualified to practice.

It also allows for the investigation of and discipline for violations of the ORC and OAC.

Are there any changes the Board would like to see implemented?

Not at this time.

Comparison to other states (*How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?*)

Currently there are over 20 states regulating the occupation.
Regulations are mostly similar.

Surrounding state comparison (LSC)

Spectacle Dispensing Optician Certificate of Licensure						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (<i>R.C. 4725.40(D) and 4725.41</i>)	No	No	No	No	No
Education or training	Graduate from high school and	N/A	N/A	N/A	N/A	N/A

Spectacle Dispensing Optician Certificate of Licensure

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<p>complete either of the following:</p> <ol style="list-style-type: none"> 1. Two years of supervised experience, either as a registered apprentice or as an employee of an optometrist or ophthalmologist; 2. A two-year college-level program in optical dispensing approved by the Ohio Vision Professionals Board <p><i>(R.C. 4725.48; O.A.C. 4725-3-01(E)(8))</i></p>					

Spectacle Dispensing Optician Certificate of Licensure

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Experience	None, other than the requirements described under "Education or training"	N/A	N/A	N/A	N/A	N/A
Exam	Passage of a national qualifying exam, identified as the exam of the American Board of Opticianry (<i>R.C. 4725.49; O.A.C. 4725-3-01(F); Vision Professionals Board, Information: Optician</i>)	N/A	N/A	N/A	N/A	N/A
Continuing education	Six hours per year – four in spectacle dispensing and two in contact lens dispensing (<i>R.C. 4725.51</i>)	N/A	N/A	N/A	N/A	N/A
Initial licensure fee	\$50 (<i>O.A.C. 4725-3-14</i>)	N/A	N/A	N/A	N/A	N/A

Spectacle Dispensing Optician Certificate of Licensure						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License duration	One year (<i>R.C. 4725.51</i>)	N/A	N/A	N/A	N/A	N/A
Renewal fee	\$100 (<i>O.A.C. 4725-3-15</i>)	N/A	N/A	N/A	N/A	N/A

Contact lens dispensing optician certificate of licensure

Survey responses (VPB)

Description
<p>4725.40 Dispensing optician, ocularist definitions.</p> <p>As used in sections 4725.40 to 4725.59 of the Revised Code:</p> <p>(A) “Optical aid” means both of the following:</p> <p>(1) Spectacles or other instruments or devices that are not contact lenses, if the spectacles or other instruments or devices may aid or correct human vision and have been prescribed by a physician or optometrist licensed by any state;(2) Contact lenses, regardless of whether they address visual function, if they are designed to fit over the cornea of the eye or are otherwise designed for use in or on the eye or orbit.</p> <p>All contact lenses shall be dispensed only in accordance with a valid written prescription designated for contact lenses, including the following:</p> <p>(a) Zero-powered plano contact lenses;</p> <p>(b) Cosmetic contact lenses;</p> <p>(c) Performance-enhancing contact lenses;</p> <p>(d) Any other contact devices determined by the state vision professionals board to be contact lenses.</p> <p>(B) “Optical dispensing” means interpreting but not altering a prescription of a licensed physician or optometrist and designing, adapting, fitting, or replacing the prescribed optical aids, pursuant to such prescription, to or for the intended wearer; duplicating lenses, other than contact</p>

Description

lenses, accurately as to power without a prescription; and duplicating nonprescription eyewear and parts of eyewear. "Optical dispensing" does not include selecting frames, placing an order for the delivery of an optical aid, transacting a sale, transferring an optical aid to the wearer after an optician has completed fitting it, or providing instruction in the general care and use of an optical aid, including placement, removal, hygiene, or cleaning.

(C) "Licensed dispensing optician" means a person holding a current, valid license issued under sections [4725.48](#) to [4725.51](#) of the Revised Code that authorizes the person to engage in optical dispensing. Nothing in this chapter shall be construed to permit a licensed dispensing optician to alter the specifications of a prescription.

(D) "Licensed spectacle dispensing optician" means a licensed dispensing optician authorized to engage in both of the following:

(1) The dispensing of optical aids other than contact lenses;

(2) The dispensing of prepackaged soft contact lenses in accordance with section [4725.411](#) of the Revised Code.

(E) "Licensed contact lens dispensing optician" means a licensed dispensing optician authorized to engage only in the dispensing of contact lenses.

(F) "Licensed spectacle-contact lens dispensing optician" means a licensed dispensing optician authorized to engage in the dispensing of any optical aid.

(G) "Apprentice" means any person dispensing optical aids under the direct supervision of a licensed dispensing optician.

(H) "Prescription" means the written or verbal directions or instructions as specified by a physician or optometrist licensed by any state for preparing an optical aid for a patient.

(I) "Supervision" means the provision of direction and control through personal inspection and evaluation of work.

(J) "Licensed ocularist" means a person holding a current, valid license issued under sections [4725.48](#) to [4725.51](#) of the Revised Code to engage in the practice of designing, fabricating, and fitting artificial eyes or prostheses associated with the appearance or function of the human eye.

Type (See R.C. 4798.01 for relevant definitions.)

Specialty occupational license for medical reimbursement

If the regulation is a registration, certification, or license requirement, please complete the following:

Number issued annually

1

Number renewed annually

17

Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?

Decrease because licensees are upgrading to dual licensure.

Education or training requirements

4725.48 Application and qualifications.

(A) Any person who desires to engage in optical dispensing shall file a properly completed application for an examination with the state vision professionals board or with the testing service the board has contracted with pursuant to section 4725.49 of the Revised Code. The application for examination shall be made using a form provided by the board and shall be accompanied by an examination fee the board shall establish by rule.

(B) Any person who desires to engage in optical dispensing shall file a properly completed application for a license with the board with a licensure application fee of fifty dollars.

No person shall be eligible to apply for a license under this division, unless the person is at least eighteen years of age, is free of contagious or infectious disease, has received a passing score, as determined by the board, on the examination administered under division (A) of this section, is a

If the regulation is a registration, certification, or license requirement, please complete the following:

graduate of an accredited high school of any state, or has received an equivalent education and has successfully completed either of the following:

(1) Two years of supervised experience under a licensed dispensing optician, optometrist, or physician engaged in the practice of ophthalmology, up to one year of which may be continuous experience of not less than thirty hours a week in an optical laboratory;

(2) A two-year college level program in optical dispensing that has been approved by the board and that includes, but is not limited to, courses of study in mathematics, science, English, anatomy and physiology of the eye, applied optics, ophthalmic optics, measurement and inspection of lenses, lens grinding and edging, ophthalmic lens design, keratometry, and the fitting and adjusting of spectacle lenses and frames and contact lenses, including methods of fitting contact lenses and post-fitting care.

(C) Any person who desires to obtain a license to practice as an ocularist shall file a properly completed application with the board accompanied by the appropriate fee and proof that the applicant has met the requirements for licensure. The board shall establish, by rule, the application fee and the minimum requirements for licensure, including education, examination, or experience standards recognized by the board as national standards for ocularists. The board shall issue a license to practice as an ocularist to an applicant who satisfies the requirements of this division and rules adopted pursuant to this division.

(D)

(1) Subject to divisions (D)(2), (3), and (4) of this section, the board shall not adopt, maintain, renew, or enforce any rule that precludes an individual from receiving or renewing a license as a dispensing optician issued under sections 4725.40 to 4725.59 of the Revised Code due to any past criminal activity or interpretation of moral character, unless the individual has committed a crime of moral turpitude or a disqualifying offense as those terms are defined in section 4776.10 of the Revised Code. If the board denies an individual a license or license renewal, the reasons for such denial shall be put in writing.

(2) Except as otherwise provided in this division, if an individual applying for a license has been convicted of or pleaded guilty to a misdemeanor that is not a crime of moral turpitude or a disqualifying offense less than one year prior to making the application, the board may use its discretion in granting or denying the individual a license. Except as otherwise provided in this

If the regulation is a registration, certification, or license requirement, please complete the following:

division, if an individual applying for a license has been convicted of or pleaded guilty to a felony that is not a crime of moral turpitude or a disqualifying offense less than three years prior to making the application, the board may use its discretion in granting or denying the individual a license. The provisions in this paragraph do not apply with respect to any offense unless the board, prior to September 28, 2012, was required or authorized to deny the application based on that offense.

In all other circumstances, the board shall follow the procedures it adopts by rule that conform to division (D)(1) of this section.

(3) In considering a renewal of an individual's license, the board shall not consider any conviction or plea of guilty prior to the initial licensing. However, the board may consider a conviction or plea of guilty if it occurred after the individual was initially licensed, or after the most recent license renewal.

(4) The board may grant an individual a conditional license that lasts for one year. After the one-year period has expired, the license is no longer considered conditional, and the individual shall be considered fully licensed.

(E) The board, subject to the approval of the controlling board, may establish examination fees in excess of the amount established by rule pursuant to this section, provided that such fees do not exceed those amounts established in rule by more than fifty per cent.

e. Amended by 132nd General Assembly File No. TBD, HB 420, §1, eff. 4/5/2019.

Amended by 132nd General Assembly File No. TBD, HB 49, §130.11, eff. 1/21/2018.

Amended by 129th General Assembly File No.131, SB 337, §1, eff. 9/28/2012.

Amended by 129th General Assembly File No.28, HB 153, §101.01, eff. 9/29/2011.

Effective Date: 09-05-2001.

Experience requirements

Two years working as an apprentice.

If the regulation is a registration, certification, or license requirement, please complete the following:

Examination requirements (*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?*)

America Board of Opticianry and the National Contact Lens Examiners, Inc. (ABO-NCLE)
 Fees for the ABO Exam \$225
 Fees for the NCLE Exam \$225
 The Ohio Vision Professionals Board does not receive any proceeds from the ABO-NCLE exam.

Continuing education requirements (*Including a description of the curriculum and the process of setting it.*)

4725.51 Renewal - continuing education.
 (A)
 (1) Each license issued under sections [4725.40](#) to [4725.59](#) of the Revised Code shall expire on the first day of January in the year after it was issued. Each person holding a valid, current license may apply to the state vision professionals board for the extension of the license under the standard renewal procedures of Chapter 4745. of the Revised Code. Each application for renewal shall be accompanied by a renewal fee the board shall establish by rule. In addition, except as provided in division (A)(2) of this section, the application shall contain evidence that the applicant has completed continuing education within the immediately preceding one-year period as follows:
 (a) Licensed spectacle dispensing opticians shall have pursued both of the following, approved by the board:
 (i) Four hours of study in spectacle dispensing;
 (ii) Two hours of study in contact lens dispensing.
 (b) Licensed contact lens dispensing opticians shall have pursued eight hours of study in contact lens dispensing, approved by the board.
 (c) Licensed spectacle-contact lens dispensing opticians shall have pursued both of the following, approved by the board:
 (i) Four hours of study in spectacle dispensing;
 (ii) Eight hours of study in contact lens dispensing.
 (d) Licensed ocularists shall have pursued courses of study as prescribed by rule of the board.

If the regulation is a registration, certification, or license requirement, please complete the following:

(2) An application for the initial renewal of a license issued under sections [4725.40](#) to [4725.55](#) of the Revised Code is not required to contain evidence that the applicant has completed the continuing education requirements of division (A)(1) of this section.

(B) No person who fails to renew the person’s license under division (A) of this section shall be required to take a qualifying examination under section [4725.48](#) of the Revised Code as a condition of renewal, provided that the application for renewal and proof of the requisite continuing education hours are submitted within ninety days from the date the license expired and the applicant pays the annual renewal fee and a penalty of seventy-five dollars. The board may provide, by rule, for an extension of the grace period for licensed dispensing opticians who are serving in the armed forces of the United States or a reserve component of the armed forces of the United States, including the Ohio national guard or the national guard of any other state and for waiver of the continuing education requirements or the penalty in cases of hardship or illness.

(C) The board shall approve continuing education programs and shall adopt rules as necessary for approving the programs. The rules shall permit programs to be conducted either in person or through electronic or other self-study means. Approved programs shall be scheduled, sponsored, and conducted in accordance with the board’s rules.

(D) Any license given a grandfathered issuance or renewal between March 22, 1979, and March 22, 1980, shall be renewed in accordance with this section.

Amended by 132nd General Assembly File No. TBD, HB 49, §130.11, eff. 1/21/2018.

Amended by 131st General Assembly File No. TBD, HB 64, §101.01, eff. 9/29/2015.

Amended by 130th General Assembly File No. TBD, HB 258, §1, eff. 3/23/2015.

Amended by 130th General Assembly File No. 45, HB 98, §1, eff. 11/15/2013.

Effective Date: 07-20-1994.

Initial fee

\$50

If the regulation is a registration, certification, or license requirement, please complete the following:

Duration	One Year.
Renewal fee <i>(If different from initial fee, please explain why.)</i>	\$100. The initial fee is at a discount rate.
Does the Board recognize uniform licensure requirements or allow for reciprocity?	Yes.
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	Yes.
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	No, not currently.
Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?	Yes.
Other information <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i>	N/A

Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.

4725.53 Disciplinary actions.

(A) The state vision professionals board, by a majority vote of its members, may refuse to grant a license and, in accordance with Chapter 119. of the Revised Code, may suspend or revoke the license of a licensed dispensing optician or impose a fine or order restitution pursuant to division (B) of this section on any of the following grounds:

- (1) Conviction of a crime involving moral turpitude or a disqualifying offense as those terms are defined in section [4776.10](#) of the Revised Code;
- (2) Obtaining or attempting to obtain a license by fraud or deception;
- (3) Obtaining any fee or making any sale of an optical aid by means of fraud or misrepresentation;
- (4) Habitual indulgence in the use of controlled substances or other habit-forming drugs, or in the use of alcoholic liquors to an extent that affects professional competency;
- (5) Finding by a court of competent jurisdiction that the applicant or licensee is incompetent by reason of mental illness and no subsequent finding by the court of competency;
- (6) Finding by a court of law that the licensee is guilty of incompetence or negligence in the dispensing of optical aids;
- (7) Knowingly permitting or employing a person whose license has been suspended or revoked or an unlicensed person to engage in optical dispensing;
- (8) Permitting another person to use the licensee's license;
- (9) Engaging in optical dispensing not pursuant to the prescription of a licensed physician or licensed optometrist, but nothing in this section shall prohibit the duplication or replacement of previously prepared optical aids, except contact lenses shall not be duplicated or replaced without a written prescription;
- (10) Violation of sections [4725.40](#) to [4725.59](#) of the Revised Code;
- (11) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers optical dispensing services, would otherwise be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that provider;
- (12) Advertising that the licensee will waive the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers optical dispensing services, would otherwise be required to pay;
- (13) Violating the code of ethical conduct adopted under section 4725.66 of the Revised Code.

Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.

(B) The board may impose a fine of not more than five hundred dollars for a first occurrence of an action that is grounds for discipline under this section and of not less than five hundred nor more than one thousand dollars for a subsequent occurrence, or may order the licensee to make restitution to a person who has suffered a financial loss as a result of the licensee's failure to comply with sections [4725.40](#) to [4725.59](#) of the Revised Code.

(C) Notwithstanding divisions (A)(11) and (12) of this section, sanctions shall not be imposed against any licensee who waives deductibles and copayments:

(1) In compliance with the health benefit plan that expressly allows such a practice. Waiver of the deductibles or copays shall be made only with the full knowledge and consent of the plan purchaser, payer, and third-party administrator. Such consent shall be made available to the board upon request.

(2) For professional services rendered to any other person licensed pursuant to this chapter to the extent allowed by this chapter and the rules of the board.

**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?**

FY2020 - \$1,750 (license and renewal fees)

The revenue supports the functions of the Ohio Vision Professionals Board, which is completely fee based.

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).)

Any violations of the Ohio Revised Code and Ohio Administrative Code, particularly the Code of Ethics (OAC 4755-7-08. ORC 4798.02(B)(7) applies.

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 law allows the Ohio Vision Professionals Board to effectively determine if an individual is qualified to practice.

It also allows for the investigation of and discipline for violations of the ORC and OAC.

Are there any changes the Board would like to see implemented?

No, not at this time.

Comparison to other states (*How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?*)

Currently there are over 20 states regulating the occupation.
Regulations are mostly similar.

Surrounding state comparison (LSC)

Contact Lens Dispensing Optician Certificate of Licensure						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (<i>R.C. 4725.40(E) and 4725.41</i>)	No	No	No	No	No
Education or training	Graduate from high school and	N/A	N/A	N/A	N/A	N/A

Contact Lens Dispensing Optician Certificate of Licensure

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	complete either of the following: 1. Two years of supervised experience, either as a registered apprentice or as an employee of an optometrist or ophthalmologist; 2. A two-year college-level program in optical dispensing approved by the Board <i>(R.C. 4725.48; O.A.C. 4725-3-01(E)(8))</i>					
Experience	None, other than the requirements described under	N/A	N/A	N/A	N/A	N/A

Contact Lens Dispensing Optician Certificate of Licensure

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	"Education or training"					
Exam	Passage of a national qualifying exam, identified as the exam of the American Board of Opticianry (<i>R.C. 4725.49; O.A.C. 4725-3-01(F); Vision Professionals Board, Information: Optician</i>)	N/A	N/A	N/A	N/A	N/A
Continuing education	Eight hours per year in contact lens dispensing (<i>R.C. 4725.51</i>)	N/A	N/A	N/A	N/A	N/A
Initial licensure fee	\$50 (<i>O.A.C. 4725-3-14</i>)	N/A	N/A	N/A	N/A	N/A
License duration	One year (<i>R.C. 4725.51</i>)	N/A	N/A	N/A	N/A	N/A

Contact Lens Dispensing Optician Certificate of Licensure						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Renewal fee	\$100 (O.A.C. 4725-3-15)	N/A	N/A	N/A	N/A	N/A

Spectacle-contact lens dispensing optician certificate of licensure

Survey responses (VPB)

Description
<p>4725.40 Dispensing optician, ocularist definitions.</p> <p>As used in sections 4725.40 to 4725.59 of the Revised Code:</p> <p>(A) “Optical aid” means both of the following:</p> <p>(1) Spectacles or other instruments or devices that are not contact lenses, if the spectacles or other instruments or devices may aid or correct human vision and have been prescribed by a physician or optometrist licensed by any state;(2) Contact lenses, regardless of whether they address visual function, if they are designed to fit over the cornea of the eye or are otherwise designed for use in or on the eye or orbit.</p> <p>All contact lenses shall be dispensed only in accordance with a valid written prescription designated for contact lenses, including the following:</p> <p>(a) Zero-powered plano contact lenses;</p> <p>(b) Cosmetic contact lenses;</p> <p>(c) Performance-enhancing contact lenses;</p> <p>(d) Any other contact devices determined by the state vision professionals board to be contact lenses.</p> <p>(B) “Optical dispensing” means interpreting but not altering a prescription of a licensed physician or optometrist and designing, adapting, fitting, or replacing the prescribed optical aids, pursuant to such prescription, to or for the intended wearer; duplicating lenses, other than contact lenses, accurately as to power without a prescription; and duplicating nonprescription eyewear and parts of eyewear. “Optical dispensing” does not include selecting frames, placing an order for the delivery of an optical aid, transacting a sale, transferring an optical aid to the wearer after</p>

Description

an optician has completed fitting it, or providing instruction in the general care and use of an optical aid, including placement, removal, hygiene, or cleaning.

(C) “Licensed dispensing optician” means a person holding a current, valid license issued under sections [4725.48](#) to [4725.51](#) of the Revised Code that authorizes the person to engage in optical dispensing. Nothing in this chapter shall be construed to permit a licensed dispensing optician to alter the specifications of a prescription.

(D) “Licensed spectacle dispensing optician” means a licensed dispensing optician authorized to engage in both of the following:

(1) The dispensing of optical aids other than contact lenses;

(2) The dispensing of prepackaged soft contact lenses in accordance with section [4725.411](#) of the Revised Code.

(E) “Licensed contact lens dispensing optician” means a licensed dispensing optician authorized to engage only in the dispensing of contact lenses.

(F) “Licensed spectacle-contact lens dispensing optician” means a licensed dispensing optician authorized to engage in the dispensing of any optical aid.

(G) “Apprentice” means any person dispensing optical aids under the direct supervision of a licensed dispensing optician.

(H) “Prescription” means the written or verbal directions or instructions as specified by a physician or optometrist licensed by any state for preparing an optical aid for a patient.

(I) “Supervision” means the provision of direction and control through personal inspection and evaluation of work.

(J) “Licensed ocularist” means a person holding a current, valid license issued under sections [4725.48](#) to [4725.51](#) of the Revised Code to engage in the practice of designing, fabricating, and fitting artificial eyes or prostheses associated with the appearance or function of the human eye.

Type *(See R.C. 4798.01 for relevant definitions.)*

Specialty occupational license for medical reimbursement

If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	13
Number renewed annually	967
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	<p>Decrease. Please refer to 4725.411</p> <p>4725.411 Dispensing prepackaged soft contact lenses.</p> <p>(A) Each licensed spectacle dispensing optician shall complete two hours of study in prepackaged soft contact lens dispensing approved by the state vision professionals board under section 4725.51 of the Revised Code. The two hours of study shall be completed as follows:</p> <p>(1) Each licensed spectacle dispensing optician who holds the license on September 29, 2015, shall complete the two hours of study not later than December 31, 2015.</p> <p>(2) Each licensed spectacle dispensing optician who receives the license after September 29, 2015, shall complete the two hours of study not later than the thirty-first day of December of the year the license is issued.</p> <p>(B) Beginning January 1, 2016, a licensed spectacle dispensing optician may dispense prepackaged soft contact lenses if both of the following are the case:</p> <p>(1) The licensed spectacle dispensing optician has completed two hours of study in prepackaged soft contact lens dispensing in accordance with division (A) of this section.</p> <p>(2) The only action necessary is to match the description of the contact lenses that is on the packaging to a written prescription.</p> <p>Amended by 132nd General Assembly File No. TBD, HB 49, §130.11, eff. 1/21/2018.</p> <p>Amended by 131st General Assembly File No. TBD, HB 64, §101.01, eff. 9/29/2015.</p> <p>Added by 130th General Assembly File No. TBD, HB 258, §1, eff. 3/23/2015.</p>

If the regulation is a registration, certification, or license requirement, please complete the following:

Education or training requirements

4725.48 Application and qualifications.

(A) Any person who desires to engage in optical dispensing shall file a properly completed application for an examination with the state vision professionals board or with the testing service the board has contracted with pursuant to section 4725.49 of the Revised Code. The application for examination shall be made using a form provided by the board and shall be accompanied by an examination fee the board shall establish by rule.

(B) Any person who desires to engage in optical dispensing shall file a properly completed application for a license with the board with a licensure application fee of fifty dollars.

No person shall be eligible to apply for a license under this division, unless the person is at least eighteen years of age, is free of contagious or infectious disease, has received a passing score, as determined by the board, on the examination administered under division (A) of this section, is a graduate of an accredited high school of any state, or has received an equivalent education and has successfully completed either of the following:

(1) Two years of supervised experience under a licensed dispensing optician, optometrist, or physician engaged in the practice of ophthalmology, up to one year of which may be continuous experience of not less than thirty hours a week in an optical laboratory;

(2) A two-year college level program in optical dispensing that has been approved by the board and that includes, but is not limited to, courses of study in mathematics, science, English, anatomy and physiology of the eye, applied optics, ophthalmic optics, measurement and inspection of lenses, lens grinding and edging, ophthalmic lens design, keratometry, and the fitting and adjusting of spectacle lenses and frames and contact lenses, including methods of fitting contact lenses and post-fitting care.

(C) Any person who desires to obtain a license to practice as an ocularist shall file a properly completed application with the board accompanied by the appropriate fee and proof that the applicant has met the requirements for licensure. The board shall establish, by rule, the application fee and the minimum requirements for licensure, including education, examination, or experience standards recognized by the board as national standards for ocularists. The board shall issue a license to practice as an ocularist to an applicant who satisfies the requirements of this division and rules adopted pursuant to this division.

If the regulation is a registration, certification, or license requirement, please complete the following:

(D)

(1) Subject to divisions (D)(2), (3), and (4) of this section, the board shall not adopt, maintain, renew, or enforce any rule that precludes an individual from receiving or renewing a license as a dispensing optician issued under sections 4725.40 to 4725.59 of the Revised Code due to any past criminal activity or interpretation of moral character, unless the individual has committed a crime of moral turpitude or a disqualifying offense as those terms are defined in section 4776.10 of the Revised Code. If the board denies an individual a license or license renewal, the reasons for such denial shall be put in writing.

(2) Except as otherwise provided in this division, if an individual applying for a license has been convicted of or pleaded guilty to a misdemeanor that is not a crime of moral turpitude or a disqualifying offense less than one year prior to making the application, the board may use its discretion in granting or denying the individual a license. Except as otherwise provided in this division, if an individual applying for a license has been convicted of or pleaded guilty to a felony that is not a crime of moral turpitude or a disqualifying offense less than three years prior to making the application, the board may use its discretion in granting or denying the individual a license. The provisions in this paragraph do not apply with respect to any offense unless the board, prior to September 28, 2012, was required or authorized to deny the application based on that offense.

In all other circumstances, the board shall follow the procedures it adopts by rule that conform to division (D)(1) of this section.

(3) In considering a renewal of an individual's license, the board shall not consider any conviction or plea of guilty prior to the initial licensing. However, the board may consider a conviction or plea of guilty if it occurred after the individual was initially licensed, or after the most recent license renewal.

(4) The board may grant an individual a conditional license that lasts for one year. After the one-year period has expired, the license is no longer considered conditional, and the individual shall be considered fully licensed.

If the regulation is a registration, certification, or license requirement, please complete the following:	
	<p>(E) The board, subject to the approval of the controlling board, may establish examination fees in excess of the amount established by rule pursuant to this section, provided that such fees do not exceed those amounts established in rule by more than fifty per cent.</p> <p>f. Amended by 132nd General Assembly File No. TBD, HB 420, §1, eff. 4/5/2019. Amended by 132nd General Assembly File No. TBD, HB 49, §130.11, eff. 1/21/2018. Amended by 129th General Assembly File No.131, SB 337, §1, eff. 9/28/2012. Amended by 129th General Assembly File No.28, HB 153, §101.01, eff. 9/29/2011. Effective Date: 09-05-2001.</p>
Experience requirements	Minimum two years as an apprentice or a two year opticianry degree.
Examination requirements <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>America Board of Opticianry and the National Contact Lens Examiners, Inc. (ABO-NCLE)</p> <p>Fees for the ABO Exam \$225</p> <p>Fees for the NCLE Exam \$225</p> <p>The Ohio Vision Professionals Board does not receive any proceeds from the ABO-NCLE exam.</p>
Continuing education requirements <i>(Including a description of the curriculum and the process of setting it.)</i>	<p>4725.51 Renewal - continuing education.</p> <p>(A)</p> <p>(1) Each license issued under sections 4725.40 to 4725.59 of the Revised Code shall expire on the first day of January in the year after it was issued. Each person holding a valid, current license may apply to the state vision professionals board for the extension of the license under the standard renewal procedures of Chapter 4745. of the Revised Code. Each application for renewal shall be accompanied by a renewal fee the board shall establish by rule. In addition, except as provided in division (A)(2) of this section, the application shall contain evidence that the applicant has completed continuing education within the immediately preceding one-year period as follows:</p>

If the regulation is a registration, certification, or license requirement, please complete the following:

- (a) Licensed spectacle dispensing opticians shall have pursued both of the following, approved by the board:
 - (i) Four hours of study in spectacle dispensing;
 - (ii) Two hours of study in contact lens dispensing.
 - (b) Licensed contact lens dispensing opticians shall have pursued eight hours of study in contact lens dispensing, approved by the board.
 - (c) Licensed spectacle-contact lens dispensing opticians shall have pursued both of the following, approved by the board:
 - (i) Four hours of study in spectacle dispensing;
 - (ii) Eight hours of study in contact lens dispensing.
 - (d) Licensed ocularists shall have pursued courses of study as prescribed by rule of the board.
- (2) An application for the initial renewal of a license issued under sections [4725.40](#) to [4725.55](#) of the Revised Code is not required to contain evidence that the applicant has completed the continuing education requirements of division (A)(1) of this section.
- (B) No person who fails to renew the person's license under division (A) of this section shall be required to take a qualifying examination under section [4725.48](#) of the Revised Code as a condition of renewal, provided that the application for renewal and proof of the requisite continuing education hours are submitted within ninety days from the date the license expired and the applicant pays the annual renewal fee and a penalty of seventy-five dollars. The board may provide, by rule, for an extension of the grace period for licensed dispensing opticians who are serving in the armed forces of the United States or a reserve component of the armed forces of the United States, including the Ohio national guard or the national guard of any other state and for waiver of the continuing education requirements or the penalty in cases of hardship or illness.
- (C) The board shall approve continuing education programs and shall adopt rules as necessary for approving the programs. The rules shall permit programs to be conducted either in person or

If the regulation is a registration, certification, or license requirement, please complete the following:	
	<p>through electronic or other self-study means. Approved programs shall be scheduled, sponsored, and conducted in accordance with the board's rules.</p> <p>(D) Any license given a grandfathered issuance or renewal between March 22, 1979, and March 22, 1980, shall be renewed in accordance with this section.</p> <p>Amended by 132nd General Assembly File No. TBD, HB 49, §130.11, eff. 1/21/2018.</p> <p>Amended by 131st General Assembly File No. TBD, HB 64, §101.01, eff. 9/29/2015.</p> <p>Amended by 130th General Assembly File No. TBD, HB 258, §1, eff. 3/23/2015.</p> <p>Amended by 130th General Assembly File No. 45, HB 98, §1, eff. 11/15/2013.</p> <p>Effective Date: 07-20-1994.</p>
Initial fee	\$50
Duration	One Year.
Renewal fee <i>(If different from initial fee, please explain why.)</i>	\$100. The initial fee is at a discounted rate.
Does the Board recognize uniform licensure requirements or allow for reciprocity?	Yes.
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	Yes. The Ohio Vision Professionals Board is updating Rules now to
Are there any circumstances in which an individual may practice elements of the	No, not currently.

If the regulation is a registration, certification, or license requirement, please complete the following:	
occupation without being regulated by the board?	
Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?	Yes.
Other information <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i>	N/A

Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.

4725.53 Disciplinary actions.

(A) The state vision professionals board, by a majority vote of its members, may refuse to grant a license and, in accordance with Chapter 119. of the Revised Code, may suspend or revoke the license of a licensed dispensing optician or impose a fine or order restitution pursuant to division (B) of this section on any of the following grounds:

- (1) Conviction of a crime involving moral turpitude or a disqualifying offense as those terms are defined in section [4776.10](#) of the Revised Code;
- (2) Obtaining or attempting to obtain a license by fraud or deception;
- (3) Obtaining any fee or making any sale of an optical aid by means of fraud or misrepresentation;
- (4) Habitual indulgence in the use of controlled substances or other habit-forming drugs, or in the use of alcoholic liquors to an extent that affects professional competency;
- (5) Finding by a court of competent jurisdiction that the applicant or licensee is incompetent by reason of mental illness and no subsequent finding by the court of competency;
- (6) Finding by a court of law that the licensee is guilty of incompetence or negligence in the dispensing of optical aids;
- (7) Knowingly permitting or employing a person whose license has been suspended or revoked or an unlicensed person to engage in optical dispensing;

Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.

(8) Permitting another person to use the licensee's license;

(9) Engaging in optical dispensing not pursuant to the prescription of a licensed physician or licensed optometrist, but nothing in this section shall prohibit the duplication or replacement of previously prepared optical aids, except contact lenses shall not be duplicated or replaced without a written prescription;

(10) Violation of sections [4725.40](#) to [4725.59](#) of the Revised Code;

(11) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers optical dispensing services, would otherwise be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that provider;

(12) Advertising that the licensee will waive the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers optical dispensing services, would otherwise be required to pay;

(13) Violating the code of ethical conduct adopted under section 4725.66 of the Revised Code.

(B) The board may impose a fine of not more than five hundred dollars for a first occurrence of an action that is grounds for discipline under this section and of not less than five hundred nor more than one thousand dollars for a subsequent occurrence, or may order the licensee to make restitution to a person who has suffered a financial loss as a result of the licensee's failure to comply with sections [4725.40](#) to [4725.59](#) of the Revised Code.

(C) Notwithstanding divisions (A)(11) and (12) of this section, sanctions shall not be imposed against any licensee who waives deductibles and copayments:

(1) In compliance with the health benefit plan that expressly allows such a practice. Waiver of the deductibles or copays shall be made only with the full knowledge and consent of the plan purchaser, payer, and third-party administrator. Such consent shall be made available to the board upon request.

(2) For professional services rendered to any other person licensed pursuant to this chapter to the extent allowed by this chapter and the rules of the board.

Amended by 132nd General Assembly File No. TBD, HB 49, §130.11, eff. 1/21/2018.

Amended by 129th General Assembly File No.131, SB 337, §1, eff. 9/28/2012.

Effective Date: 10-20-1994.

**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?**

FY2020 - \$97,350 (license and renewal fees)

The revenue supports the functions of the Ohio Vision Professionals Board, which is completely fee based.

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).)

Violations of the Ohio Revised Code and Ohio Administrative Code, particularly the Code of Ethics (OAC 4755-7-08. ORC 4798.02(B)(7) applies.

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 law allows the Ohio Vision Professionals Board to effectively determine if an individual is qualified to practice.

It also allows for the investigation of and discipline for violations of the ORC and OAC.

Are there any changes the Board would like to see implemented?

No, not at this time.

Comparison to other states *(How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)*

Currently there are over 20 states regulating the occupation.

Regulations are mostly similar.

Surrounding state comparison (LSC)

Spectacle-Contact Lens Dispensing Optician Certificate of Licensure

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (<i>R.C. 4725.40(F) and 4725.41</i>)	No	Yes (<i>Ky. Rev. Stat. Ann. 326.030</i>)	No	No	No
Education or training	<p>Graduate from high school and complete either of the following:</p> <ol style="list-style-type: none"> Two years of supervised experience, either as a registered apprentice or as an employee of an optometrist or ophthalmologist; A two-year college-level program in optical dispensing approved by the Board 	N/A	<p>Graduate from high school or obtain GED, and complete either of the following:</p> <ol style="list-style-type: none"> Two years of satisfactory training and experience in ophthalmic dispensing under supervision; Graduate from an accepted school of ophthalmic dispensing <p>(<i>Ky. Rev. Stat. Ann. 326.040</i>)</p>	N/A	N/A	N/A

Spectacle-Contact Lens Dispensing Optician Certificate of Licensure

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<i>(R.C. 4725.48 and O.A.C. 4725-3-01(E)(8))</i>					
Experience	None, other than the requirements described under "Education or training"	N/A	N/A	N/A	N/A	N/A
Exam	Passage of a national qualifying exam, identified as a combination of both exams required by the American Board of Opticianry and the National Contact Lens Examiners (<i>R.C. 4725.49; O.A.C. 4725-3-01(F); Vision Professionals Board, Information: Optician</i>)	N/A	Passage of a satisfactory exam in ophthalmic dispensing approved by the Kentucky Board of Ophthalmic Dispensers (<i>Ky. Rev. Stat. Ann. 326.040</i>)	N/A	N/A	N/A

Spectacle-Contact Lens Dispensing Optician Certificate of Licensure						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Continuing education	12 hours per year – four in spectacle dispensing and eight in contact lens dispensing (R.C. 4725.51)	N/A	Six hours per year (Ky. Rev. Stat. Ann. 326.080; 201 Ky. Admin. Regs. 13:055)	N/A	N/A	N/A
Initial licensure fee	\$50 (O.A.C. 4725-3-14)	N/A	\$50 (Ky. Rev. Stat. Ann. 326.040)	N/A	N/A	N/A
License duration	One year (R.C. 4725.51)	N/A	One year (Ky. Rev. Stat. Ann. 326.080; 201 Ky. Admin. Regs. 13:040)	N/A	N/A	N/A
Renewal fee	\$100 (O.A.C. 4725-3-15)	N/A	\$75 (Ky. Rev. Stat. Ann. 326.080; 201 Ky. Admin. Regs. 13:040)	N/A	N/A	N/A

Ocularist license

Survey responses (VPB)

Description

4725.40 Dispensing optician, ocularist definitions.

As used in sections [4725.40](#) to [4725.59](#) of the Revised Code:

(A) "Optical aid" means both of the following:

(1) Spectacles or other instruments or devices that are not contact lenses, if the spectacles or other instruments or devices may aid or correct human vision and have been prescribed by a physician or optometrist licensed by any state;(2) Contact lenses, regardless of whether they address visual function, if they are designed to fit over the cornea of the eye or are otherwise designed for use in or on the eye or orbit.

All contact lenses shall be dispensed only in accordance with a valid written prescription designated for contact lenses, including the following:

(a) Zero-powered plano contact lenses;

(b) Cosmetic contact lenses;

(c) Performance-enhancing contact lenses;

(d) Any other contact devices determined by the state vision professionals board to be contact lenses.

(B) "Optical dispensing" means interpreting but not altering a prescription of a licensed physician or optometrist and designing, adapting, fitting, or replacing the prescribed optical aids, pursuant to such prescription, to or for the intended wearer; duplicating lenses, other than contact lenses, accurately as to power without a prescription; and duplicating nonprescription eyewear and parts of eyewear. "Optical dispensing" does not include selecting frames, placing an order for the delivery of an optical aid, transacting a sale, transferring an optical aid to the wearer after an optician has completed fitting it, or providing instruction in the general care and use of an optical aid, including placement, removal, hygiene, or cleaning.

(C) "Licensed dispensing optician" means a person holding a current, valid license issued under sections [4725.48](#) to [4725.51](#) of the Revised Code that authorizes the person to engage in optical dispensing. Nothing in this chapter shall be construed to permit a licensed dispensing optician to alter the specifications of a prescription.

(D) "Licensed spectacle dispensing optician" means a licensed dispensing optician authorized to engage in both of the following:

(1) The dispensing of optical aids other than contact lenses;

(2) The dispensing of prepackaged soft contact lenses in accordance with section [4725.411](#) of the Revised Code.

(E) "Licensed contact lens dispensing optician" means a licensed dispensing optician authorized to engage only in the dispensing of contact lenses.

Description

(F) "Licensed spectacle-contact lens dispensing optician" means a licensed dispensing optician authorized to engage in the dispensing of any optical aid.

(G) "Apprentice" means any person dispensing optical aids under the direct supervision of a licensed dispensing optician.

(H) "Prescription" means the written or verbal directions or instructions as specified by a physician or optometrist licensed by any state for preparing an optical aid for a patient.

(I) "Supervision" means the provision of direction and control through personal inspection and evaluation of work.

(J) "Licensed ocularist" means a person holding a current, valid license issued under sections [4725.48](#) to [4725.51](#) of the Revised Code to engage in the practice of designing, fabricating, and fitting artificial eyes or prostheses associated with the appearance or function of the human eye.

Type *(See R.C. 4798.01 for relevant definitions.)*

Specialty occupational license for medical reimbursement

If the regulation is a registration, certification, or license requirement, please complete the following:

Number issued annually	0
Number renewed annually	8
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	This licensure has remained the same for the past six years.

If the regulation is a registration, certification, or license requirement, please complete the following:

Education or training requirements

4725.48 Application and qualifications.

(A) Any person who desires to engage in optical dispensing shall file a properly completed application for an examination with the state vision professionals board or with the testing service the board has contracted with pursuant to section [4725.49](#) of the Revised Code. The application for examination shall be made using a form provided by the board and shall be accompanied by an examination fee the board shall establish by rule.

(B) Any person who desires to engage in optical dispensing shall file a properly completed application for a license with the board with a licensure application fee of fifty dollars.

No person shall be eligible to apply for a license under this division, unless the person is at least eighteen years of age, is free of contagious or infectious disease, has received a passing score, as determined by the board, on the examination administered under division (A) of this section, is a graduate of an accredited high school of any state, or has received an equivalent education and has successfully completed either of the following:

(1) Two years of supervised experience under a licensed dispensing optician, optometrist, or physician engaged in the practice of ophthalmology, up to one year of which may be continuous experience of not less than thirty hours a week in an optical laboratory;

(2) A two-year college level program in optical dispensing that has been approved by the board and that includes, but is not limited to, courses of study in mathematics, science, English, anatomy and physiology of the eye, applied optics, ophthalmic optics, measurement and inspection of lenses, lens grinding and edging, ophthalmic lens design, keratometry, and the fitting and adjusting of spectacle lenses and frames and contact lenses, including methods of fitting contact lenses and post-fitting care.

(C) Any person who desires to obtain a license to practice as an ocularist shall file a properly completed application with the board accompanied by the appropriate fee and proof that the applicant has met the requirements for licensure. The board shall establish, by rule, the application fee and the minimum requirements for licensure, including education, examination, or experience standards recognized by the board as national standards for ocularists. The board shall issue a license to practice as an ocularist to an applicant who satisfies the requirements of this division and rules adopted pursuant to this division.

If the regulation is a registration, certification, or license requirement, please complete the following:

(D)

(1) Subject to divisions (D)(2), (3), and (4) of this section, the board shall not adopt, maintain, renew, or enforce any rule that precludes an individual from receiving or renewing a license as a dispensing optician issued under sections [4725.40](#) to [4725.59](#) of the Revised Code due to any past criminal activity or interpretation of moral character, unless the individual has committed a crime of moral turpitude or a disqualifying offense as those terms are defined in section [4776.10](#) of the Revised Code. If the board denies an individual a license or license renewal, the reasons for such denial shall be put in writing.

(2) Except as otherwise provided in this division, if an individual applying for a license has been convicted of or pleaded guilty to a misdemeanor that is not a crime of moral turpitude or a disqualifying offense less than one year prior to making the application, the board may use its discretion in granting or denying the individual a license. Except as otherwise provided in this division, if an individual applying for a license has been convicted of or pleaded guilty to a felony that is not a crime of moral turpitude or a disqualifying offense less than three years prior to making the application, the board may use its discretion in granting or denying the individual a license. The provisions in this paragraph do not apply with respect to any offense unless the board, prior to September 28, 2012, was required or authorized to deny the application based on that offense.

In all other circumstances, the board shall follow the procedures it adopts by rule that conform to division (D)(1) of this section.

(3) In considering a renewal of an individual's license, the board shall not consider any conviction or plea of guilty prior to the initial licensing. However, the board may consider a conviction or plea of guilty if it occurred after the individual was initially licensed, or after the most recent license renewal.

(4) The board may grant an individual a conditional license that lasts for one year. After the one-year period has expired, the license is no longer considered conditional, and the individual shall be considered fully licensed.

If the regulation is a registration, certification, or license requirement, please complete the following:	
	<p>(E) The board, subject to the approval of the controlling board, may establish examination fees in excess of the amount established by rule pursuant to this section, provided that such fees do not exceed those amounts established in rule by more than fifty per cent.</p> <p>Amended by 132nd General Assembly File No. TBD, HB 420, §1, eff. 4/5/2019.</p> <p>Amended by 132nd General Assembly File No. TBD, HB 49, §130.11, eff. 1/21/2018.</p> <p>Amended by 129th General Assembly File No.131, SB 337, §1, eff. 9/28/2012.</p> <p>Amended by 129th General Assembly File No.28, HB 153, §101.01, eff. 9/29/2011.</p> <p>Effective Date: 09-05-2001.</p>
Experience requirements	Please see 4725.48 referred above.
Examination requirements (<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>4725-3-01 Application for licensure.</p> <p>(J) An applicant for initial licensure as an ocularist shall have successfully completed;</p> <p>(1) A five-year apprenticeship under the direct supervision of a licensed ocularist as registered with the board or under the employment and direct supervision of an optometrist or physician engaged in the practice of ocularistry;</p> <p>(2) A credentialing or a certification exam offered by a board approved by a national recognized certifying body. Said application for licensure shall be made within seventy-two months from the date of the examination that the applicant successfully completed.</p> <p>(K) In addition to the requirements of this rule, all applicants for licensure as an ocularist shall submit to criminal records check completed by the bureau of criminal identification and investigation in accordance with section 4725.501 of the Revised Code. The results of the criminal records check shall be received by the board prior to the issuance of a license to practice as an ocularist. The board will only accept the results of a criminal records check that is submitted to the board directly by the bureau of criminal identification and investigation. In accordance with this rule, the applicant requesting the criminal records check shall:</p>

If the regulation is a registration, certification, or license requirement, please complete the following:

- (1) Provide the bureau of criminal identification and investigation with the applicant's name and address and with the name and address for the Ohio vision professionals board; and,
- (2) Request that the bureau of criminal identification and investigation obtain from the Federal Bureau of Investigation any information it has pertaining to the applicant.
- (L) If an application for licensure submitted to the board remains incomplete for one year, the application shall be considered void.

Continuing education requirements
(Including a description of the curriculum and the process of setting it.)

4725.51 Renewal - continuing education.

- (A)
 - (1) Each license issued under sections [4725.40](#) to [4725.59](#) of the Revised Code shall expire on the first day of January in the year after it was issued. Each person holding a valid, current license may apply to the state vision professionals board for the extension of the license under the standard renewal procedures of Chapter 4745. of the Revised Code. Each application for renewal shall be accompanied by a renewal fee the board shall establish by rule. In addition, except as provided in division (A)(2) of this section, the application shall contain evidence that the applicant has completed continuing education within the immediately preceding one-year period as follows:
 - (a) Licensed spectacle dispensing opticians shall have pursued both of the following, approved by the board:
 - (i) Four hours of study in spectacle dispensing;
 - (ii) Two hours of study in contact lens dispensing.
 - (b) Licensed contact lens dispensing opticians shall have pursued eight hours of study in contact lens dispensing, approved by the board.
 - (c) Licensed spectacle-contact lens dispensing opticians shall have pursued both of the following, approved by the board:
 - (i) Four hours of study in spectacle dispensing;
 - (ii) Eight hours of study in contact lens dispensing.
 - (d) Licensed ocularists shall have pursued courses of study as prescribed by rule of the board.

If the regulation is a registration, certification, or license requirement, please complete the following:

(2) An application for the initial renewal of a license issued under sections [4725.40](#) to [4725.55](#) of the Revised Code is not required to contain evidence that the applicant has completed the continuing education requirements of division (A)(1) of this section.

(B) No person who fails to renew the person's license under division (A) of this section shall be required to take a qualifying examination under section [4725.48](#) of the Revised Code as a condition of renewal, provided that the application for renewal and proof of the requisite continuing education hours are submitted within ninety days from the date the license expired and the applicant pays the annual renewal fee and a penalty of seventy-five dollars. The board may provide, by rule, for an extension of the grace period for licensed dispensing opticians who are serving in the armed forces of the United States or a reserve component of the armed forces of the United States, including the Ohio national guard or the national guard of any other state and for waiver of the continuing education requirements or the penalty in cases of hardship or illness.

(C) The board shall approve continuing education programs and shall adopt rules as necessary for approving the programs. The rules shall permit programs to be conducted either in person or through electronic or other self-study means. Approved programs shall be scheduled, sponsored, and conducted in accordance with the board's rules.

(D) Any license given a grandfathered issuance or renewal between March 22, 1979, and March 22, 1980, shall be renewed in accordance with this section.

Amended by 132nd General Assembly File No. TBD, HB 49, §130.11, eff. 1/21/2018.

Amended by 131st General Assembly File No. TBD, HB 64, §101.01, eff. 9/29/2015.

Amended by 130th General Assembly File No. TBD, HB 258, §1, eff. 3/23/2015.

Amended by 130th General Assembly File No. 45, HB 98, §1, eff. 11/15/2013.

Effective Date: 07-20-1994.

Initial fee

\$50

If the regulation is a registration, certification, or license requirement, please complete the following:	
Duration	One year
Renewal fee <i>(If different from initial fee, please explain why.)</i>	\$100. The initial fee is at a discounted rate.
Does the Board recognize uniform licensure requirements or allow for reciprocity?	Yes
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	Yes
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	No
Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?	Yes
Other information <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i>	N/A

Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.

4725.53 Disciplinary actions.

(A) The state vision professionals board, by a majority vote of its members, may refuse to grant a license and, in accordance with Chapter 119. of the Revised Code, may suspend or revoke the license of a licensed dispensing optician or impose a fine or order restitution pursuant to division (B) of this section on any of the following grounds:

- (1) Conviction of a crime involving moral turpitude or a disqualifying offense as those terms are defined in section [4776.10](#) of the Revised Code;
- (2) Obtaining or attempting to obtain a license by fraud or deception;
- (3) Obtaining any fee or making any sale of an optical aid by means of fraud or misrepresentation;
- (4) Habitual indulgence in the use of controlled substances or other habit-forming drugs, or in the use of alcoholic liquors to an extent that affects professional competency;
- (5) Finding by a court of competent jurisdiction that the applicant or licensee is incompetent by reason of mental illness and no subsequent finding by the court of competency;
- (6) Finding by a court of law that the licensee is guilty of incompetence or negligence in the dispensing of optical aids;
- (7) Knowingly permitting or employing a person whose license has been suspended or revoked or an unlicensed person to engage in optical dispensing;
- (8) Permitting another person to use the licensee's license;
- (9) Engaging in optical dispensing not pursuant to the prescription of a licensed physician or licensed optometrist, but nothing in this section shall prohibit the duplication or replacement of previously prepared optical aids, except contact lenses shall not be duplicated or replaced without a written prescription;
- (10) Violation of sections [4725.40](#) to [4725.59](#) of the Revised Code;
- (11) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers optical dispensing services, would otherwise be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that provider;
- (12) Advertising that the licensee will waive the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers optical dispensing services, would otherwise be required to pay;
- (13) Violating the code of ethical conduct adopted under section 4725.66 of the Revised Code.

Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.

(B) The board may impose a fine of not more than five hundred dollars for a first occurrence of an action that is grounds for discipline under this section and of not less than five hundred nor more than one thousand dollars for a subsequent occurrence, or may order the licensee to make restitution to a person who has suffered a financial loss as a result of the licensee's failure to comply with sections [4725.40](#) to [4725.59](#) of the Revised Code.

(C) Notwithstanding divisions (A)(11) and (12) of this section, sanctions shall not be imposed against any licensee who waives deductibles and copayments:

(1) In compliance with the health benefit plan that expressly allows such a practice. Waiver of the deductibles or copays shall be made only with the full knowledge and consent of the plan purchaser, payer, and third-party administrator. Such consent shall be made available to the board upon request.

(2) For professional services rendered to any other person licensed pursuant to this chapter to the extent allowed by this chapter and the rules of the board.

Amended by 132nd General Assembly File No. TBD, HB 49, §130.11, eff. 1/21/2018.

Amended by 129th General Assembly File No.131, SB 337, §1, eff. 9/28/2012.

Effective Date: 10-20-1994.

**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?**

FY2020 - \$800 (license and renewal fees)

The revenue supports the functions of the Ohio Vision Professionals Board, which is completely fee based.

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).)

Any violations of the Ohio Revised Code and Ohio Administrative Code, particularly the Code of Ethics (OAC 4755-7-08. ORC 4798.02(B)(7) applies.

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 law allows the Ohio Vision Professionals Board to effectively determine if an individual is qualified to practice.

It also allows for the investigation of and discipline for violations of the ORC and OAC.

Are there any changes the Board would like to see implemented?

No, not at this time.

Comparison to other states (How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)

No states at this time.

Surrounding state comparison (LSC)

Ocularist License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (R.C. 4725.41 and 4725.43(C))	No	No	No	No	No
Education or training	Graduate from high school or obtain GED	N/A	N/A	N/A	N/A	N/A

Ocularist License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<i>(O.A.C. 4725-3-01(I))</i>					
Experience	Complete a five-year apprenticeship under the direct supervision of a licensed ocularist, optometrist, or physician <i>(O.A.C. 4725-3-01(J))</i>	N/A	N/A	N/A	N/A	N/A
Exam	Passage of a credentialing or certification exam offered by a board approved by a national recognized certifying body <i>(O.A.C. 4725-3-01(J))</i>	N/A	N/A	N/A	N/A	N/A
Continuing education	Four hours per year, including one hour of communicable disease training	N/A	N/A	N/A	N/A	N/A

Ocularist License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<i>(O.A.C. 4725-3-09(L)(4))</i>					
Initial licensure fee	\$50 <i>(O.A.C. 4725-3-14)</i>	N/A	N/A	N/A	N/A	N/A
License duration	One year <i>(R.C. 4725.51)</i>	N/A	N/A	N/A	N/A	N/A
Renewal fee	\$100 <i>(O.A.C. 4725-3-15)</i>	N/A	N/A	N/A	N/A	N/A

Optical dispensing apprentice registration

Survey responses (VPB)

Description
<p>4725.52 Apprentices.</p> <p>Any licensed dispensing optician may supervise a maximum of three apprentices who shall be permitted to engage in optical dispensing only under the supervision of the licensed dispensing optician.</p> <p>To serve as an apprentice, a person shall register with the state vision professionals board on a form provided by the board and in the form of a statement giving the name and address of the supervising licensed dispensing optician, the location at which the apprentice will be employed, and any other information required by the board. For the duration of the apprenticeship, the apprentice shall register annually on the form provided by the board and in the form of a statement.</p> <p>Each apprentice shall pay an initial registration fee of twenty dollars. For each registration renewal thereafter, each apprentice shall pay a registration renewal fee of twenty dollars.</p>

Description

The board shall not deny registration as an apprentice under this section to any individual based on the individual's past criminal history or an interpretation of moral character unless the individual has committed a disqualifying offense or crime of moral turpitude as those terms are defined in section [4776.10](#) of the Revised Code. Except as otherwise provided in this division, if an individual applying for a registration has been convicted of or pleaded guilty to a misdemeanor that is not a crime of moral turpitude or a disqualifying offense less than one year prior to making the application, the board may use its discretion in granting or denying the individual a registration. Except as otherwise provided in this division, if an individual applying for a registration has been convicted of or pleaded guilty to a felony that is not a crime of moral turpitude or a disqualifying offense less than three years prior to making the application, the board may use its discretion in granting or denying the individual a registration. The provisions in this paragraph do not apply with respect to any offense unless the board, prior to September 28, 2012, was required or authorized to deny the registration based on that offense.

In all other circumstances, the board shall follow the procedures it adopts by rule that conform to this section. In considering a renewal of an individual's registration, the board shall not consider any conviction or plea of guilty prior to the initial registration. However, the board may consider a conviction or plea of guilty if it occurred after the individual was initially registered, or after the most recent registration renewal. If the board denies an individual for a registration or registration renewal, the reasons for such denial shall be put in writing. Additionally, the board may grant an individual a conditional registration that lasts for one year. After the one-year period has expired, the registration is no longer considered conditional, and the individual shall be considered fully registered.

A person who is gaining experience under the supervision of a licensed optometrist or ophthalmologist that would qualify the person under division (B)(1) of section [4725.48](#) of the Revised Code to take the examination for optical dispensing is not required to register with the board.

Type (See *R.C. 4798.01* for relevant definitions.)

Specialty occupational license for medical reimbursement

If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	702
Number renewed annually	1054
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	Slight increase.
Education or training requirements	As outlined in ORC 4725.52
Experience requirements	As outlined in ORC 4725.52
Examination requirements (<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>)	As outlined in ORC 4725.52.
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	As outlined in ORC 4725.52.
Initial fee	\$20
Duration	One year.

If the regulation is a registration, certification, or license requirement, please complete the following:	
Renewal fee <i>(If different from initial fee, please explain why.)</i>	\$20
Does the Board recognize uniform licensure requirements or allow for reciprocity?	Yes, the Ohio Vision Professionals will consider supervised experience from a registration state.
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	Yes, very few.
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	No
Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?	Yes, A person who is gaining experience under the supervision of a licensed optometrist or ophthalmologist that would qualify the person under division (B)(1) of section 4725.48 of the Revised Code to take the examination for optical dispensing is not required to register with the board.
Other information <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i>	N/A

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?**

FY2020 - \$0 (license and renewal fees)

The revenue supports the functions of the Ohio Vision Professionals Board, which is completely fee based.

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).)

Any violations of the Ohio Revised Code and Ohio Administrative Code, particularly the Code of Ethics (OAC 4755-7-08. ORC 4798.02(B)(7) applies.

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 law allows the Ohio Vision Professionals Board to effectively determine if an individual is qualified to practice.

It also allows for the investigation of and discipline for violations of the ORC and OAC.

Are there any changes the Board would like to see implemented?

No, not at this time.

Comparison to other states (How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)

Very few states regulate the occupation.

Surrounding state comparison (LSC)

Optical Dispensing Apprentice Registration						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (R.C. 4725.52)	No	Yes (Ky. Rev. Stat. Ann. 326.035)	No	No	No
Education or training	Must be directly supervised by a licensed dispensing optician within a two-year period (R.C. 4725.52; O.A.C. 4725-3-01(N))	N/A	Must be supervised by a licensed ophthalmic dispenser (Ky. Rev. Stat. Ann. 326.035)	N/A	N/A	N/A
Experience	N/A	N/A	N/A	N/A	N/A	N/A
Exam	N/A	N/A	N/A	N/A	N/A	N/A

Optical Dispensing Apprentice Registration

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Continuing education	N/A	N/A	Four hours per year (<i>Ky. Rev. Stat. Ann. 326.035(4); 201 Ky. Admin. Regs. 13:055</i>)	N/A	N/A	N/A
Initial licensure fee	\$20 (<i>R.C. 4725.52; O.A.C. 4725-3-13</i>)	N/A	\$50 (<i>Ky. Rev. Stat. Ann. 326.035</i>)	N/A	N/A	N/A
License duration	One year (<i>R.C. 4725.52</i>)	N/A	One year (<i>Ky. Rev. Stat. Ann. 326.035</i>)	N/A	N/A	N/A
Renewal fee	\$20 (<i>R.C. 4725.52; O.A.C. 4725-3-13</i>)	N/A	\$50 (<i>Ky. Rev. Stat. Ann. 326.035</i>)	N/A	N/A	N/A

VETERINARY MEDICAL LICENSING BOARD (DVM)

General information (DVM)

Duties

The Ohio Veterinary Medical Licensing Board was established for the purpose of licensing veterinarians and registered veterinary technicians. The Board is the regulatory agency for the practice of veterinary medicine in Ohio and is governed by Chapter 4741 of the Ohio Revised Code. Its mission is to ensure that the citizens of Ohio are served by professional, trustworthy and competent veterinarians and veterinary technicians.

Membership *(Current members, chairperson and other officers, and selection process.)*

Dr. Matthew Verbsky, DVM, President	West Liberty – term ends 12/31/2021
Dr. Nancy O’Connor, DVM, Vice-President	Akron – term ends 12/31/2021
Dianne “Annie” Jones, RVT, Secretary	Ostrander – term ends 12/31/2021
Dr. Craig Miesse, DVM	Celina – term ends 12/31/2022
Dr. Cynthia Kidd, DVM	Jackson – term ends 12/31/2020
Dr. Kim Riker Brown, DVM	Toledo – term ends 12/31/2022
Susan Pohler JD, Consumer Member	Columbus - term ends 12/31/2021

Budget *(Current budget, description of budgeting process, sources of funding, and expected increases or decreases in budget or funding in future years.)*

The Board is currently developing its budget request for FY22 and FY23. The goal is to maintain the current allotment of the Board generated revenue in order to perform the Board's mission effectively and efficiently with a request for \$30,000 increase in appropriation for FY2022 and \$19,00 for FY2023. The Board is self-sustained fiscally through licensure fees, late fees, and fines. The Board was allotted \$ 433,150 for FY 2020 with a reduction of \$20,702 as a result of conservation efforts in light of the COVID 19 Pandemic and \$435,046 in FY 2021. FY20, the Board paid \$ 134,413 in operating expenses and \$272,772 in payroll expenses. The Board generated \$845,929 in Revenue for FY20. Of the total revenue in FY20, \$ 43,940 was transferred to the Veterinary Student Loan Repayment Program in accordance with ORC 4741.17(A)(7). FY 21 will see a decrease in payroll expenses due to the two full time staff are exempt staff and required to take two weeks of unpaid leave. **See Attachment A and B for a detailed breakdown of the expenses and revenue for FY20.**

Workload *(Assess current, past, and anticipated workload. Has the workload increased or decreased significantly in the preceding six years?)*

The DAS OIT Elicensing system has reduced the Licensure Coordinator's workload as far as the time it takes to process a new license or renewal. The renewal occurs automatically once payment is received and the CE is entered in the new system as of April, 2018. In the old system, we had to enter in all of the information, manually renew and enter the new renewal dates, check information, etc. with each licensee. There is also a significant decrease in the amount of mail that the Board processes lessening the duties of the Clerk and Licensure Coordinator.

There is proposed legislation that is anticipated to increase the workload of the Director (i.e. H 67 that creates another veterinary scholarship for charitable services and HB 33 regarding the reporting of animal abuse) and the Licensure Coordinator (i.e. HB432/SB246 which would alter the requirements for certain license applicants).

Staffing *(How many staff are currently employed by the board? What are their roles? Are staffing levels proportionate to the board's current and anticipated workload?)*

The Board staff consists of two full time members and one-part time clerk. The Executive Director and the Licensure Coordinator are the two full-time personnel. The Director oversees all operations of the Board but handles all of the disciplinary cases, creating, implementing and monitoring the budget, rule drafting and implementation, policy and procedures, monitoring legislation that may impact the veterinary community and Board operations, creating newsletters and issuing alerts, working with other agencies such as the Ohio Board of Pharmacy, working with the Ohio Department of Agriculture regarding Board investigations and animal issues, working with the Assistant Attorney General regarding hearings, settlements, etc., preparing and presenting at educational events for licensees and students, being involved with the local and national professional organizations, and many other obligations that keep the Board running efficiently. The Licensure

Staffing *(How many staff are currently employed by the board? What are their roles? Are staffing levels proportionate to the board's current and anticipated workload?)*

Coordinator issues licenses and oversees the renewal process for all licenses, takes minutes for the Board meetings, monitors the web site and orders supplies as needed. The Clerk handles the copying and mailing of the board packets for the monthly board meetings, sending out the wall certificates for Veterinarians when available, preparing Letters of Good Standing for licensees attempting to obtain a license in another state and assists with answering the phones. Since the office is small, all staff perform most all of the duties that keep the office functioning on a daily basis (processing mail, addressing inquiries by phone and email, licensing and renewing licenses, etc.)

The Board contracts with the Ohio Department of Agriculture's Enforcement Division for investigative and inspection services. The arrangement has worked out well.

Administrative hearings and public complaints *(Describe the Board's processes for administering discipline and addressing complaints. Assess the efficiency of the processes.)*

Upon receipt of a complaint, the complainant is notified in writing of the Board complaint process and the file number issued to the complaint so they can follow the disciplinary process through the Board agenda and the Board minutes which are posted on the web site. The Board staff then obtains the medical records, radiographs, lab results, etc. for review by the Board members.

Once the Board reviews a complaint and medical records, they will determine if the complaint warrants an actual on-site investigation. The Board contracts with the Ohio Department of Agriculture's Enforcement Division for investigative and inspection services. The Board members will direct the investigator what information they need that is germane to the complaint filed. The Board has found this arrangement very satisfactory.

Some investigations are automatic as when there are allegations of drug theft or diversion, impaired veterinary practice, or animal abuse. There are some occasions where there are joint investigations with other agencies, primarily the Ohio Board of Pharmacy.

If a violation is found, the Board must determine if an Advisory Letter is warranted or a Notice of Opportunity for a Hearing should be issued in accordance with ORC 119. The Board works with the Assistant Attorney General to determine whether a settlement agreement can be negotiated with the licensee or their attorney.

Once a discipline is issued by the Board, it is entered into a national databank for other state regulatory agencies of veterinary medicine and flagged in the state e-licensing system when verifying a license. The majority of complaints being investigated in FY 20 were for allegations of permitting unlicensed individuals to perform duties only a licensed individual should be performing (such as administering controlled substances). The costs for investigative costs and disciplinary/hearing costs have remained steady.

Administrative hearings and public complaints *(Describe the Board’s processes for administering discipline and addressing complaints. Assess the efficiency of the processes.)*

There appears to be an increased expectation by pet owners that veterinary medicine operate in the same fashion as human medicine, but many veterinary facilities do not have 24 hour staffing or still send out their lab work for processing or do not have radiographic imaging available. Additionally, the Board receives a significant number of complaints for which the Board does not have statutory authority such as veterinary fees charged to the consumer, boarding issues or grooming issues.

In settling the complaints, the Board saved approximately \$54,000 in Adjudication hearing costs. This is an area that is variable in the Board budget and therefore, the Board tends to be more conservative with expenditures in the event that an Adjudication is warranted.

Investigations are performed as a result of a written complaint to the Board and the need by Board members for more information not gleaned from the medical records, radiographs or narratives submitted. An investigation will focus on the complaint. For instance, if the complaint is that the veterinarian is allowing unlicensed individuals to administer intravenous medications, the investigator will check medical records, the controlled substance logs and interview the staff. Compliance inspections are performed as a physical inspection of a veterinary hospital/clinic after a letter has been sent to the owner of the veterinary facility giving them five-day’s notice as required by Section 4741.26 ORC. The investigator will also look at the drug stock to determine if there are expired drugs comingled with the current drugs and the review of the controlled substance logs.

The Board determined that they would like to increase the number of compliance inspections performed as permitted within the allotted budget. There are approximately 900 veterinary facilities in Ohio. It is unknown the exact number because the Board does not license veterinary facilities owned by veterinarians. In FY15, there were 50 compliance inspections performed. In FY16, there were 257 random compliance inspection performed. For FY20, there was a decrease in inspections due to staffing issues and the veterinary facilities being closed due to COVID 19 Orders, however, the Ohio Department of Agriculture have trained enforcement investigators and were able to complete 120 inspections and 8 re-inspections.

At the March 11, 2015 Board meeting, the Board passed a motion to deem AAHA accredited veterinary facilities as appropriately inspected and therefore will not have to undergo another compliance inspection by the Board unless there is a written complaint submitted. There are approximately 120 veterinary facilities that are AAHA accredited in the State of Ohio.

During FY 20, the Board received 199 complaints. The Board collected \$ 4300.00 in Disciplinary Fines.

Summary of Board Disciplinary Actions FY 2020

Surrendered license in lieu of discipline	1
Adjudication Orders issued	3

Administrative hearings and public complaints *(Describe the Board's processes for administering discipline and addressing complaints. Assess the efficiency of the processes.)*

Settlement Agreements Entered	14	
Notices issued	27	
Referrals to Prosecutor and/or other state agencies	1	
Advisory Letters	37	
On site investigations	10	
Compliance Inspections	120	
30 day follow up letters to compliance inspections	28	
No Jurisdiction of the subject matter	26	

Veterinary license

Survey responses (DVM)

Description
<p>R.C. 4741.01</p> <p>4741.01 Veterinarian definitions.</p> <p>As used in this chapter:</p> <p>(A) "Animal" means any animal other than a human being and includes fowl, birds, fish, and reptiles, wild or domestic, living or dead.</p> <p>(B) The "practice of veterinary medicine" means the practice of any person who performs any of the following actions:</p>

Description

- (1) Diagnoses, prevents, or treats any disease, illness, pain, deformity, defect, injury, or other physical, mental, or dental condition of any animal;
 - (2) Administers to or performs any medical or surgical technique on any animal that has any disease, illness, pain, deformity, defect, injury, or other physical, mental, or dental condition or performs a surgical procedure on any animal;
 - (3) Prescribes, applies, or dispenses any drug, medicine, biologic, anesthetic, or other therapeutic or diagnostic substance, or applies any apparatus for any disease, illness, pain, deformity, defect, injury, or other physical, mental, or dental condition of any animal;
 - (4) Uses complementary, alternative, and integrative therapies on animals;
 - (5) Renders professional advice or recommendation by any means, including telephonic or other electronic communication with regard to any activity described in divisions (B)(1) to (4) of this section;
 - (6) Represents the person's self, directly or indirectly, publicly or privately, as having the ability and willingness to perform an act described in divisions (B)(1) to (4) of this section;
 - (7) Uses any words, letters, abbreviations, or titles in such connection and under such circumstances as to induce the belief that the person using them is engaged in the practice of veterinary medicine.
- (N) "Licensed veterinarian" means a person licensed by the board to practice veterinary medicine.

Veterinarians are licensed in accordance with R.C. 4741.11 (for the following question)

Type *(See R.C. 4798.01 for relevant definitions.)*

License

If the regulation is a registration, certification, or license requirement, please complete the following:																
Number issued annually	233															
Number renewed annually	4135															
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	<p><u>Veterinarians:</u></p> <table> <tr> <td>FY16</td> <td>New: 233</td> <td>Total: 4135</td> </tr> <tr> <td>FY17</td> <td>New: 244</td> <td>Total: 4397</td> </tr> <tr> <td>FY18</td> <td>New: 267</td> <td>Total: 4429</td> </tr> <tr> <td>FY19</td> <td>New: 266</td> <td>Total: 4697</td> </tr> <tr> <td>FY20</td> <td>New: 262</td> <td>Total: 4612</td> </tr> </table>	FY16	New: 233	Total: 4135	FY17	New: 244	Total: 4397	FY18	New: 267	Total: 4429	FY19	New: 266	Total: 4697	FY20	New: 262	Total: 4612
FY16	New: 233	Total: 4135														
FY17	New: 244	Total: 4397														
FY18	New: 267	Total: 4429														
FY19	New: 266	Total: 4697														
FY20	New: 262	Total: 4612														
Education or training requirements	<p>4741-1-04 Examination</p> <p>To apply for licensure as a veterinarian, the applicant shall be of good moral character and must:</p> <p>(A) Complete an application prescribed by the board;</p> <p>(B) Provide proof of graduation from a veterinary college approved by the state veterinary medical licensing board or accredited by the American veterinary medical association or has been issued a certificate on or after May 1, 1987, by the education commission for foreign veterinary graduates of the American veterinary medical association or by the program for the assessment of veterinary education equivalence of the American association of veterinary state boards.</p> <p>(C) Have achieved a score of at least seventy-five on both the “National Board of Veterinary Medicine” examination and the “Clinical competency test” or on the “North American veterinary licensing examination” to be eligible for licensure. There is no restriction on the number of times an applicant may take the aforementioned examination, but must apply for a subsequent examination and pay the processing fee each time they apply.</p> <p>(D) Submit to a criminal records check in accordance with section 4741.10 of the Revised Code within a year of requesting licensure. The criminal records check must be completed by the bureau</p>															

If the regulation is a registration, certification, or license requirement, please complete the following:	
	<p>of criminal identification and investigation in which the results indicate that the individual has not been convicted of, pleaded guilty to, or had a judicial finding of guilty for any violation set forth in section 4741.22 of the Revised Code.</p> <p>(1) An applicant requesting a criminal records check shall provide the bureau of criminal identification and investigation with the applicant's name and address and with the Ohio veterinary medical licensing board name and address.</p> <p>(2) The applicant shall ask the superintendent of the bureau of criminal identification and investigation in the request to obtain from the federal bureau of investigation any information it has pertaining to the applicant.</p> <p>(E) Submit to the board the applicable licensure fee as set forth in section 4741.17 of the Revised Code.</p>
Experience requirements	None required by statute or rule.
Examination requirements <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>	The National examination (NBVME) is administered by the International Council for Veterinary Assessment twice per year. This is the only national examination provided for veterinarians. They assess a fee of \$690. The OVMLB does not receive any portion of those fees.
Continuing education requirements <i>(Including a description of the curriculum and the process of setting it.)</i>	<p>4741-1-11 Form and content of continuing education hours.</p> <p>(A) The following programs designed to directly enhance the veterinarian's or veterinary technician's knowledge and skill in providing services relevant to the veterinary profession shall be approved for continuing education hours:</p> <p>(1) All medical programs of the American veterinary medical association (AVMA) , its constituent organizations and its recognized specialty groups and accredited veterinary medical institutions whose meetings impart educational material directly relating to veterinary medicine;</p>

If the regulation is a registration, certification, or license requirement, please complete the following:

(2) All medical programs of state veterinary medical associations or veterinary technician associations;

(3) Medical programs which are approved by the registry of the approved continuing education (RACE) of the American association of veterinary state boards (AAVSB); and

(4) All medical programs approved by the board, not associated with RACE or AVMA and its suborganizations.

(B) All veterinarians and registered veterinary technicians may acquire medical continuing education hours from national, state, and local seminars, programs, meetings, laboratory, course studies and/or online courses. Online courses shall not exceed six hours.

(C) Non-medical practice management/professional development continuing education includes subject matter that helps make veterinary medical professionals more competent and capable in serving the public interest in the delivery of veterinary services but which is not necessarily medical or clinical in nature. It can include but may not be limited to business management, regulatory compliance, jurisprudence, skills-based training in instrumentation, medical records, software management, communication, and veterinary ethics. Programs in wellness addressing mental health issues, such as compassion fatigue, burnout, and suicide ideation may qualify in this category.

(D) All veterinarians and registered veterinary technicians may acquire practice management/professional development continuing education hours from national, state, and local seminars, programs, meetings, laboratory, course studies, professional journals and/or online courses. Continuing education through professional journals shall not exceed two hours.

(E) Veterinarians must report thirty hours of continuing education per renewal. Of the required hours, at least twenty hours must be approved medical and directly related to the practice of veterinary medicine. No more than ten hours may be in practice management/professional development.

(F) Registered veterinary technicians must report ten hours of continuing education per renewal. Six hours must be approved medical and directly related to the practice of veterinary medicine. No more than four hours may be in practice management/professional development.

If the regulation is a registration, certification, or license requirement, please complete the following:

(G) A licensed veterinarian or registered veterinary technician applying for an initial renewal is not required to complete the continuing education requirements but shall certify that they graduated within that biennium of the renewal period.

(H) Due to prolonged or extenuating illnesses or emergencies, alternative requirements for continuing education will be determined on a case by case basis. A request for waiver must be submitted to the board with documentation of the illness or emergency within thirty days of submission of a license or registration renewal.

(I) Prior to the expiration of a biennial license or registration on March first, the executive director shall cause to be sent in January of the renewal year, a "Notice For Renewal Application" for a renewal cycle of the licensed veterinarian or a registered veterinarian technician. For the veterinarian holding a limited license, the executive director shall cause the biennial license renewal application to be sent in May of the odd numbered year. Renewal applicants must certify completion of required continuing education at the time of renewal.

Waiver of Limit of Online CE hours

On March 14, 2020, an Executive Order declaring a state of emergency due to COVID19 was issued. As a result, numerous live continuing education opportunities were cancelled or developed into webinars or online continuing education events. The Ohio Veterinary Licensing Board hereby enacts this Resolution to permit unlimited continuing education hours to be obtained online in order to meet the requirements for renewal of a veterinary, limited veterinary, or registered veterinary technician license.

This resolution shall remain in effect for the current renewal cycles of 2021 and 2022.

Dated: July 8, 2020

Initial fee

\$425.00 in the even year (renewal year)
\$300 in the odd year

Duration

Veterinarians renew in the even years.

If the regulation is a registration, certification, or license requirement, please complete the following:	
Renewal fee <i>(If different from initial fee, please explain why.)</i>	\$155. Initial licenses require more documents, staff time, etc. For instance, a veterinary applicant must obtain a License verification or Letter of Good Standing if licensed in other states, Transcripts, the national examination results, Criminal Background check, fee, etc. These items are not typically submitted as one package which requires the Licensure Coordinator to create a tracker system for each applicant. These fees have not increased since 1998.
Does the Board recognize uniform licensure requirements or allow for reciprocity?	The Board recognizes reciprocity. If the veterinarian has a license in another state, the veterinarian is not required to show proof of passing the national examination. The veterinary applicant would have to provide validation that their license is in good standing and complete the required criminal background check for Ohio.
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	No. All States require a license in order to practice veterinary medicine as a veterinarian.
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	<p>4741.20 Exceptions.</p> <p>This chapter does not apply to:</p> <p>(A) A person who administers to animals, the title to which is vested in the person's self, except when the title is so vested for the purpose of circumventing the provisions of this chapter. No person shall vest title of an animal in the person's self for the purposes of circumventing this chapter.</p> <p>(B) A person who is a regular student in a legally chartered college of veterinary medicine or a veterinary technology college while in the performance of those duties and actions assigned by the person's instructors;</p> <p>(C) A person who is a member of the armed forces of the United States or an employee of the United States department of agriculture, the United States public health service, or other federal agency, or the Ohio department of agriculture except a licensed veterinarian, and who, while so commissioned or employed, performs official duties;</p>

If the regulation is a registration, certification, or license requirement, please complete the following:

- (D) A person who advises with respect to or performs acts which the state veterinary medical licensing board by rule has prescribed as accepted management practices in connection with livestock production;
- (E) A person who conducts routine vaccinations, pullorum testing, and typhoid testing of poultry and other poultry disease control activity under supervision of a national poultry improvement plan as administered by an official state agency or the United States department of agriculture;
- (F) A physician licensed to practice medicine in this state, or the assistant of such a licensed physician, while engaged in medical research;
- (G) A person who is supervised by a licensed veterinarian and who is engaged in bona fide medical biomedical research which requires the application of the principles of a veterinary practice;
- (H) A veterinary consultant when consulting with a licensed veterinarian, on the condition that the service performed by the veterinary consultant is limited to the consultation and under all circumstances, the responsibility for the care and treatment of the patient remains with the veterinarian who holds a current license in this state and who is providing treatment, or consultation as to treatment, to the patient;
- (I) A person who offers gratuitous services in the case of an emergency;
- (J) Any of the following, as defined in section 4765.01 of the Revised Code, who provides emergency medical services to a dog or cat in accordance with section 4765.52 of the Revised Code: a first responder, emergency medical technician-basic, emergency medical technician-intermediate, or emergency medical technician-paramedic.

Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?

4741.10 License applicant to comply with RC Chapter 4776.

- (A) As used in this section, “license” and “applicant for an initial license” have the same meanings as in section 4776.01 of the Revised Code, except that “license” as used in both of those terms refers to the types of authorizations otherwise issued or conferred under this chapter.
- (B) In addition to any other eligibility requirement set forth in this chapter, each applicant for an initial license shall comply with sections 4776.01 to 4776.04 of the Revised Code. The state veterinary medical licensing board shall not grant a license to an applicant for an initial license unless the applicant complies with sections 4776.01 to 4776.04 of the Revised Code and the

If the regulation is a registration, certification, or license requirement, please complete the following:

	<p>board, in its discretion, decides that the results of the criminal records check do not make the applicant ineligible for a license issued pursuant to section 4741.11, 4741.12, 4741.13, or 4741.14 of the Revised Code.</p> <p>The Board will issue a Notice of Opportunity for a Hearing in accordance with R.C. 119 if the Board members determine an individual may require monitoring, etc. upon licensure</p>
<p>Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)</p>	

Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.

R.C.4741.03 (in part)

(C) In addition to any other duty required under this chapter, the board shall do all of the following:

- (1) Prescribe a seal;
- (2) Review the results of board-approved, nationally recognized examinations taken by applicants in accordance with rules adopted by the board.
- (3) Keep a record of all of its meetings and proceedings;
- (4) Maintain a register that records all applicants for a certificate of license or a temporary permit, all persons who have been denied a license or permit, all persons who have been granted or reissued a license or permit, and all persons whose license or permit has been revoked or suspended. The register shall also include a record of persons licensed prior to October 17, 1975.
- (5) Maintain a register, in such form as the board determines by rule, of all colleges and universities that teach veterinary medicine and veterinary technology that are approved by the board;
- (6) **Enforce this chapter, and for that purpose, make investigations relative as provided in section 4741.26 of the Revised Code;**
- (7) Issue licenses and permits to persons who meet the qualifications set forth in this chapter;

Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.

(8) Approve colleges and universities which meet the board's requirements for veterinary medicine and associated fields of study and withdraw or deny, after an adjudication conducted in accordance with Chapter 119. of the Revised Code, approval from colleges and universities which fail to meet those requirements;

(9) Adopt rules, in accordance with Chapter 119. of the Revised Code, which are necessary for its government and for the administration and enforcement of this chapter.

(D) The board may do all of the following:

(1) Subpoena witnesses and require their attendance and testimony, and require the production by witnesses of books, papers, public records, animal patient records, and other documentary evidence and examine them, in relation to any matter that the board has authority to investigate, inquire into, or hear. Except for any officer or employee of the state or any political subdivision of the state, the treasurer of state shall pay all witnesses in any proceeding before the board, upon certification from the board, witness fees and mileage in the amount provided for under section 119.094 of the Revised Code.

(2) Examine and inspect books, papers, public records, animal patient records, and other documentary evidence at the location where the books, papers, records, and other evidence are normally stored or maintained.

(E) All registers, books, and records kept by the board are the property of the board and are open for public examination and inspection at all reasonable times in accordance with section 149.43 of the Revised Code. The registers, books, and records are prima-facie evidence of the matters contained in them.

4741.22 Disciplinary actions.

(A) The state veterinary medical licensing board may refuse to issue or renew a license, limited license, registration, or temporary permit to or of any applicant who, and may issue a reprimand to, suspend or revoke the license, limited license, registration, or the temporary permit of, or impose a civil penalty pursuant to this section upon any person holding a license, limited license, or temporary permit to practice veterinary medicine or any person registered as a registered veterinary technician who:

(1) In the conduct of the person's practice does not conform to the rules of the board or the standards of the profession governing proper, humane, sanitary, and hygienic methods to be used in the care and treatment of animals;

(2) Uses fraud, misrepresentation, or deception in any application or examination for licensure, or any other documentation created in the course of practicing veterinary medicine;

(3) Is found to be physically or psychologically addicted to alcohol or an illegal or controlled substance, as defined in section 3719.01 of the Revised Code, to such a degree as to render the person unfit to practice veterinary medicine;

Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.

- (4) Directly or indirectly employs or lends the person's services to a solicitor for the purpose of obtaining patients;
- (5) Obtains a fee on the assurance that an incurable disease can be cured;
- (6) Advertises in a manner that violates section 4741.21 of the Revised Code;
- (7) Divides fees or charges or has any arrangement to share fees or charges with any other person, except on the basis of services performed;
- (8) Sells any biologic containing living, dead, or sensitized organisms or products of those organisms, except in a manner that the board by rule has prescribed;
- (9) Is convicted of or pleads guilty to any felony or crime involving illegal or prescription drugs, or fails to report to the board within sixty days of the individual's conviction of, plea of guilty to, or treatment in lieu of conviction involving a felony, misdemeanor of the first degree, or offense involving illegal or prescription drugs;
- (10) Is convicted of any violation of section 959.13 of the Revised Code;
- (11) Swears falsely in any affidavit required to be made by the person in the course of the practice of veterinary medicine;
- (12) Fails to report promptly to the proper official any known reportable disease;
- (13) Fails to report promptly vaccinations or the results of tests when required to do so by law or rule;
- (14) Has been adjudicated incompetent for the purpose of holding the license or permit by a court, as provided in Chapter 2111. of the Revised Code, and has not been restored to legal capacity for that purpose;
- (15) Permits a person who is not a licensed veterinarian, a veterinary student, or a registered veterinary technician to engage in work or perform duties in violation of this chapter;
- (16) Is guilty of gross incompetence or gross negligence;
- (17) Has had a license to practice veterinary medicine or a license, registration, or certificate to engage in activities as a registered veterinary technician revoked, suspended, or acted against by disciplinary action by an agency similar to this board of another state, territory, or country or the District of Columbia;
- (18) Is or has practiced with a revoked, suspended, inactive, expired, or terminated license or registration;
- (19) Represents self as a specialist unless certified as a specialist by the board;

Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.

(20) In the person's capacity as a veterinarian or registered veterinary technician makes or files a report, health certificate, vaccination certificate, or other document that the person knows is false or negligently or intentionally fails to file a report or record required by any applicable state or federal law;

(21) Fails to use reasonable care in the administration of drugs or acceptable scientific methods in the selection of those drugs or other modalities for treatment of a disease or in conduct of surgery;

(22) Makes available a dangerous drug, as defined in section 4729.01 of the Revised Code, to any person other than for the specific treatment of an animal patient;

(23) Refuses to permit a board investigator or the board's designee to inspect the person's business premises during regular business hours, except as provided in division (A) of section 4741.26 of the Revised Code;

(24) Violates any order of the board or fails to comply with a subpoena of the board;

(25) Fails to maintain medical records as required by rule of the board;

(26) Engages in cruelty to animals;

(27) Uses, prescribes, or sells any veterinary prescription drug or biologic, or prescribes any extra-label use of any over-the-counter drug or dangerous drug in the absence of a valid veterinary-client-patient relationship.

(B) Except as provided in division (D) of this section, before the board may revoke, deny, refuse to renew, or suspend a license, registration, or temporary permit or otherwise discipline the holder of a license, registration, or temporary permit, the executive director shall file written charges with the board. The board shall conduct a hearing on the charges as provided in Chapter 119. of the Revised Code.

(C) If the board, after a hearing conducted pursuant to Chapter 119. of the Revised Code, revokes, refuses to renew, or suspends a license, registration, or temporary permit for a violation of this section, section 4741.23, division (C) or (D) of section 4741.19, or division (B), (C), or (D) of section 4741.21 of the Revised Code, the board may impose a civil penalty upon the holder of the license, permit, or registration of not less than one hundred dollars or more than one thousand dollars. In addition to the civil penalty and any other penalties imposed pursuant to this chapter, the board may assess any holder of a license, permit, or registration the costs of the hearing conducted under this section if the board determines that the holder has violated any provision for which the board may impose a civil penalty under this section.

(D) The executive director may recommend that the board suspend an individual's certificate of license without a prior hearing if the executive director determines both of the following:

(1) There is clear and convincing evidence that division (A)(3), (9), (14), (22), or (26) of this section applies to the individual.

(2) The individual's continued practice presents a danger of immediate and serious harm to the public.

Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.

The executive director shall prepare written allegations for consideration by the board. The board, upon review of those allegations and by an affirmative vote of not fewer than four of its members, may suspend the certificate without a prior hearing. A telephone conference call may be utilized for reviewing the allegations and taking the vote on the suspension.

The board shall issue a written order of suspension by certified mail or in person in accordance with section 119.07 of the Revised Code. If the individual subject to the suspension requests an adjudicatory hearing by the board, the date set for the hearing shall be not later than fifteen days, but not earlier than seven days after the individual requests the hearing unless otherwise agreed to by both the board and the individual.

A suspension imposed under this division shall remain in effect, unless reversed on appeal, until a final adjudicative order issued by the board under this section and Chapter 119. of the Revised Code becomes effective. The board shall issue its final adjudicative order not later than ninety days after completion of its hearing. Failure to issue the order within ninety days results in dissolution of the suspension order, but does not invalidate any subsequent, final adjudicative order.

(E) A license or registration issued to an individual under this chapter is automatically suspended upon that individual's conviction of or plea of guilty to or upon a judicial finding with regard to any of the following: aggravated murder, murder, voluntary manslaughter, felonious assault, kidnapping, rape, sexual battery, gross sexual imposition, aggravated arson, aggravated robbery, or aggravated burglary. The suspension shall remain in effect from the date of the conviction, plea, or finding until an adjudication is held under Chapter 119. of the Revised Code. If the board has knowledge that an automatic suspension has occurred, it shall notify the individual subject to the suspension. If the individual is notified and either fails to request an adjudication within the time periods established by Chapter 119. of the Revised Code or fails to participate in the adjudication, the board shall enter a final order permanently revoking the individual's license or registration.

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?

The Board is self-sustained fiscally through licensure fees. The Board was allotted \$433,150 for FY 2020 with a reduction of \$20,702 as a result of conservation efforts in light of the COVID 19 pandemic. The Board paid \$ 134,413 in operating expenses and \$272,772 in payroll expenses for FY20. The Board generated \$845,929 in Revenue from fees for FY20. Of the total revenue in FY20, \$43,940.00 has been transferred to the Veterinary Student Loan Repayment Program in accordance with ORC 4741.17(A)(7).

Attached are the expense sheet and revenue sheet for FY2020: **Attachment A & B**

Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?

There are no federal regulations requiring the State of Ohio to regulate the occupation. However, the veterinarian must be licensed in order to obtain a federal DEA license for controlled substances, but not all veterinarians prescribe or stock controlled substances and/or dangerous drugs.

What is the “harm” that the regulation seeks to prevent? (See, R.C. 4798.02(B).)

The Veterinary Medical Practice Act (R.C. 4741 and Rules 4741 of the OAC) are intended to protect the client (owner of an animal) and the animal via the least restrictive methods available. Veterinarians and registered veterinary technicians (RVTs) perform medical procedures on animals that require laws and rules to include, but not limited to:

1. Proper, humane, sanitary, and hygienic methods to be used in the care and treatment of animals (See R.C. 4741.22 (A)(1), (16), 4741-1-03 OAC, 4741-1-10 OAC; The Board receives complaints regarding issues such as substandard care, unsanitary conditions, etc. The Board investigates these complaints expeditiously with the average disposition of a case being two months. Additionally, the Board performs random compliance inspections as well as inspections upon a complaint received. (See R.C. 4741.26(A)). The veterinarian is required to maintain medical records for all patients for a period of three years from the date of the last examination or treatment. The records are available to the owner as well as a subsequent veterinarian for continuity of care. (See R.C. 4741.22(A)(25) and Rule 4741-1-21 OAC).
2. Prevent fraud in their practice and advertising or fails to report known reportable diseases (See R.C. 4741.22(A)(2), (6), (7), (12), (13), (20), R.C. 4741.23)
3. The veterinarian must have an established valid Veterinary-Client-Patient-Relationship (VCPR) (See R.C. 4741.04, R.C. 4741.22(A)(27). This permits the veterinarian to renew a prescription, etc. without the animal being required to be seen each and every time dependent on the condition and diagnosis of the animal. The Board’s position on telehealth is maintained on the home page of the Board’s web site which permits telehealth with a veterinarian so long as an established VCPR exists.
4. Proper storage, prescribing, administering, and dispensing of drugs, inclusive of controlled substances. RVTs are permitted access to controlled substances as well with direction from the veterinarian. Animal aides, employed by a veterinarian, are not permitted access to controlled substances and should be performing duties that are set out in statute and rule specific to the RVT. The Board has a guideline on its web site regarding the duties and the type of oversight by the veterinarian. (See R.C. 4741.19(C), 4741.22(A)(9), (15),

What is the “harm” that the regulation seeks to prevent? (See, R.C. 4798.02(B).)

(21), (22), (27); Rule 4741-1-01, 4741-1-05, 4741-1-14 OAC) Veterinarians are required to maintain medical records for all patients(See Rule 4741-1-21 OAC) and controlled substance logs in accordance with the Ohio Board of Pharmacy regulations.

5. That a veterinary practitioner is competent to practice and is not practicing impaired. (See R.C. 4741.22(A)(9), (14), (21)(22)) The Board promotes wellness for veterinarians and offers assistance through the Ohio Physicians Health Plan (OPHP) for impaired veterinary practitioners or those suffering issues with behavioral or mental health. (See R.C. 4741.31, Rule 4741-1-25 OAC)

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

The Board believes the regulations are appropriate for preventing the harm to a patient and/or client in the least restrictive way.

Are there any changes the Board would like to see implemented?

Not at this time.

Comparison to other states *(How many other states regulate the occupation? How do Ohio’s regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)*

All of the States license veterinarians. However, the number of veterinarians in each State varies. Maine had 793 licensed veterinarians, while Ohio had 4429 and New York had 6679 in 2019. The OVMLB is a member of the American Association of Veterinary State Boards. Many Board members and staff are actively involved with committees and the AAVSB Board, therefore, we are very cognizant of other states’ issues, regulations, etc. Compared to other states, Ohio is considered one of the model states. The AAVSB has developed a Practice Act Model of which most states attempt to model their statutes and regulations. Ohio is “somewhere in between” as far as restrictiveness. Due to the mixture of small animal and large animal practices in rural and metropolitan areas of Ohio, the Board has been cognizant that there needs to be flexibility with regulations.

Surrounding state comparison (LSC)

Veterinary License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (<i>R.C. 4741.11</i>)	Yes (<i>Ind. Code Ann. 25-38.1-3-1</i>)	Yes (<i>Ky. Rev. Stat. Ann. 321.190</i>)	Yes (<i>Mich. Comp. Laws 333.18811</i>)	Yes (<i>63 Pa. Cons. Stat. 485.9</i>)	Yes (<i>W. Va. Code Ann. 30-10-8</i>)
Education or training	Graduated from an accredited veterinary college	Completion of a veterinary medicine program	Graduated from a board approved veterinary college	One of the following:	Graduated from an approved school or college	Graduated from either:

Veterinary License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<p>Graduated from a veterinary college approved by the State Veterinary Medical Licensing Board</p> <p>Has been issued a certificate on or after May 1, 1987 by the Education Commission for Foreign Veterinary Graduates of the American Veterinary Medical Association or by the program for the assessment of veterinary education equivalence of the American Association of Veterinary State Boards</p> <p><i>(R.C. 4741.11)</i></p>	<p>from an accredited college of veterinary medicine <i>(Ind. Code Ann. 25-38.1-3-2(4))</i></p>	<p><i>(Ky. Rev. Stat. Ann. 321.193(3))</i></p> <p>Graduates of veterinary schools or programs not approved by the American Veterinary Medical Association (AVMA) must complete one of the following programs:</p> <ol style="list-style-type: none"> 1. The Educational Commission for Foreign Veterinary Graduates (ECFVG) program offered by the AVMA; or 2. The Program for the Assessment of Veterinary Education 	<ol style="list-style-type: none"> 1. Graduated from a veterinary college; 2. Obtained a certificate from the Educational Commission for Foreign Veterinary Graduates of the American Veterinary Medical Association; or 3. Obtained a certificate from the Program for the Assessment of Veterinary Education Equivalence from the American Association of 	<p>of veterinary medicine or certification of equivalence sent directly from the American Veterinary Medical Association, Educational Commission for Foreign Veterinary Graduates or the American Association of Veterinary State Boards, Program for the Assessment of Veterinary Education Equivalence <i>(49 Pa. Code 31.11(b)(1))</i></p>	<ol style="list-style-type: none"> 1. An accredited school approved by the Board; or 2. A foreign veterinary school and hold a certificate of competence issued by a foreign veterinary graduate educational organization as approved by the Board <p><i>(W. Va. Code Ann. 30-10-8)</i></p>

Veterinary License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
			Equivalence (PAVE) program offered by the American Association of Veterinary State Boards (AAVSB) (201 Ky. Admin. Regs. 16:530, Section 1.8)	Veterinary State Boards (Mich. Admin. Code R. 338.4902 and 338.4906)		
Experience	N/A	N/A	N/A	N/A	N/A	N/A
Exam	Yes, must pass the nationally recognized examination approved by the Board (R.C. 4741.11)	Yes, unless the applicant furnishes satisfactory proof that the applicant: <ul style="list-style-type: none"> 1. Is a graduate of an accredited college of veterinary medicine; 2. Holds an Educational Commission 	Yes, must achieve a passing score on examinations required by the Board (passing score on the North American Veterinary Licensing Examination and at least 80% on the Kentucky State Board Examination) (Ky. Rev. Stat. Ann.	Yes, must pass the North American Veterinary Licensing Examination or hold an active license as a veterinarian in another state (for at least five years) (Mich. Admin. Code R. 338.4903 and 338.4906; Michigan Department of	Yes, must pass the North American Veterinary Licensing Examination, unless the individual has held a valid license in another state or in Canada for five years immediately preceding the individual's application and	Yes, must pass an examination the North American Veterinary Licensing Examination (W. Va. Code R. 26-1-4.9)

Veterinary License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
		<p>for Veterinary Graduates certificate or holds a PAVE certificate;</p> <p>3. For the five years immediately preceding filing an application, has been a practicing veterinarian licensed in a state, territory, or district of the U.S. that has licenses requirements substantially equivalent to Indiana's requirements; and</p> <p>4. Otherwise meets requirements to be licensed</p>	<p>321.193(4); 201 Ky. Admin. Regs. 16:530)</p>	<p><i>Licensing and Regulatory Affairs, Bureau of Professional Licensing, Veterinarian Licensing Guide)</i></p>	<p>the individual passes an oral or practical examination (63 Pa. Cons. Stat. 485.9(b)(3) and 485.16; 49 Pa. Code 31.11)</p>	

Veterinary License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
		as a veterinarian in Indiana <i>(Ind. Code Ann. 25-38.1-3-2(5), 25-38.1-3-4, and 25-38.1-3-5)</i>				
Continuing education	30 hours every two years, at least 20 hours must be approved medical and directly related to the practice of veterinary medicine; up to ten hours may be in practice management/professional development and up to six hours of online course hours (<i>R.C. 4741.16; O.A.C. 4741-1-11</i>)	40 hours every two years, including two hours during the previous two years addressing opioid prescribing and opioid abuse (<i>888 Ind. Admin. Code 1.1-10-1; Indiana Professional Licensing Agency, Indiana Board of Veterinary Medical Examiners</i>)	30 hours every two years, at least 20 hours must be directly related to the practice of veterinary medicine; up to ten hours must pertain to practice management or other topics that are not directly related to the practice of veterinary medicine (<i>201 Ky. Admin. Regs. 16:590</i>)	45 hours every three years; no more than 12 hours are earned during one 24-hour period; at least 30 hours must be scientific in nature; one hour must relate to medical records; one hour must relate to state veterinary law or federal or state controlled substance laws; and at least ten hours must be in person (<i>Mich. Comp. Laws 333.18813; Mich.</i>	30 hours every two years; up to 25% of the hours may be individual study or written or online (<i>63 Pa. Cons. Stat. 485.18; 49 Pa. Code 31.15</i>)	18 units (each unit equals 50 minutes) each calendar year; at least 14 units must be related to the practice of veterinary medicine and up to four hours may be related to practice management (<i>W. Va. Code R. 26-1-7.5</i>)

Veterinary License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
				<i>Admin. Code R. 338.4933)</i>		
Initial licensure fee	\$425 during an even-numbered year; \$300 during an odd-numbered year (<i>R.C. 4741.17(A)(1)</i>)	\$150 (<i>888 Ind. Admin. Code 1.1-3-2; Indiana Professional Licensing Agency, Board of Veterinary Medical Examiners, Fee Schedule</i>)	\$100 (<i>201 Ky. Admin. Regs. 16:510</i>)	\$239.70 (\$25 processing fee + \$70 license fee x 3 years + \$4.70 tax) (<i>Mich. Comp. Laws 333.16349; Michigan Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, Veterinarian Licensing Guide</i>)	\$75 (\$35 application fee, \$15 verification fee, \$25 certification of scores) (<i>49 Pa. Code 31.41</i>)	\$300 (<i>W. Va. Code R. 26-6-3.1</i>)
License duration	Two years (<i>R.C. 4741.16</i>)	Two years (<i>Ind. Code Ann. 25-38.1-3-11</i>)	Two years (<i>201 Ky. Admin. Regs. 16:570</i>)	Three years (<i>Mich. Comp. Laws 333.18813</i>)	Two years (<i>63 Pa. Cons. Stat. 485.9(c)</i>)	One year (<i>W. Va. Code Ann. 30-10-15; W. Va. Code R. 26-1-7.2</i>)
Renewal fee	\$155 (<i>R.C. 4741.17(A)(6)</i>)	\$100 (<i>888 Ind. Admin. Code 1.1-3-2; Indiana Professional Licensing Agency, Board of Veterinary</i>	\$200 (<i>201 Ky. Admin. Regs. 16:510</i>)	\$259.70 (<i>Michigan Department of Licensing and Regulatory Affairs, Bureau of Professional</i>	\$360 (<i>49 Pa. Code 31.41; Pennsylvania Department of State, Professional Licensing, Veterinary</i>	\$250 (<i>W. Va. Code R. 26-6-3.2</i>)

Veterinary License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
		<i>Medical Examiners, Fee Schedule)</i>		<i>Licensing, Veterinarian Licensing Guide)</i>	<i>Medicine, Renewal Information)</i>	

Limited veterinary license

Survey responses (DVM)

Description
<p>4741.13 Limited license to practice veterinary medicine.</p> <p>The state veterinary medical licensing board may issue a limited license to practice veterinary medicine to an individual whose sole professional capacity is with a veterinary academic institution or veterinary technology institution recognized by the board in accordance with rules the board adopts or with a government diagnostic laboratory. A person holding a limited license is authorized to engage in the practice of veterinary medicine only to the extent necessary to fulfill the person’s employment or educational obligations as an instructor, researcher, diagnostician, intern, resident in a veterinary specialty, or graduate student. The board may issue a limited license to an applicant who submits a completed application on a form prescribed by the board, pays the applicable fee prescribed in section 4741.17 of the Revised Code, and meets the criteria established by the board.</p> <p>For the next question, limited veterinary licenses are issued in accordance with R.C. 4741.13: License</p>
Type (See R.C. 4798.01 for relevant definitions.)
License

If the regulation is a registration, certification, or license requirement, please complete the following:

Number issued annually	39
Number renewed annually	178
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	No. This license has only been in effect since 2007 and is limited in the scope of where the individual can practice.
Education or training requirements	Must have graduated/trained as a veterinarian
Experience requirements	No
Examination requirements (<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>)	No
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	<p>4741-1-11 Form and content of continuing education hours.</p> <p>(A) The following programs designed to directly enhance the veterinarian's or veterinary technician's knowledge and skill in providing services relevant to the veterinary profession shall be approved for continuing education hours:</p> <p>(1) All medical programs of the American veterinary medical association (AVMA) , its constituent organizations and its recognized specialty groups and accredited veterinary medical institutions whose meetings impart educational material directly relating to veterinary medicine;</p>

If the regulation is a registration, certification, or license requirement, please complete the following:

- (2) All medical programs of state veterinary medical associations or veterinary technician associations;
 - (3) Medical programs which are approved by the registry of the approved continuing education (RACE) of the American association of veterinary state boards (AAVSB); and
 - (4) All medical programs approved by the board, not associated with RACE or AVMA and its suborganizations.
- (B) All veterinarians and registered veterinary technicians may acquire medical continuing education hours from national, state, and local seminars, programs, meetings, laboratory, course studies and/or online courses. Online courses shall not exceed six hours.
- (C) Non-medical practice management/professional development continuing education includes subject matter that helps make veterinary medical professionals more competent and capable in serving the public interest in the delivery of veterinary services but which is not necessarily medical or clinical in nature. It can include but may not be limited to business management, regulatory compliance, jurisprudence, skills-based training in instrumentation, medical records, software management, communication, and veterinary ethics. Programs in wellness addressing mental health issues, such as compassion fatigue, burnout, and suicide ideation may qualify in this category.
- (D) All veterinarians and registered veterinary technicians may acquire practice management/professional development continuing education hours from national, state, and local seminars, programs, meetings, laboratory, course studies, professional journals and/or online courses. Continuing education through professional journals shall not exceed two hours.
- (E) Veterinarians must report thirty hours of continuing education per renewal. Of the required hours, at least twenty hours must be approved medical and directly related to the practice of veterinary medicine. No more than ten hours may be in practice management/professional development.
- (F) Registered veterinary technicians must report ten hours of continuing education per renewal. Six hours must be approved medical and directly related to the practice of veterinary medicine. No more than four hours may be in practice management/professional development.

If the regulation is a registration, certification, or license requirement, please complete the following:

(G) A licensed veterinarian or registered veterinary technician applying for an initial renewal is not required to complete the continuing education requirements but shall certify that they graduated within that biennium of the renewal period.

(H) Due to prolonged or extenuating illnesses or emergencies, alternative requirements for continuing education will be determined on a case by case basis. A request for waiver must be submitted to the board with documentation of the illness or emergency within thirty days of submission of a license or registration renewal.

(I) Prior to the expiration of a biennial license or registration on March first, the executive director shall cause to be sent in January of the renewal year, a “Notice For Renewal Application” for a renewal cycle of the licensed veterinarian or a registered veterinarian technician. For the veterinarian holding a limited license, the executive director shall cause the biennial license renewal application to be sent in May of the odd numbered year. Renewal applicants must certify completion of required continuing education at the time of renewal.

Waiver of Limit of Online CE hours

On March 14, 2020, an Executive Order declaring a state of emergency due to COVID19 was issued. As a result, numerous live continuing education opportunities were cancelled or developed into webinars or online continuing education events. The Ohio Veterinary Licensing Board hereby enacts this Resolution to permit unlimited continuing education hours to be obtained online in order to meet the requirements for renewal of a veterinary, limited veterinary, or registered veterinary technician license.

This resolution shall remain in effect for the current renewal cycles of 2021 and 2022.

Dated: July 8, 2020

Initial fee

\$155.00 = Limited License \$35.00 = Limited Resident License

Duration

The Limited License renews in the odd years. There is no renewal for the Resident License.

If the regulation is a registration, certification, or license requirement, please complete the following:	
Renewal fee (If different from initial fee, please explain why.)	\$155.00
Does the Board recognize uniform licensure requirements or allow for reciprocity?	Yes if the "University License" is similar in nature to Ohio's requirements.
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	No. This license is designed specifically to permit a veterinarian who may have other qualifications or just wants to work in the limited setting.
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	<p>4741.20 Exceptions.</p> <p>This chapter does not apply to:</p> <p>(A) A person who administers to animals, the title to which is vested in the person's self, except when the title is so vested for the purpose of circumventing the provisions of this chapter. No person shall vest title of an animal in the person's self for the purposes of circumventing this chapter.</p> <p>(B) A person who is a regular student in a legally chartered college of veterinary medicine or a veterinary technology college while in the performance of those duties and actions assigned by the person's instructors;</p> <p>(C) A person who is a member of the armed forces of the United States or an employee of the United States department of agriculture, the United States public health service, or other federal agency, or the Ohio department of agriculture except a licensed veterinarian, and who, while so commissioned or employed, performs official duties;</p> <p>(D) A person who advises with respect to or performs acts which the state veterinary medical licensing board by rule has prescribed as accepted management practices in connection with livestock production;</p>

If the regulation is a registration, certification, or license requirement, please complete the following:

- (E) A person who conducts routine vaccinations, pullorum testing, and typhoid testing of poultry and other poultry disease control activity under supervision of a national poultry improvement plan as administered by an official state agency or the United States department of agriculture;
- (F) A physician licensed to practice medicine in this state, or the assistant of such a licensed physician, while engaged in medical research;
- (G) A person who is supervised by a licensed veterinarian and who is engaged in bona fide medical biomedical research which requires the application of the principles of a veterinary practice;
- (H) A veterinary consultant when consulting with a licensed veterinarian, on the condition that the service performed by the veterinary consultant is limited to the consultation and under all circumstances, the responsibility for the care and treatment of the patient remains with the veterinarian who holds a current license in this state and who is providing treatment, or consultation as to treatment, to the patient;
- (I) A person who offers gratuitous services in the case of an emergency;
- (J) Any of the following, as defined in section 4765.01 of the Revised Code, who provides emergency medical services to a dog or cat in accordance with section 4765.52 of the Revised Code: a first responder, emergency medical technician-basic, emergency medical technician-intermediate, or emergency medical technician-paramedic.

Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?

4741.10 License applicant to comply with RC Chapter 4776.

- (A) As used in this section, “license” and “applicant for an initial license” have the same meanings as in section 4776.01 of the Revised Code, except that “license” as used in both of those terms refers to the types of authorizations otherwise issued or conferred under this chapter.
- (B) In addition to any other eligibility requirement set forth in this chapter, each applicant for an initial license shall comply with sections 4776.01 to 4776.04 of the Revised Code. The state veterinary medical licensing board shall not grant a license to an applicant for an initial license unless the applicant complies with sections 4776.01 to 4776.04 of the Revised Code and the board, **in its discretion**, decides that the results of the criminal records check do not make the applicant ineligible for a license issued pursuant to section 4741.11, 4741.12, 4741.13, or 4741.14 of the Revised Code.

If the regulation is a registration, certification, or license requirement, please complete the following:

The Board will issue a Notice of Opportunity for a Hearing in accordance with R.C. 119 if the Board members determine an individual may require monitoring, etc. upon licensure

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.

R.C.4741.03 (in part)

(C) In addition to any other duty required under this chapter, the board shall do all of the following:

(1) Prescribe a seal;

(2) Review the results of board-approved, nationally recognized examinations taken by applicants in accordance with rules adopted by the board.

(3) Keep a record of all of its meetings and proceedings;

(4) Maintain a register that records all applicants for a certificate of license or a temporary permit, all persons who have been denied a license or permit, all persons who have been granted or reissued a license or permit, and all persons whose license or permit has been revoked or suspended. The register shall also include a record of persons licensed prior to October 17, 1975.

(5) Maintain a register, in such form as the board determines by rule, of all colleges and universities that teach veterinary medicine and veterinary technology that are approved by the board;

(6) Enforce this chapter, and for that purpose, make investigations relative as provided in section 4741.26 of the Revised Code;

(7) Issue licenses and permits to persons who meet the qualifications set forth in this chapter;

(8) Approve colleges and universities which meet the board's requirements for veterinary medicine and associated fields of study and withdraw or deny, after an adjudication conducted in accordance with Chapter 119. of the Revised Code, approval from colleges and universities which fail to meet those requirements;

(9) Adopt rules, in accordance with Chapter 119. of the Revised Code, which are necessary for its government and for the administration and enforcement of this chapter.

Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.

(D) The board may do all of the following:

(1) Subpoena witnesses and require their attendance and testimony, and require the production by witnesses of books, papers, public records, animal patient records, and other documentary evidence and examine them, in relation to any matter that the board has authority to investigate, inquire into, or hear. Except for any officer or employee of the state or any political subdivision of the state, the treasurer of state shall pay all witnesses in any proceeding before the board, upon certification from the board, witness fees and mileage in the amount provided for under section 119.094 of the Revised Code.

(2) Examine and inspect books, papers, public records, animal patient records, and other documentary evidence at the location where the books, papers, records, and other evidence are normally stored or maintained.

(E) All registers, books, and records kept by the board are the property of the board and are open for public examination and inspection at all reasonable times in accordance with section 149.43 of the Revised Code. The registers, books, and records are prima-facie evidence of the matters contained in them.

4741.22 Disciplinary actions.

(A) The state veterinary medical licensing board may refuse to issue or renew a license, limited license, registration, or temporary permit to or of any applicant who, and may issue a reprimand to, suspend or revoke the license, limited license, registration, or the temporary permit of, or impose a civil penalty pursuant to this section upon any person holding a license, limited license, or temporary permit to practice veterinary medicine or any person registered as a registered veterinary technician who:

(1) In the conduct of the person's practice does not conform to the rules of the board or the standards of the profession governing proper, humane, sanitary, and hygienic methods to be used in the care and treatment of animals;

(2) Uses fraud, misrepresentation, or deception in any application or examination for licensure, or any other documentation created in the course of practicing veterinary medicine;

(3) Is found to be physically or psychologically addicted to alcohol or an illegal or controlled substance, as defined in section 3719.01 of the Revised Code, to such a degree as to render the person unfit to practice veterinary medicine;

(4) Directly or indirectly employs or lends the person's services to a solicitor for the purpose of obtaining patients;

(5) Obtains a fee on the assurance that an incurable disease can be cured;

(6) Advertises in a manner that violates section 4741.21 of the Revised Code;

(7) Divides fees or charges or has any arrangement to share fees or charges with any other person, except on the basis of services performed;

Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.

- (8) Sells any biologic containing living, dead, or sensitized organisms or products of those organisms, except in a manner that the board by rule has prescribed;
- (9) Is convicted of or pleads guilty to any felony or crime involving illegal or prescription drugs, or fails to report to the board within sixty days of the individual's conviction of, plea of guilty to, or treatment in lieu of conviction involving a felony, misdemeanor of the first degree, or offense involving illegal or prescription drugs;
- (10) Is convicted of any violation of section 959.13 of the Revised Code;
- (11) Swears falsely in any affidavit required to be made by the person in the course of the practice of veterinary medicine;
- (12) Fails to report promptly to the proper official any known reportable disease;
- (13) Fails to report promptly vaccinations or the results of tests when required to do so by law or rule;
- (14) Has been adjudicated incompetent for the purpose of holding the license or permit by a court, as provided in Chapter 2111. of the Revised Code, and has not been restored to legal capacity for that purpose;
- (15) Permits a person who is not a licensed veterinarian, a veterinary student, or a registered veterinary technician to engage in work or perform duties in violation of this chapter;
- (16) Is guilty of gross incompetence or gross negligence;
- (17) Has had a license to practice veterinary medicine or a license, registration, or certificate to engage in activities as a registered veterinary technician revoked, suspended, or acted against by disciplinary action by an agency similar to this board of another state, territory, or country or the District of Columbia;
- (18) Is or has practiced with a revoked, suspended, inactive, expired, or terminated license or registration;
- (19) Represents self as a specialist unless certified as a specialist by the board;
- (20) In the person's capacity as a veterinarian or registered veterinary technician makes or files a report, health certificate, vaccination certificate, or other document that the person knows is false or negligently or intentionally fails to file a report or record required by any applicable state or federal law;
- (21) Fails to use reasonable care in the administration of drugs or acceptable scientific methods in the selection of those drugs or other modalities for treatment of a disease or in conduct of surgery;
- (22) Makes available a dangerous drug, as defined in section 4729.01 of the Revised Code, to any person other than for the specific treatment of an animal patient;

Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.

(23) Refuses to permit a board investigator or the board's designee to inspect the person's business premises during regular business hours, except as provided in division (A) of section 4741.26 of the Revised Code;

(24) Violates any order of the board or fails to comply with a subpoena of the board;

(25) Fails to maintain medical records as required by rule of the board;

(26) Engages in cruelty to animals;

(27) Uses, prescribes, or sells any veterinary prescription drug or biologic, or prescribes any extra-label use of any over-the-counter drug or dangerous drug in the absence of a valid veterinary-client-patient relationship.

(B) Except as provided in division (D) of this section, before the board may revoke, deny, refuse to renew, or suspend a license, registration, or temporary permit or otherwise discipline the holder of a license, registration, or temporary permit, the executive director shall file written charges with the board. The board shall conduct a hearing on the charges as provided in Chapter 119. of the Revised Code.

(C) If the board, after a hearing conducted pursuant to Chapter 119. of the Revised Code, revokes, refuses to renew, or suspends a license, registration, or temporary permit for a violation of this section, section 4741.23, division (C) or (D) of section 4741.19, or division (B), (C), or (D) of section 4741.21 of the Revised Code, the board may impose a civil penalty upon the holder of the license, permit, or registration of not less than one hundred dollars or more than one thousand dollars. In addition to the civil penalty and any other penalties imposed pursuant to this chapter, the board may assess any holder of a license, permit, or registration the costs of the hearing conducted under this section if the board determines that the holder has violated any provision for which the board may impose a civil penalty under this section.

(D) The executive director may recommend that the board suspend an individual's certificate of license without a prior hearing if the executive director determines both of the following:

(1) There is clear and convincing evidence that division (A)(3), (9), (14), (22), or (26) of this section applies to the individual.

(2) The individual's continued practice presents a danger of immediate and serious harm to the public.

The executive director shall prepare written allegations for consideration by the board. The board, upon review of those allegations and by an affirmative vote of not fewer than four of its members, may suspend the certificate without a prior hearing. A telephone conference call may be utilized for reviewing the allegations and taking the vote on the suspension.

The board shall issue a written order of suspension by certified mail or in person in accordance with section 119.07 of the Revised Code. If the individual subject to the suspension requests an adjudicatory hearing by the board, the date set for the hearing shall be not later than fifteen days, but not earlier than seven days after the individual requests the hearing unless otherwise agreed to by both the board and the individual.

Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.

A suspension imposed under this division shall remain in effect, unless reversed on appeal, until a final adjudicative order issued by the board under this section and Chapter 119. of the Revised Code becomes effective. The board shall issue its final adjudicative order not later than ninety days after completion of its hearing. Failure to issue the order within ninety days results in dissolution of the suspension order, but does not invalidate any subsequent, final adjudicative order.

(E) A license or registration issued to an individual under this chapter is automatically suspended upon that individual's conviction of or plea of guilty to or upon a judicial finding with regard to any of the following: aggravated murder, murder, voluntary manslaughter, felonious assault, kidnapping, rape, sexual battery, gross sexual imposition, aggravated arson, aggravated robbery, or aggravated burglary. The suspension shall remain in effect from the date of the conviction, plea, or finding until an adjudication is held under Chapter 119. of the Revised Code. If the board has knowledge that an automatic suspension has occurred, it shall notify the individual subject to the suspension. If the individual is notified and either fails to request an adjudication within the time periods established by Chapter 119. of the Revised Code or fails to participate in the adjudication, the board shall enter a final order permanently revoking the individual's license or registration.

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?

The Board is self-sustained fiscally through licensure fees. The Board was allotted \$ 433,150 for FY 2020 with a reduction of \$20,702 as a result of conservation efforts in light of the COVID 19 pandemic. The Board has paid \$ 134,413 in operating expenses and \$272,772 in payroll expenses for FY20. The Board generated \$845,929 in Revenue for FY20. Of the total revenue in FY20, \$43,940.00 has been transferred to the Veterinary Student Loan Repayment Program in accordance with ORC 4741.17(A)(7).

See Attachment A and B

Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?

There is no federal regulation that outright requires the State of Ohio to regulate the occupation. However, the veterinarian must be licensed in order to obtain a federal DEA license for controlled substances, but not all veterinarians prescribe or stock controlled substances and/or dangerous drugs.

What is the “harm” that the regulation seeks to prevent? (See, R.C. 4798.02(B).)

The Veterinary Medical Practice Act (R.C. 4741 and Rules 4741 of the OAC) are intended to protect the client (owner of an animal) and the animal via the least restrictive methods available. Veterinarians and registered veterinary technicians (RVTs) perform medical procedures on animals that require laws and rules to include, but not limited to:

1. Proper, humane, sanitary, and hygienic methods to be used in the care and treatment of animals (See R.C. 4741.22 (A)(1), (16), 4741-1-03 OAC, 4741-1-10 OAC; The Board receives complaints regarding issues such as substandard care, unsanitary conditions, etc. The Board investigates these complaints expeditiously with the average disposition of a case being two months. Additionally, the Board performs random compliance inspections as well as inspections upon a complaint received. (See R.C. 4741.26(A)). The veterinarian is required to maintain medical records for all patients for a period of three years from the date of the last examination or treatment. The records are available to the owner as well as a subsequent veterinarian for continuity of care. (See R.C. 4741.22(A)(25) and Rule 4741-1-21 OAC).
2. Prevent fraud in their practice and advertising or fails to report known reportable diseases (See R.C. 4741.22(A)(2), (6), (7), (12), (13), (20), R.C. 4741.23)
3. The veterinarian must have an established valid Veterinary-Client-Patient-Relationship (VCPR) (See R.C. 4741.04, R.C. 4741.22(A)(27). This permits the veterinarian to renew a prescription, etc. without the animal being required to be seen each and every time dependent on the condition and diagnosis of the animal. The Board’s position on telehealth is maintained on the home page of the Board’s web site which permits telehealth with a veterinarian so long as an established VCPR exists.
4. Proper storage, prescribing, administering, and dispensing of drugs, inclusive of controlled substances. RVTs are permitted access to controlled substances as well with direction from the veterinarian. Animal aides, employed by a veterinarian, are not permitted access to controlled substances and should be performing duties that are set out in statute and rule specific to the RVT. The Board has a guideline on its web site regarding the duties and the type of oversight by the veterinarian. (See R.C. 4741.19(C), 4741.22(A)(9), (15), (21), (22), (27); Rule 4741-1-01, 4741-1-05, 4741-1-14 OAC) Veterinarians are required to maintain medical records for all patients (See Rule 4741-1-21 OAC) and controlled substance logs in accordance with the Ohio Board of Pharmacy regulations.
5. That a veterinary practitioner is competent to practice and is not practicing impaired. (See R.C. 4741.22(A)(9), (14), (21)(22)) The Board promotes wellness for veterinarians and offers assistance through the Ohio Physicians Health Plan (OPHP) for impaired veterinary practitioners or those suffering issues with behavioral or mental health. (See R.C. 4741.31, Rule 4741-1-25 OAC)

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

The Ohio Veterinary Medical Licensing Board believes the regulations are appropriate to prevent the harm described above and to protect the public's interest in the practice of veterinary medicine.

Are there any changes the Board would like to see implemented?

Not at this time.

Comparison to other states *(How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)*

This is a special type of license specific to university licenses, although Ohio's also includes public health to address a needed area of practice. Not all states provide this special type of license. There are approximately 14 states that have a special university license. Most states require a full license. There are a handful of states that do not require a veterinary license if the veterinarian is only teaching at the university. Additionally, not all states have a veterinary college. Therefore, it is reasonable to conclude that Ohio is "somewhere in between".

Surrounding state comparison (LSC)

Limited Veterinary License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes, limited license allows a person to practice veterinary medicine as an instructor, researcher, or diagnostician; a limited resident license allows a person to practice veterinary medicine as an intern, resident in a veterinary specialty, or graduate student (<i>R.C. 4741.13; The Ohio Veterinary Medical Licensing Board, How to Apply for an Ohio Veterinary Limited License or Limited Resident License</i>)	N/A	N/A	Yes, an educational limited license allows a person to practice if the person is a senior student in an approved school of veterinary medicine and under the supervision of a Michigan licensed veterinarian or a graduate of a nonapproved veterinary education program (<i>Mich. Comp. Laws 333.18812; Mich. Admin. Code R. 338.4914a</i>) A clinical academic limited license allows a person to engage	N/A	N/A

Limited Veterinary License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
				in the practice of veterinary medicine only to the extent necessary to fulfill the person's employment obligations as a clinical instructor at a college of veterinary medicine approved by the Board (<i>Mich. Admin. Code. R. 338.4914</i>)		
Education or training	To apply for either limited license, a letter must be sent with an application to the Board from the accredited veterinary college, program of veterinary technology, or governmental laboratory	N/A	N/A	To apply for either limited license, a letter must be sent from an American Veterinary Medical Association (AVMA) approved college of veterinary medicine verifying that the applicant	N/A	N/A

Limited Veterinary License

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	indicating the person's employment or internship status (<i>The Ohio Veterinary Medical Licensing Board, How to Apply for an Ohio Veterinary Limited License or Limited Resident License</i>)			has been admitted to a post graduate training program or has been appointed to its academic faculty (<i>Michigan Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, Veterinarian Clinical Academic Limited Licensing Guide and Veterinarian Educational Limited Licensing Guide</i>)		
Experience	N/A	N/A	N/A	N/A	N/A	N/A
Exam	No (<i>The Ohio Veterinary Medical Licensing Board Limited or Limited Resident</i>)	N/A	N/A	Yes, for an educational limited license (<i>Mich. Admin. Code. R. 338.4914a</i>)	N/A	N/A

Limited Veterinary License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<i>Application Requirements¹</i>					
Continuing education	Yes, 30 hours every two years for a limited license issued to an instructor, researcher, or diagnostician (R.C. 4741.16(B))	N/A	N/A	No	N/A	N/A
Initial licensure fee	\$155 for limited license; \$35 for limited resident license (R.C. 4741.17(A)(2) and (3))	N/A	N/A	\$51.00 (Michigan Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, <i>Veterinarian Clinical Academic Limited Licensing Guide</i> and <i>Veterinarian Educational Limited Licensing Guide</i>)	N/A	N/A
License duration	Two years for a limited license; no renewal for	N/A	N/A	One year (Michigan Department of	N/A	N/A

Limited Veterinary License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	limited resident license (because the student cannot intern for more than two years) (R.C. 4741.16)			<i>Licensing and Regulatory Affairs, Bureau of Professional Licensing, Veterinarian Clinical Academic Limited Licensing Guide and Veterinarian Educational Limited Licensing Guide)</i>		
Renewal fee	\$155 for limited license (R.C. 4741.17(A)(7))	N/A	N/A	\$71.00 (Michigan Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, Veterinarian Clinical Academic Limited Licensing Guide and Veterinarian Educational Limited Licensing Guide)	N/A	N/A

Provisional veterinary graduate license

Survey responses (DVM)

Description

4741.15 Provisional veterinary graduate license.

(A) A person who has done both of the following may submit an application to the state veterinary medical licensing board for a provisional veterinary graduate license:

(1) Graduated from a veterinary college approved by the board;

(2) Applied for and is waiting to take a nationally recognized examination approved by the board for a license to practice veterinary medicine. The application shall be on a form that the board prescribes and shall contain any information that the board requires together with a letter or letters of recommendation from a licensed veterinarian or veterinarians who will be directly supervising and responsible for the applicant as provided in division (C) of this section. The applicant shall include with the application the fee established in section **4741.17** of the Revised Code.

(B) The board may issue a provisional veterinary graduate license to an applicant who has satisfied the requirements established in division (A) of this section. A provisional veterinary graduate license is valid for six months following the date of its issuance and is not renewable.

(C) A person who holds a provisional veterinary graduate license may perform or assist in medical treatments, diagnosis, and surgery on a patient only under the direct veterinary supervision of the veterinarian or veterinarians who provided the letter or letters of recommendation accompanying the person's application under division (A) of this section and may engage in other duties related to the practice of veterinary medicine only under veterinary supervision.

(D) No person who holds a provisional veterinary graduate license shall be represented, explicitly or implicitly, as being a licensed veterinarian.

(E) The board may revoke a provisional veterinary graduate license if the person who holds the license violates division (C) or (D) of this section.

Type (See R.C. 4798.01 for relevant definitions.)

License

If the regulation is a registration, certification, or license requirement, please complete the following:

Number issued annually

7

Number renewed annually

There is no renewal with this type of license.

Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?

No.

Education or training requirements

Must have graduated from an accredited veterinary program and continue to work under the direct supervision of a licensed veterinarian.

Experience requirements

No

Examination requirements (*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?*)

No. This license is usually obtained while the applicant is waiting to retake the national examination for full licensure.

If the regulation is a registration, certification, or license requirement, please complete the following:	
Continuing education requirements <i>(Including a description of the curriculum and the process of setting it.)</i>	Not applicable
Initial fee	\$100
Duration	6 months
Renewal fee <i>(If different from initial fee, please explain why.)</i>	Not applicable as this license is not subject to renewal
Does the Board recognize uniform licensure requirements or allow for reciprocity?	This is a special type of license for the applicant who is waiting to retake the national examination and wants to maintain their clinical skills. The individual must have coordinated with a licensed veterinarian to obtain the license. There are only a handful of states that have this type of a license (sometimes called temporary licenses in other states).
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	No.
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	<p>4741.20 Exceptions.</p> <p>This chapter does not apply to:</p> <p>(A) A person who administers to animals, the title to which is vested in the person's self, except when the title is so vested for the purpose of circumventing the provisions of this chapter. No person shall vest title of an animal in the person's self for the purposes of circumventing this chapter.</p>

If the regulation is a registration, certification, or license requirement, please complete the following:

- (B) A person who is a regular student in a legally chartered college of veterinary medicine or a veterinary technology college while in the performance of those duties and actions assigned by the person's instructors;
- (C) A person who is a member of the armed forces of the United States or an employee of the United States department of agriculture, the United States public health service, or other federal agency, or the Ohio department of agriculture except a licensed veterinarian, and who, while so commissioned or employed, performs official duties;
- (D) A person who advises with respect to or performs acts which the state veterinary medical licensing board by rule has prescribed as accepted management practices in connection with livestock production;
- (E) A person who conducts routine vaccinations, pullorum testing, and typhoid testing of poultry and other poultry disease control activity under supervision of a national poultry improvement plan as administered by an official state agency or the United States department of agriculture;
- (F) A physician licensed to practice medicine in this state, or the assistant of such a licensed physician, while engaged in medical research;
- (G) A person who is supervised by a licensed veterinarian and who is engaged in bona fide medical biomedical research which requires the application of the principles of a veterinary practice;
- (H) A veterinary consultant when consulting with a licensed veterinarian, on the condition that the service performed by the veterinary consultant is limited to the consultation and under all circumstances, the responsibility for the care and treatment of the patient remains with the veterinarian who holds a current license in this state and who is providing treatment, or consultation as to treatment, to the patient;
- (I) A person who offers gratuitous services in the case of an emergency;
- (J) Any of the following, as defined in section 4765.01 of the Revised Code, who provides emergency medical services to a dog or cat in accordance with section 4765.52 of the Revised Code: a first responder, emergency medical technician-basic, emergency medical technician-intermediate, or emergency medical technician-paramedic.

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?

4741.10 License applicant to comply with RC Chapter 4776.

(A) As used in this section, “license” and “applicant for an initial license” have the same meanings as in section 4776.01 of the Revised Code, except that “license” as used in both of those terms refers to the types of authorizations otherwise issued or conferred under this chapter.

(B) In addition to any other eligibility requirement set forth in this chapter, each applicant for an initial license shall comply with sections 4776.01 to 4776.04 of the Revised Code. The state veterinary medical licensing board shall not grant a license to an applicant for an initial license unless the applicant complies with sections 4776.01 to 4776.04 of the Revised Code and the board, **in its discretion**, decides that the results of the criminal records check do not make the applicant ineligible for a license issued pursuant to section 4741.11, 4741.12, 4741.13, or 4741.14 of the Revised Code.

The Board will issue a Notice of Opportunity for a Hearing in accordance with R.C. 119 if the Board members determine an individual may require monitoring, etc. upon licensure

Other information (*Significant attributes or prerequisites to licensure not addressed in this chart.*)

This license type is a special license so that a veterinary applicant who has not passed the national examination can still learn and improve their skills prior to retaking the examination. The system would not permit me to click on “license”.

Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.

R.C.4741.03 (in part)

(C) In addition to any other duty required under this chapter, the board shall do all of the following:

- (1) Prescribe a seal;
- (2) Review the results of board-approved, nationally recognized examinations taken by applicants in accordance with rules adopted by the board.
- (3) Keep a record of all of its meetings and proceedings;

Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.

(4) Maintain a register that records all applicants for a certificate of license or a temporary permit, all persons who have been denied a license or permit, all persons who have been granted or reissued a license or permit, and all persons whose license or permit has been revoked or suspended. The register shall also include a record of persons licensed prior to October 17, 1975.

(5) Maintain a register, in such form as the board determines by rule, of all colleges and universities that teach veterinary medicine and veterinary technology that are approved by the board;

(6) Enforce this chapter, and for that purpose, make investigations relative as provided in section 4741.26 of the Revised Code;

(7) Issue licenses and permits to persons who meet the qualifications set forth in this chapter;

(8) Approve colleges and universities which meet the board's requirements for veterinary medicine and associated fields of study and withdraw or deny, after an adjudication conducted in accordance with Chapter 119. of the Revised Code, approval from colleges and universities which fail to meet those requirements;

(9) Adopt rules, in accordance with Chapter 119. of the Revised Code, which are necessary for its government and for the administration and enforcement of this chapter.

(D) The board may do all of the following:

(1) Subpoena witnesses and require their attendance and testimony, and require the production by witnesses of books, papers, public records, animal patient records, and other documentary evidence and examine them, in relation to any matter that the board has authority to investigate, inquire into, or hear. Except for any officer or employee of the state or any political subdivision of the state, the treasurer of state shall pay all witnesses in any proceeding before the board, upon certification from the board, witness fees and mileage in the amount provided for under section 119.094 of the Revised Code.

(2) Examine and inspect books, papers, public records, animal patient records, and other documentary evidence at the location where the books, papers, records, and other evidence are normally stored or maintained.

(E) All registers, books, and records kept by the board are the property of the board and are open for public examination and inspection at all reasonable times in accordance with section 149.43 of the Revised Code. The registers, books, and records are prima-facie evidence of the matters contained in them.

4741.22 Disciplinary actions.

(A) The state veterinary medical licensing board may refuse to issue or renew a license, limited license, registration, or temporary permit to or of any applicant who, and may issue a reprimand to, suspend or revoke the license, limited license, registration, or the temporary permit of, or

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impose a civil penalty pursuant to this section upon any person holding a license, limited license, or temporary permit to practice veterinary medicine or any person registered as a registered veterinary technician who:

- (1) In the conduct of the person's practice does not conform to the rules of the board or the standards of the profession governing proper, humane, sanitary, and hygienic methods to be used in the care and treatment of animals;
- (2) Uses fraud, misrepresentation, or deception in any application or examination for licensure, or any other documentation created in the course of practicing veterinary medicine;
- (3) Is found to be physically or psychologically addicted to alcohol or an illegal or controlled substance, as defined in section 3719.01 of the Revised Code, to such a degree as to render the person unfit to practice veterinary medicine;
- (4) Directly or indirectly employs or lends the person's services to a solicitor for the purpose of obtaining patients;
- (5) Obtains a fee on the assurance that an incurable disease can be cured;
- (6) Advertises in a manner that violates section 4741.21 of the Revised Code;
- (7) Divides fees or charges or has any arrangement to share fees or charges with any other person, except on the basis of services performed;
- (8) Sells any biologic containing living, dead, or sensitized organisms or products of those organisms, except in a manner that the board by rule has prescribed;
- (9) Is convicted of or pleads guilty to any felony or crime involving illegal or prescription drugs, or fails to report to the board within sixty days of the individual's conviction of, plea of guilty to, or treatment in lieu of conviction involving a felony, misdemeanor of the first degree, or offense involving illegal or prescription drugs;
- (10) Is convicted of any violation of section 959.13 of the Revised Code;
- (11) Swears falsely in any affidavit required to be made by the person in the course of the practice of veterinary medicine;
- (12) Fails to report promptly to the proper official any known reportable disease;
- (13) Fails to report promptly vaccinations or the results of tests when required to do so by law or rule;
- (14) Has been adjudicated incompetent for the purpose of holding the license or permit by a court, as provided in Chapter 2111. of the Revised Code, and has not been restored to legal capacity for that purpose;
- (15) Permits a person who is not a licensed veterinarian, a veterinary student, or a registered veterinary technician to engage in work or perform duties in violation of this chapter;

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(16) Is guilty of gross incompetence or gross negligence;

(17) Has had a license to practice veterinary medicine or a license, registration, or certificate to engage in activities as a registered veterinary technician revoked, suspended, or acted against by disciplinary action by an agency similar to this board of another state, territory, or country or the District of Columbia;

(18) Is or has practiced with a revoked, suspended, inactive, expired, or terminated license or registration;

(19) Represents self as a specialist unless certified as a specialist by the board;

(20) In the person's capacity as a veterinarian or registered veterinary technician makes or files a report, health certificate, vaccination certificate, or other document that the person knows is false or negligently or intentionally fails to file a report or record required by any applicable state or federal law;

(21) Fails to use reasonable care in the administration of drugs or acceptable scientific methods in the selection of those drugs or other modalities for treatment of a disease or in conduct of surgery;

(22) Makes available a dangerous drug, as defined in section 4729.01 of the Revised Code, to any person other than for the specific treatment of an animal patient;

(23) Refuses to permit a board investigator or the board's designee to inspect the person's business premises during regular business hours, except as provided in division (A) of section 4741.26 of the Revised Code;

(24) Violates any order of the board or fails to comply with a subpoena of the board;

(25) Fails to maintain medical records as required by rule of the board;

(26) Engages in cruelty to animals;

(27) Uses, prescribes, or sells any veterinary prescription drug or biologic, or prescribes any extra-label use of any over-the-counter drug or dangerous drug in the absence of a valid veterinary-client-patient relationship.

(B) Except as provided in division (D) of this section, before the board may revoke, deny, refuse to renew, or suspend a license, registration, or temporary permit or otherwise discipline the holder of a license, registration, or temporary permit, the executive director shall file written charges with the board. The board shall conduct a hearing on the charges as provided in Chapter 119. of the Revised Code.

(C) If the board, after a hearing conducted pursuant to Chapter 119. of the Revised Code, revokes, refuses to renew, or suspends a license, registration, or temporary permit for a violation of this section, section 4741.23, division (C) or (D) of section 4741.19, or division (B), (C), or (D) of section 4741.21 of the Revised Code, the board may impose a civil penalty upon the holder of the license, permit, or registration of not less than one hundred dollars or more than one thousand dollars. In addition to the civil penalty and any other penalties imposed pursuant to this

Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.

chapter, the board may assess any holder of a license, permit, or registration the costs of the hearing conducted under this section if the board determines that the holder has violated any provision for which the board may impose a civil penalty under this section.

(D) The executive director may recommend that the board suspend an individual's certificate of license without a prior hearing if the executive director determines both of the following:

(1) There is clear and convincing evidence that division (A)(3), (9), (14), (22), or (26) of this section applies to the individual.

(2) The individual's continued practice presents a danger of immediate and serious harm to the public.

The executive director shall prepare written allegations for consideration by the board. The board, upon review of those allegations and by an affirmative vote of not fewer than four of its members, may suspend the certificate without a prior hearing. A telephone conference call may be utilized for reviewing the allegations and taking the vote on the suspension.

The board shall issue a written order of suspension by certified mail or in person in accordance with section 119.07 of the Revised Code. If the individual subject to the suspension requests an adjudicatory hearing by the board, the date set for the hearing shall be not later than fifteen days, but not earlier than seven days after the individual requests the hearing unless otherwise agreed to by both the board and the individual.

A suspension imposed under this division shall remain in effect, unless reversed on appeal, until a final adjudicative order issued by the board under this section and Chapter 119. of the Revised Code becomes effective. The board shall issue its final adjudicative order not later than ninety days after completion of its hearing. Failure to issue the order within ninety days results in dissolution of the suspension order, but does not invalidate any subsequent, final adjudicative order.

(E) A license or registration issued to an individual under this chapter is automatically suspended upon that individual's conviction of or plea of guilty to or upon a judicial finding with regard to any of the following: aggravated murder, murder, voluntary manslaughter, felonious assault, kidnapping, rape, sexual battery, gross sexual imposition, aggravated arson, aggravated robbery, or aggravated burglary. The suspension shall remain in effect from the date of the conviction, plea, or finding until an adjudication is held under Chapter 119. of the Revised Code. If the board has knowledge that an automatic suspension has occurred, it shall notify the individual subject to the suspension. If the individual is notified and either fails to request an adjudication within the time periods established by Chapter 119. of the Revised Code or fails to participate in the adjudication, the board shall enter a final order permanently revoking the individual's license or registration.

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?

The Board is self-sustained fiscally through licensure fees. The Board was allotted \$433,150 for FY 2020 with a reduction of \$20,702 as a result of conservation efforts in light of the COVID 19 pandemic. The Board paid \$ 134,413 in operating expenses and \$272,772 in payroll expenses for FY20. The Board generated \$845,929 in Revenue from fees for FY20. Of the total revenue in FY20, \$43,940.00 has been transferred to the Veterinary Student Loan Repayment Program in accordance with ORC 4741.17(A)(7).

Attached are the expense sheet and revenue sheet for FY2020: **Attachment A & B**

Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?

There are no federal regulations related to this particular license.

What is the “harm” that the regulation seeks to prevent? (See, R.C. 4798.02(B).)

The Veterinary Medical Practice Act (R.C. 4741 and Rules 4741 of the OAC) are intended to protect the client (owner of an animal) and the animal via the least restrictive methods available. Veterinarians and registered veterinary technicians (RVTs) perform medical procedures on animals that require laws and rules to include, but not limited to:

1. Proper, humane, sanitary, and hygienic methods to be used in the care and treatment of animals (See R.C. 4741.22 (A)(1), (16), 4741-1-03 OAC, 4741-1-10 OAC; The Board receives complaints regarding issues such as substandard care, unsanitary conditions, etc. The Board investigates these complaints expeditiously with the average disposition of a case being two months. Additionally, the Board performs random compliance inspections as well as inspections upon a complaint received. (See R.C. 4741.26(A)). The veterinarian is required to maintain medical records for all patients for a period of three years from the date of the last examination or treatment. The records are available to the owner as well as a subsequent veterinarian for continuity of care. (See R.C. 4741.22(A)(25) and Rule 4741-1-21 OAC).

What is the “harm” that the regulation seeks to prevent? (See, R.C. 4798.02(B).)

2. Prevent fraud in their practice and advertising or fails to report known reportable diseases (See R.C. 4741.22(A)(2), (6), (7), (12), (13), (20), R.C. 4741.23)
3. The veterinarian must have an established valid Veterinary-Client-Patient-Relationship (VCPR) (See R.C. 4741.04, R.C. 4741.22(A)(27). This permits the veterinarian to renew a prescription, etc. without the animal being required to be seen each and every time dependent on the condition and diagnosis of the animal. The Board’s position on telehealth is maintained on the home page of the Board’s web site which permits telehealth with a veterinarian so long as an established VCPR exists.
4. Proper storage, prescribing, administering, and dispensing of drugs, inclusive of controlled substances. RVTs are permitted access to controlled substances as well with direction from the veterinarian. Animal aides, employed by a veterinarian, are not permitted access to controlled substances and should be performing duties that are set out in statute and rule specific to the RVT. The Board has a guideline on its web site regarding the duties and the type of oversight by the veterinarian. (See R.C. 4741.19(C), 4741.22(A)(9), (15), (21), (22), (27); Rule 4741-1-01, 4741-1-05, 4741-1-14 OAC) Veterinarians are required to maintain medical records for all patients (See Rule 4741-1-21 OAC) and controlled substance logs in accordance with the Ohio Board of Pharmacy regulations.
5. That a veterinary practitioner is competent to practice and is not practicing impaired. (See R.C. 4741.22(A)(9), (14), (21)(22)) The Board promotes wellness for veterinarians and offers assistance through the Ohio Physicians Health Plan (OPHP) for impaired veterinary practitioners or those suffering issues with behavioral or mental health. (See R.C. 4741.31, Rule 4741-1-25 OAC)

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

The Board believes the regulations are the least restrictive in order to prevent the harm described above and to protect the public interests in the practice of veterinary medicine.

Are there any changes the Board would like to see implemented?

Not at this time.

Comparison to other states (How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)

There are approximately 20 states that provide a provisional license for those individuals who have graduated and are waiting to retake the National examination. Ohio's law is similar to the other states, especially requiring veterinarian supervision for the practice of veterinary medicine. The law is somewhere in between other state's regulations considering some states do not permit this type of practice.

Surrounding state comparison (LSC)

Provisional Veterinary Graduate License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (R.C. 4741.15; <i>The Ohio Veterinary Medical Licensing Board, Provisional Graduate</i>)	N/A	Yes, special permit required (Ky. Rev. Stat. Ann. 321.201)	N/A	Yes, temporary permit required (63 Pa. Cons. Stat. 485.10)	Yes, temporary permit required (W. Va. Code Ann. 30-10-16)

Provisional Veterinary Graduate License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	Application Requirements					
Education or training	Graduated from a veterinary college approved by the Board (<i>R.C. 4741.15(A)(1)</i>)	N/A	Received a degree from a board approved veterinary college (<i>Ky. Rev. Stat. Ann. 321.201</i>)	N/A	Graduated from a veterinary college approved by the Board (<i>63 Pa. Cons. Stat. 485.10</i>)	Graduated from a veterinary college approved by the Board (<i>W. Va. Code Ann. 30-10-16</i>)
Experience	Must work under the direct supervision of an Ohio licensed veterinarian (<i>R.C. 4742.15(A)(2)</i>)	N/A	Must work under the direct supervision of a Kentucky licensed veterinarian (<i>Ky. Rev. Stat. Ann. 321.201</i>)	N/A	Must work under the direct supervision of a Pennsylvania licensed veterinarian (<i>63 Pa. Cons. Stat. 485.10</i>)	Must work under the direct supervision of a West Virginia licensed veterinarian (<i>W. Va. Code Ann. 30-10-16</i>)
Exam	Provisional veterinary graduate license is issued after an individual graduates from veterinary school while the individual is waiting to take an examination and receive exam	N/A	Special permit is issued after an individual graduates from veterinary school while the individual is waiting to take an examination and receive exam results (<i>Ky. Rev.</i>	N/A	Temporary permit is issued after an individual graduates from veterinary school while the individual is waiting to take an examination and receive exam results (<i>63 Pa.</i>	Temporary permit issued after an individual graduates from veterinary school while the individual is waiting to take an examination and receive exam results (<i>W. Va.</i>

Provisional Veterinary Graduate License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	results (<i>R.C. 4741.15(A)(2)</i>)		<i>Stat. Ann. 321.201</i>		<i>Cons. Stat. 485.10</i>	<i>Code Ann. 30-10-16</i>
Continuing education	N/A	N/A	N/A	N/A	N/A	N/A
Initial licensure fee	\$100 (<i>R.C. 4741.17(A)(12)</i>)	N/A	\$50 (<i>201 Ky. Admin. Regs. 16:516</i>)	N/A	Unclear, but most likely \$50 (\$35 application fee and \$15 verification fee) (<i>49 Pa. Code 31.41</i>)	\$150 (<i>W. Va. Code R. 26-6-3.24</i>)
License duration	Six months (<i>R.C. 4741.15(B)</i>)	N/A	Expires the day after the notice of results of the first examination given after the permit was issued (<i>Ky. Rev. Stat. Ann. 321.201</i>)	N/A	Expires the day after the notice of results of the first examination given after the temporary permit was issued (<i>63 Pa. Cons. Stat. 485.10</i>)	Expires the day after the Board gives written notice of exam results (<i>W. Va. Code Ann. 30-10-16</i>)
Renewal fee	Not renewable (<i>R.C. 4741.15(B)</i>)	N/A	Not renewable (<i>Ky. Rev. Stat. Ann. 321.201</i>)	N/A	Not renewable (<i>63 Pa. Cons. Stat. 485.10</i>)	Not renewable (<i>W. Va. Code Ann. 30-10-16</i>)

Veterinary technician registration

Survey responses (DVM)

Description

R.C. 4741.01 (In part)

(F) "Registered veterinary technician" means a person who is a graduate of a veterinary technology college approved by the state veterinary medical licensing board, has successfully passed an examination approved by the board, and maintains registration eligibility status in accordance with rules adopted by the board.

R.C. 4741.19 (In part)

(C) No person shall act as a registered veterinary technician unless the person is registered with the board on a biennial basis and pays the biennial registration fee. A registered veterinary technician registration expires biennially on the first day of March in the odd-numbered years and may be renewed in accordance with the standard renewal procedures contained in Chapter 4745. of the Revised Code upon payment of the biennial registration fee and fulfillment of ten continuing education hours during the two years immediately preceding renewal for registration. Each registered veterinary technician shall notify in writing the executive director of the board of any change in the registered veterinary technician's office address or employment within ninety days after the change has taken place.

(1) A registered veterinary technician operating under veterinary supervision may perform the following duties:

- (a) Prepare or supervise the preparation of patients, instruments, equipment, and medications for surgery;
- (b) Collect or supervise the collection of specimens and perform laboratory procedures as required by the supervising veterinarian;
- (c) Apply wound dressings, casts, or splints as required by the supervising veterinarian;
- (d) Assist a veterinarian in immunologic, diagnostic, medical, and surgical procedures;
- (e) Suture skin incisions;
- (f) Administer or supervise the administration of topical, oral, or parenteral medication under the direction of the supervising veterinarian;
- (g) Other ancillary veterinary technician functions that are performed pursuant to the order and control and under the full responsibility of a licensed veterinarian.
- (h) Any additional duties as established by the board in rule.

(2) A registered veterinary technician operating under direct veterinary supervision may perform all of the following:

Description

- (a) Induce and monitor general anesthesia according to medically recognized and appropriate methods;
- (b) Dental prophylaxis, periodontal care, and extraction not involving sectioning of teeth or resection of bone or both of these;
- (c) Equine dental procedures, including the floating of molars, premolars, and canine teeth; removal of deciduous teeth; and the extraction of first premolars or wolf teeth.

The degree of supervision by a licensed veterinarian over the functions performed by the registered veterinary technician shall be consistent with the standards of generally accepted veterinary medical practices.

4741-1-01 Animal technician duties, registration and continuing education requirements.

“Registered veterinary technician” is a person who holds a registration certificate issued by the Ohio veterinary medical licensing board. The registered veterinary technician activities and duties must in all ways be compatible with Chapter 4741. of the Revised Code.

(A) A person desiring to be registered as a registered veterinary technician shall be of good moral character . Said applicant shall deliver to the board the following:

- (1) A completed application prescribed by the board;
 - (2) A photograph of applicant;
 - (3) A transcript showing satisfactory proof that the applicant has graduated from a board approved veterinary technology program;
 - (4) A registration fee as prescribed in Chapter 4741. of the Revised Code.
 - (5) A passing score of four hundred twenty-five or a converted score of seventy-five on the veterinary technician national examination (VTNE).
- (B) In addition to the requirements set forth in paragraph (A) of this rule, an applicant for registration must submit to a criminal records check in accordance with section [4741.10](#) of the Revised Code within a year of requesting registration. The criminal records check must be completed by the bureau of criminal identification and investigation in which the results indicate that the individual has not been convicted of, pleaded guilty to, or had a judicial finding of guilty for any violation set forth in section [4741.22](#) of the Revised Code.
- (1) An applicant requesting a criminal records check shall provide the bureau of criminal identification and investigation with the applicant’s name and address and with the Ohio veterinary medical licensing board name and address.
 - (2) The applicant shall ask the superintendent of the bureau of criminal identification and investigation in the request to obtain from the federal bureau of investigation any information it has pertaining to the applicant.
- (C) Every action of the registered veterinary technician, as related to the practice of veterinary medicine, must be under the supervision of the licensed veterinarian. The registered veterinary technician must not be presented to the public in any way to imply that the registered veterinary

Description

technician is licensed to practice veterinary medicine. The licensed veterinarian must not offer, undertake, or represent to the public that the registered veterinary technician is able to diagnose, surgically operate or prescribe for any animal disease, pain, injury, deformity or physical condition.

(D) The registered veterinary technician shall not diagnose, prescribe or change the prescribed order of the licensed veterinarian for the use of any drug, medicine, appliance or treatment for any animal.

(E) The registered veterinary technician shall not invade the integument or the tissue of any animal for the purpose of performing any phase of a surgical procedure not defined as a normal management practice for livestock. The registered veterinary technician may act as a surgical assistant for a licensed veterinarian.

(F) Prior to the expiration of a biennial registration on March first, in odd-numbered years, the executive director shall cause to be mailed or emailed in January of the registration year, a "notice for renewal application," listing the continuing education hours acquired prior to the biennial registration. The registered veterinary technician shall submit the biennial renewal fee as set forth in division (A)(10) of section [4741.17](#) of the Revised Code.

A registration becomes inactive if not renewed at the end of the biennium. An inactive registration may be reactivated upon application to the board. A registration that is inactive for more than four years expires if no application for reactivation is made. Upon expiration, a registration becomes void.

(G) A waiver for continuing education hours may be granted by the board for unusual circumstances if a request is made in writing to the office of the board. The hours must be made up in the following calendar year, in addition to the regular required continuing education hours. No more than one waiver may be considered within a six-year period.

(H) Registered veterinary technicians are exempt from listing continuing education hours for the first biennium after original registration.

(I) No veterinary technology student shall engage in the duties of a registered veterinary technician unless under the direct supervision of a licensed veterinarian or his or her assigned registered veterinary technician.

Type (See R.C. 4798.01 for relevant definitions.)

Registration

If the regulation is a registration, certification, or license requirement, please complete the following:

Number issued annually

288

Number renewed annually

4621

Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?

FY16	New: 358	Total: 3782
FY17	New: 361	Total: 3838
FY18	New: 348	Total: 4289
FY19	New: 348	Total: 4277
FY20	New: 288	Total: 4621

Education or training requirements

4741-1-01 Animal technician duties, registration and continuing education requirements.

“Registered veterinary technician” is a person who holds a registration certificate issued by the Ohio veterinary medical licensing board. The registered veterinary technician activities and duties must in all ways be compatible with Chapter 4741. of the Revised Code.

(A) A person desiring to be registered as a registered veterinary technician shall be of good moral character . Said applicant shall deliver to the board the following:

(1) A completed application prescribed by the board;

If the regulation is a registration, certification, or license requirement, please complete the following:

	<p>(2) A photograph of applicant;</p> <p>(3) A transcript showing satisfactory proof that the applicant has graduated from a board approved veterinary technology program;</p> <p>(4) A registration fee as prescribed in Chapter 4741. of the Revised Code.</p> <p>(5) A passing score of four hundred twenty-five or a converted score of seventy-five on the veterinary technician national examination (VTNE).</p> <p>(B) In addition to the requirements set forth in paragraph (A) of this rule, an applicant for registration must submit to a criminal records check in accordance with section 4741.10 of the Revised Code within a year of requesting registration. The criminal records check must be completed by the bureau of criminal identification and investigation in which the results indicate that the individual has not been convicted of, pleaded guilty to, or had a judicial finding of guilty for any violation set forth in section 4741.22 of the Revised Code.</p>
<p>Experience requirements</p>	<p>None required</p>
<p>Examination requirements <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>The National exam for RVTs is administered by the American Association of Veterinary Boards. This is the only examination provided to RVTs upon graduation. They assess a fee of \$333 to the applicant. The Board does not receive any of the proceeds from the funds for the examination. The examination is given multiple times during the year at various locations around the State of Ohio.</p>
<p>Continuing education requirements <i>(Including a description of the curriculum and the process of setting it.)</i></p>	<p>4741-1-11 Form and content of continuing education hours.</p> <p>(A) The following programs designed to directly enhance the veterinarian’s or veterinary technician’s knowledge and skill in providing services relevant to the veterinary profession shall be approved for continuing education hours:</p> <p>(1) All medical programs of the American veterinary medical association (AVMA) , its constituent organizations and its recognized specialty groups and accredited veterinary medical institutions whose meetings impart educational material directly relating to veterinary medicine;</p>

If the regulation is a registration, certification, or license requirement, please complete the following:

- (2) All medical programs of state veterinary medical associations or veterinary technician associations;
- (3) Medical programs which are approved by the registry of the approved continuing education (RACE) of the American association of veterinary state boards (AAVSB); and
- (4) All medical programs approved by the board, not associated with RACE or AVMA and its suborganizations.
- (B) All veterinarians and registered veterinary technicians may acquire medical continuing education hours from national, state, and local seminars, programs, meetings, laboratory, course studies and/or online courses. Online courses shall not exceed six hours.
- (C) Non-medical practice management/professional development continuing education includes subject matter that helps make veterinary medical professionals more competent and capable in serving the public interest in the delivery of veterinary services but which is not necessarily medical or clinical in nature. It can include but may not be limited to business management, regulatory compliance, jurisprudence, skills-based training in instrumentation, medical records, software management, communication, and veterinary ethics. Programs in wellness addressing mental health issues, such as compassion fatigue, burnout, and suicide ideation may qualify in this category.
- (D) All veterinarians and registered veterinary technicians may acquire practice management/professional development continuing education hours from national, state, and local seminars, programs, meetings, laboratory, course studies, professional journals and/or online courses. Continuing education through professional journals shall not exceed two hours.
- (E) Veterinarians must report thirty hours of continuing education per renewal. Of the required hours, at least twenty hours must be approved medical and directly related to the practice of veterinary medicine. No more than ten hours may be in practice management/professional development.
- (F) Registered veterinary technicians must report ten hours of continuing education per renewal. Six hours must be approved medical and directly related to the practice of veterinary medicine. No more than four hours may be in practice management/professional development.

If the regulation is a registration, certification, or license requirement, please complete the following:

	<p>(G) A licensed veterinarian or registered veterinary technician applying for an initial renewal is not required to complete the continuing education requirements but shall certify that they graduated within that biennium of the renewal period.</p> <p>(H) Due to prolonged or extenuating illnesses or emergencies, alternative requirements for continuing education will be determined on a case by case basis. A request for waiver must be submitted to the board with documentation of the illness or emergency within thirty days of submission of a license or registration renewal.</p> <p>(I) Prior to the expiration of a biennial license or registration on March first, the executive director shall cause to be sent in January of the renewal year, a “Notice For Renewal Application” for a renewal cycle of the licensed veterinarian or a registered veterinarian technician. For the veterinarian holding a limited license, the executive director shall cause the biennial license renewal application to be sent in May of the odd numbered year. Renewal applicants must certify completion of required continuing education at the time of renewal.</p> <p style="text-align: center;">Waiver of Limit of Online CE hours</p> <p>On March 14, 2020, an Executive Order declaring a state of emergency due to COVID19 was issued. As a result, numerous live continuing education opportunities were cancelled or developed into webinars or online continuing education events. The Ohio Veterinary Licensing Board hereby enacts this Resolution to permit unlimited continuing education hours to be obtained online in order to meet the requirements for renewal of a veterinary, limited veterinary, or registered veterinary technician license.</p> <p style="text-align: center;"><i>This resolution shall remain in effect for the current renewal cycles of 2021 and 2022.</i></p> <p style="text-align: center;">Dated: July 8, 2020</p>
Initial fee	<p>\$35 Odd year (renewal year)</p> <p>\$25 even year</p>
Duration	<p>The Registered Veterinary Technician(RVT) renews in the odd year.</p>

If the regulation is a registration, certification, or license requirement, please complete the following:	
Renewal fee (If different from initial fee, please explain why.)	\$35
Does the Board recognize uniform licensure requirements or allow for reciprocity?	Yes.
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	There are no national licenses or certifications for the RVT.
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	<p>4741.20 Exceptions.</p> <p>This chapter does not apply to:</p> <p>(A) A person who administers to animals, the title to which is vested in the person's self, except when the title is so vested for the purpose of circumventing the provisions of this chapter. No person shall vest title of an animal in the person's self for the purposes of circumventing this chapter.</p> <p>(B) A person who is a regular student in a legally chartered college of veterinary medicine or a veterinary technology college while in the performance of those duties and actions assigned by the person's instructors;</p> <p>(C) A person who is a member of the armed forces of the United States or an employee of the United States department of agriculture, the United States public health service, or other federal agency, or the Ohio department of agriculture except a licensed veterinarian, and who, while so commissioned or employed, performs official duties;</p> <p>(D) A person who advises with respect to or performs acts which the state veterinary medical licensing board by rule has prescribed as accepted management practices in connection with livestock production;</p>

If the regulation is a registration, certification, or license requirement, please complete the following:

- (E) A person who conducts routine vaccinations, pullorum testing, and typhoid testing of poultry and other poultry disease control activity under supervision of a national poultry improvement plan as administered by an official state agency or the United States department of agriculture;
- (F) A physician licensed to practice medicine in this state, or the assistant of such a licensed physician, while engaged in medical research;
- (G) A person who is supervised by a licensed veterinarian and who is engaged in bona fide medical biomedical research which requires the application of the principles of a veterinary practice;
- (H) A veterinary consultant when consulting with a licensed veterinarian, on the condition that the service performed by the veterinary consultant is limited to the consultation and under all circumstances, the responsibility for the care and treatment of the patient remains with the veterinarian who holds a current license in this state and who is providing treatment, or consultation as to treatment, to the patient;
- (I) A person who offers gratuitous services in the case of an emergency;
- (J) Any of the following, as defined in section 4765.01 of the Revised Code, who provides emergency medical services to a dog or cat in accordance with section 4765.52 of the Revised Code: a first responder, emergency medical technician-basic, emergency medical technician-intermediate, or emergency medical technician-paramedic.

Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?

4741.10 License applicant to comply with RC Chapter 4776.

- (A) As used in this section, “license” and “applicant for an initial license” have the same meanings as in section 4776.01 of the Revised Code, except that “license” as used in both of those terms refers to the types of authorizations otherwise issued or conferred under this chapter.
- (B) In addition to any other eligibility requirement set forth in this chapter, each applicant for an initial license shall comply with sections 4776.01 to 4776.04 of the Revised Code. The state veterinary medical licensing board shall not grant a license to an applicant for an initial license unless the applicant complies with sections 4776.01 to 4776.04 of the Revised Code and the board, **in its discretion**, decides that the results of the criminal records check do not make the applicant ineligible for a license issued pursuant to section 4741.11, 4741.12, 4741.13, or 4741.14 of the Revised Code.

If the regulation is a registration, certification, or license requirement, please complete the following:	
	The Board will issue a Notice of Opportunity for a Hearing in accordance with R.C. 119 if the Board members determine an individual may require monitoring, etc. upon licensure
Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)	N/A

Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.
<p>R.C.4741.03 (in part)</p> <p>(C) In addition to any other duty required under this chapter, the board shall do all of the following:</p> <p>(1) Prescribe a seal;</p> <p>(2) Review the results of board-approved, nationally recognized examinations taken by applicants in accordance with rules adopted by the board.</p> <p>(3) Keep a record of all of its meetings and proceedings;</p> <p>(4) Maintain a register that records all applicants for a certificate of license or a temporary permit, all persons who have been denied a license or permit, all persons who have been granted or reissued a license or permit, and all persons whose license or permit has been revoked or suspended. The register shall also include a record of persons licensed prior to October 17, 1975.</p> <p>(5) Maintain a register, in such form as the board determines by rule, of all colleges and universities that teach veterinary medicine and veterinary technology that are approved by the board;</p> <p>(6) Enforce this chapter, and for that purpose, make investigations relative as provided in section 4741.26 of the Revised Code;</p> <p>(7) Issue licenses and permits to persons who meet the qualifications set forth in this chapter;</p> <p>(8) Approve colleges and universities which meet the board’s requirements for veterinary medicine and associated fields of study and withdraw or deny, after an adjudication conducted in accordance with Chapter 119. of the Revised Code, approval from colleges and universities which fail to meet those requirements;</p> <p>(9) Adopt rules, in accordance with Chapter 119. of the Revised Code, which are necessary for its government and for the administration and enforcement of this chapter.</p>

Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.

(D) The board may do all of the following:

(1) Subpoena witnesses and require their attendance and testimony, and require the production by witnesses of books, papers, public records, animal patient records, and other documentary evidence and examine them, in relation to any matter that the board has authority to investigate, inquire into, or hear. Except for any officer or employee of the state or any political subdivision of the state, the treasurer of state shall pay all witnesses in any proceeding before the board, upon certification from the board, witness fees and mileage in the amount provided for under section 119.094 of the Revised Code.

(2) Examine and inspect books, papers, public records, animal patient records, and other documentary evidence at the location where the books, papers, records, and other evidence are normally stored or maintained.

(E) All registers, books, and records kept by the board are the property of the board and are open for public examination and inspection at all reasonable times in accordance with section 149.43 of the Revised Code. The registers, books, and records are prima-facie evidence of the matters contained in them.

4741.22 Disciplinary actions.

(A) The state veterinary medical licensing board may refuse to issue or renew a license, limited license, registration, or temporary permit to or of any applicant who, and may issue a reprimand to, suspend or revoke the license, limited license, registration, or the temporary permit of, or impose a civil penalty pursuant to this section upon any person holding a license, limited license, or temporary permit to practice veterinary medicine or any person registered as a registered veterinary technician who:

- (1) In the conduct of the person's practice does not conform to the rules of the board or the standards of the profession governing proper, humane, sanitary, and hygienic methods to be used in the care and treatment of animals;
- (2) Uses fraud, misrepresentation, or deception in any application or examination for licensure, or any other documentation created in the course of practicing veterinary medicine;
- (3) Is found to be physically or psychologically addicted to alcohol or an illegal or controlled substance, as defined in section 3719.01 of the Revised Code, to such a degree as to render the person unfit to practice veterinary medicine;
- (4) Directly or indirectly employs or lends the person's services to a solicitor for the purpose of obtaining patients;
- (5) Obtains a fee on the assurance that an incurable disease can be cured;
- (6) Advertises in a manner that violates section 4741.21 of the Revised Code;
- (7) Divides fees or charges or has any arrangement to share fees or charges with any other person, except on the basis of services performed;

Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.

- (8) Sells any biologic containing living, dead, or sensitized organisms or products of those organisms, except in a manner that the board by rule has prescribed;
- (9) Is convicted of or pleads guilty to any felony or crime involving illegal or prescription drugs, or fails to report to the board within sixty days of the individual's conviction of, plea of guilty to, or treatment in lieu of conviction involving a felony, misdemeanor of the first degree, or offense involving illegal or prescription drugs;
- (10) Is convicted of any violation of section 959.13 of the Revised Code;
- (11) Swears falsely in any affidavit required to be made by the person in the course of the practice of veterinary medicine;
- (12) Fails to report promptly to the proper official any known reportable disease;
- (13) Fails to report promptly vaccinations or the results of tests when required to do so by law or rule;
- (14) Has been adjudicated incompetent for the purpose of holding the license or permit by a court, as provided in Chapter 2111. of the Revised Code, and has not been restored to legal capacity for that purpose;
- (15) Permits a person who is not a licensed veterinarian, a veterinary student, or a registered veterinary technician to engage in work or perform duties in violation of this chapter;
- (16) Is guilty of gross incompetence or gross negligence;
- (17) Has had a license to practice veterinary medicine or a license, registration, or certificate to engage in activities as a registered veterinary technician revoked, suspended, or acted against by disciplinary action by an agency similar to this board of another state, territory, or country or the District of Columbia;
- (18) Is or has practiced with a revoked, suspended, inactive, expired, or terminated license or registration;
- (19) Represents self as a specialist unless certified as a specialist by the board;
- (20) In the person's capacity as a veterinarian or registered veterinary technician makes or files a report, health certificate, vaccination certificate, or other document that the person knows is false or negligently or intentionally fails to file a report or record required by any applicable state or federal law;
- (21) Fails to use reasonable care in the administration of drugs or acceptable scientific methods in the selection of those drugs or other modalities for treatment of a disease or in conduct of surgery;
- (22) Makes available a dangerous drug, as defined in section 4729.01 of the Revised Code, to any person other than for the specific treatment of an animal patient;

Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.

(23) Refuses to permit a board investigator or the board's designee to inspect the person's business premises during regular business hours, except as provided in division (A) of section 4741.26 of the Revised Code;

(24) Violates any order of the board or fails to comply with a subpoena of the board;

(25) Fails to maintain medical records as required by rule of the board;

(26) Engages in cruelty to animals;

(27) Uses, prescribes, or sells any veterinary prescription drug or biologic, or prescribes any extra-label use of any over-the-counter drug or dangerous drug in the absence of a valid veterinary-client-patient relationship.

(B) Except as provided in division (D) of this section, before the board may revoke, deny, refuse to renew, or suspend a license, registration, or temporary permit or otherwise discipline the holder of a license, registration, or temporary permit, the executive director shall file written charges with the board. The board shall conduct a hearing on the charges as provided in Chapter 119. of the Revised Code.

(C) If the board, after a hearing conducted pursuant to Chapter 119. of the Revised Code, revokes, refuses to renew, or suspends a license, registration, or temporary permit for a violation of this section, section 4741.23, division (C) or (D) of section 4741.19, or division (B), (C), or (D) of section 4741.21 of the Revised Code, the board may impose a civil penalty upon the holder of the license, permit, or registration of not less than one hundred dollars or more than one thousand dollars. In addition to the civil penalty and any other penalties imposed pursuant to this chapter, the board may assess any holder of a license, permit, or registration the costs of the hearing conducted under this section if the board determines that the holder has violated any provision for which the board may impose a civil penalty under this section.

(D) The executive director may recommend that the board suspend an individual's certificate of license without a prior hearing if the executive director determines both of the following:

(1) There is clear and convincing evidence that division (A)(3), (9), (14), (22), or (26) of this section applies to the individual.

(2) The individual's continued practice presents a danger of immediate and serious harm to the public.

The executive director shall prepare written allegations for consideration by the board. The board, upon review of those allegations and by an affirmative vote of not fewer than four of its members, may suspend the certificate without a prior hearing. A telephone conference call may be utilized for reviewing the allegations and taking the vote on the suspension.

The board shall issue a written order of suspension by certified mail or in person in accordance with section 119.07 of the Revised Code. If the individual subject to the suspension requests an adjudicatory hearing by the board, the date set for the hearing shall be not later than fifteen days, but not earlier than seven days after the individual requests the hearing unless otherwise agreed to by both the board and the individual.

Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.

A suspension imposed under this division shall remain in effect, unless reversed on appeal, until a final adjudicative order issued by the board under this section and Chapter 119. of the Revised Code becomes effective. The board shall issue its final adjudicative order not later than ninety days after completion of its hearing. Failure to issue the order within ninety days results in dissolution of the suspension order, but does not invalidate any subsequent, final adjudicative order.

(E) A license or registration issued to an individual under this chapter is automatically suspended upon that individual's conviction of or plea of guilty to or upon a judicial finding with regard to any of the following: aggravated murder, murder, voluntary manslaughter, felonious assault, kidnapping, rape, sexual battery, gross sexual imposition, aggravated arson, aggravated robbery, or aggravated burglary. The suspension shall remain in effect from the date of the conviction, plea, or finding until an adjudication is held under Chapter 119. of the Revised Code. If the board has knowledge that an automatic suspension has occurred, it shall notify the individual subject to the suspension. If the individual is notified and either fails to request an adjudication within the time periods established by Chapter 119. of the Revised Code or fails to participate in the adjudication, the board shall enter a final order permanently revoking the individual's license or registration.

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?

The Board is self-sustained fiscally through licensure fees. The Board was allotted \$433,150 for FY 2020 with a reduction of \$20,702 as a result of conservation efforts in light of the COVID 19 pandemic. The Board paid \$ 134,413 in operating expenses and \$272,772 in payroll expenses for FY20. The Board generated \$845,929 in Revenue from fees for FY20. Of the total revenue in FY20, \$43,940.00 has been transferred to the Veterinary Student Loan Repayment Program in accordance with ORC 4741.17(A)(7).

Attached are the expense sheet and revenue sheet for FY2020: **Attachment A & B**

Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?

There are no federal regulations that apply to this occupation.

What is the “harm” that the regulation seeks to prevent? (See, R.C. 4798.02(B).)

The Veterinary Medical Practice Act (R.C. 4741 and Rules 4741 of the OAC) are intended to protect the client (owner of an animal) and the animal via the least restrictive methods available. Veterinarians and registered veterinary technicians (RVTs) perform medical procedures on animals that require laws and rules to include, but not limited to:

1. Proper, humane, sanitary, and hygienic methods to be used in the care and treatment of animals (See R.C. 4741.22 (A)(1), (16), 4741-1-03 OAC, 4741-1-10 OAC; The Board receives complaints regarding issues such as substandard care, unsanitary conditions, etc. The Board investigates these complaints expeditiously with the average disposition of a case being two months. Additionally, the Board performs random compliance inspections as well as inspections upon a complaint received. (See R.C. 4741.26(A)). The veterinarian is required to maintain medical records for all patients for a period of three years from the date of the last examination or treatment. The records are available to the owner as well as a subsequent veterinarian for continuity of care. (See R.C. 4741.22(A)(25) and Rule 4741-1-21 OAC).
2. Prevent fraud in their practice and advertising or fails to report known reportable diseases (See R.C. 4741.22(A)(2), (6), (7), (12), (13), (20), R.C. 4741.23)
3. The veterinarian must have an established valid Veterinary-Client-Patient-Relationship (VCPR) (See R.C. 4741.04, R.C. 4741.22(A)(27). This permits the veterinarian to renew a prescription, etc. without the animal being required to be seen each and every time dependent on the condition and diagnosis of the animal. The Board’s position on telehealth is maintained on the home page of the Board’s web site which permits telehealth with a veterinarian so long as an established VCPR exists.
4. Proper storage, prescribing, administering, and dispensing of drugs, inclusive of controlled substances. RVTs are permitted access to controlled substances as well with direction from the veterinarian. Animal aides, employed by a veterinarian, are not permitted access to controlled substances and should be performing duties that are set out in statute and rule specific to the RVT. The Board has a guideline on its web site regarding the duties and the type of oversight by the veterinarian. (See R.C. 4741.19(C), 4741.22(A)(9), (15), (21), (22), (27); Rule 4741-1-01, 4741-1-05, 4741-1-14 OAC) Veterinarians are required to maintain medical records for all patients(See Rule 4741-1-21 OAC) and controlled substance logs in accordance with the Ohio Board of Pharmacy regulations.
5. That a veterinary practitioner is competent to practice and is not practicing impaired. (See R.C. 4741.22(A)(9), (14), (21)(22)) The Board promotes wellness for veterinarians and offers assistance through the Ohio Physicians Health Plan (OPHP) for impaired veterinary practitioners or those suffering issues with behavioral or mental health. (See R.C. 4741.31, Rule 4741-1-25 OAC)

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?

The Ohio Veterinary Medical Licensing Board believes this is the least restrictive way to prevent harm and believes the regulations are adequate to fulfill its mission to protect the public.

Are there any changes the Board would like to see implemented?

Not at this time

Comparison to other states (How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)

41 states license the registered veterinary technician (RVT). Of those states that license the RVT, they require the RVT to complete an accredited course and take the national examination (NAVTE) administered by the AAVSB throughout the year. The OVMLB is a member of the American Association of Veterinary State Boards. Many Board members and staff are actively involved with committees and the AAVSB Board, therefore, we are very cognizant of other states' issues, regulations, etc. Compared to other states, Ohio is considered one of the model states. The AAVSB has developed a Practice Act Model of which most states attempt to model their statutes and regulations. Ohio is "somewhere in between" as far as restrictiveness due to its composition of small animal and large animal practitioners and the flexibility required. Of the states that do not license the RVT, there are requirements for training in order to perform as an animal aide (or other titles).

Surrounding state comparison (LSC)

Veterinary Technician Registration						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (R.C. 4741.19(C))	Yes (Ind. Code Ann. 25-38.1-3-5.5)	Yes (Ky. Rev. Stat. Ann. 321.441)	Yes (Mich. Comp. Laws 333.18811)	Yes (49 Pa. Code 31.32)	Yes (W. Va. Code Ann. 30-10-10)
Education or training	Yes, graduated from a Board approved veterinary technology program (O.A.C. 4741-1-01(A)(3))	Yes, the person must have successfully completed four years of high school education or an acceptable equivalent and have either successfully complete an accredited	Yes, graduated from an accredited program of veterinary technology or its equivalent as approved by the Board (Ky. Rev. Stat. Ann. 321.441)	Yes, graduated from an American Veterinary Medical Association approved veterinary technician educational program (Michigan Department of	Yes, successful completion of a program at an approved school for the training and education of veterinary technicians (49 Pa. Code 31.31)	Yes, have a degree in veterinary technology from an accredited school, approved by the Board (W. Va. Code Ann. 30-10-10)

Veterinary Technician Registration						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
		veterinary technology program or been a registered veterinary technician on August 31, 1981 (<i>Ind. Code Ann. 25-38.1-3-6(4) and (5)</i>)		<i>Licensing and Regulatory Affairs, Bureau of Professional Licensing, Veterinary Technician Licensing Guide</i>		
Experience	N/A	N/A	N/A	N/A	N/A	N/A
Exam	Yes, a passing score of 425 or a converted score of 75 on the Veterinary Technician National Examination (<i>O.A.C. 4741-1-01(A)(5)</i>)	Yes, unless the applicant: <ol style="list-style-type: none"> 1. Furnishes satisfactory proof that the applicant has successfully completed an accredited veterinary technology program; 2. For the five years immediately preceding filing an 	Yes, successful completion of the Veterinary Technician National Exam (<i>Ky. Rev. Stat. Ann. 321.441; 201 Ky. Admin. Regs. 16:530, Section 2</i>)	Yes, successful completion of the Veterinary Technician National Examination, unless the person holds an active license as a veterinary technician in another state (<i>Michigan Department of Licensing and Regulatory Affairs, Bureau of Professional</i>	Yes, satisfactory performance on the Veterinary Technician National Examination, unless the applicant has been issued a license, registration, or certificate as an animal health technician or a veterinary technician in another state whose	Yes, passing score on the Veterinary Technician National Examination and complete the jurisprudence exam within 30 days of notice (<i>W. Va. Code R. 26-3-4.5 and 26-3-4.6</i>)

Veterinary Technician Registration

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
		<p>application, has been acting as a registered veterinary technician in a state, territory, or district of the U.S. that has registration requirements substantially equivalent to Indiana's requirements; and</p> <p>3. Otherwise meets requirements to be a registered veterinary technician in Indiana</p> <p><i>(Ind. Code Ann. 25-38.1-3-4, 25-38.1-3-6(6), and 25-38.1-3-8)</i></p>		<p><i>Licensing, Veterinary Technician Licensing Guide)</i></p>	<p>requirements are at least equal to those required in Pennsylvania (49 Pa. Code 31.32 and 31.35)</p>	

Veterinary Technician Registration						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Continuing education	Ten hours every two years, six hours must be approved medical and directly related to the practice of veterinary medicine; up to four hours in practice management/professional development (O.A.C. 4741-1-11(F))	16 hours every two years (888 Ind. Admin. Code 1.1-10-1; Indiana Professional Licensing Agency, Board of Veterinary Medical Examiners, Continuing Education Requirements)	Six hours every year (201 Ky. Admin. Regs. 16:590, Section 1(2))	15 hours every three years, at least ten hours that are scientific in nature and at least five hours completed in-person (Mich. Comp. Laws 333.18813; Michigan Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, Veterinary Technician Licensing Guide)	16 hours every two years (63 Pa. Cons. Stat. 485.18; 40 Pa. Code 31.36)	Eight units (each unit equals 50 minutes) every calendar year; at least four units must be related to the practice of veterinary technology and up to four units may be related to practice management (W. Va. Code R. 26-3-7.5)
Initial licensure fee	\$35 during an odd-numbered year; \$25 during an even-numbered year (R.C. 4741.17(A)(8))	\$30 (888 Ind. Admin. Code 1.1-3-3; Indiana Professional Licensing Agency, Board of Veterinary Medical	\$25 (201 Ky. Admin. Regs. 16:512, Section 2)	\$137.70 (Mich. Comp. Laws 333.16349; Michigan Department of Licensing and Regulatory Affairs, Bureau of Professional	\$75 (\$35 application fee, \$15 verification fee, and \$25 score certification fee) (49 Pa. Code 31.41)	\$10 (W. Va. Code R. 26-6-3.6)

Veterinary Technician Registration						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
		<i>Examiners, Fee Schedule</i>		<i>Licensing, Veterinary Technician Licensing Guide</i>		
License duration	Two years (<i>R.C. 4741.17(A)(9)</i>)	Two years (<i>Ind. Code Ann. 25-38.1-3-12</i>)	One year (<i>Ky. Rev. Stat. Ann. 321.441(3); 201 Ky. Admin. Regs. 16:512, Section 4</i>)	Three years (<i>Mich. Comp. Laws 333.18813</i>)	Two years (<i>63 Pa. Cons. Stat. 485.18</i>)	One year (<i>W. Va. Code Ann. 30-10-15; W. Va. Code R. 26-3-7</i>)
Renewal fee	\$35 (<i>R.C. 4741.17(A)(9)</i>)	\$15 (<i>Indiana Professional Licensing Agency, Board of Veterinary Medical Examiners, Fee Schedule</i>)	\$30 (<i>201 Ky. Admin. Regs. 16:512, Section 4</i>)	\$157.70 (<i>Michigan Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, Veterinary Technician Licensing Guide</i>)	\$100 (<i>Pennsylvania Department of State, Professional Licensing, Veterinary Medicine, Renewal Information</i>)	\$5 (<i>W. Va. Code R. 26-6-3.7</i>)

Veterinary specialist certificate

Survey responses (DVM)

Description

4741.01 Definitions (In part)

(C) “Specialist” means a licensed veterinarian who is certified by a veterinary specialty board of a professional veterinary association recognized by rule of the state veterinary medical licensing board.

4741.19 (In part)

(D) A veterinarian licensed to practice in this state shall not present the person’s self as or state a claim that the person is a specialist unless the veterinarian has previously met the requirements for certification by a specialty organization recognized by the American board of veterinary specialties for a specialty or such other requirements set by rule of the board and has paid the fee required by division (A)(10) of section 4741.17 of the Revised Code.

4741-1-02 Specialist.

(A) Application: A person wishing to be registered as a “specialist” in a veterinary specialty shall make application upon a form provided by the state veterinary medical licensing board and shall provide all required credentials with said application. The licensing board, after consideration of the application and credentials, may register the applicant as a “specialist” in the veterinary specialty stated, for purposes of practice in Ohio.

“Specialties” shall be those currently recognized by the American board of veterinary specialties. A current list of licensing board approved specialties will be maintained in the licensing board office.

(B) Prohibitions: Veterinarians licensed to practice in this state may not represent themselves as specialists until they have met the requirements of a specialty board or college recognized by the American board of veterinary specialties. Interns, residents and board qualified veterinarians are not considered specialists until they have met the specific requirements, passed all tests and received certification from a specialty organization as stated in paragraph (A) of this rule.

Any diplomate of a specialty recognized by the American board of veterinary specialties must notify the licensing board office within thirty days of failure to maintain current diplomate status, at which time the specialty license will be declared null and void.

No veterinarian shall use the title of “specialist” or represent himself or herself as a specialist unless registered by the state veterinary medical licensing board pursuant to division (C) of section 4741.01 and division (D) of section 4741.19 of the Revised Code and rule 4741-1-02 of the Administrative Code. Violation of this prohibition shall be grounds for the suspension or revocation of any license or permit issued by the board.

Description

For the next question: This type of certification is an addition to a license, but is considered its own license. There was no identifier in the next question which relates and the section would not permit typed narrative.

Type (See R.C. 4798.01 for relevant definitions.)

Government certification

If the regulation is a registration, certification, or license requirement, please complete the following:

Number issued annually

11

Number renewed annually

No renewal

Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?

In FY 18, there was a surge of veterinary specialty hospitals in Ohio when VetCor and MedVet expanded their services in Ohio.

FY 16 8

FY17 3

FY18 26

If the regulation is a registration, certification, or license requirement, please complete the following:	
	FY19 6 FY20 11
Education or training requirements	Would need to provide proof of completion and accreditation of the certifying national accrediting entity to be Board certified as a specialist.
Experience requirements	Not with the Ohio Board. It is unknown what is required from the National Accrediting entity.
Examination requirements (<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>)	Not from the Ohio Board.
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	There are no special CE requirements associated with this certification. The veterinarian is required to obtain 30 hours of CE for renewal of their main license. There are no renewal requirements for the Specialist certification.
Initial fee	\$50
Duration	As long as holds national certification
Renewal fee (<i>If different from initial fee, please explain why.</i>)	No renewal fee
Does the Board recognize uniform licensure requirements or allow for reciprocity?	The national certification carries from State to State that recognize the Specialist accreditation.

If the regulation is a registration, certification, or license requirement, please complete the following:

<p>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</p>	<p>This is a national certification that an individual must hold in order to hold themselves out as a specialist.</p>
<p>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?</p>	<p>No. Only an accredited licensee may advertise themselves as a Board Certified specialist.</p>
<p>Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?</p>	<p>There are no requirements with this type of license, other than meeting the national Board certification, that would require the Board to exercise discretion as long as the veterinarian has a valid Ohio veterinary license in good standing. This type of license is an addition a valid veterinary license. Will be designated as such: VET###.SPEC</p>
<p>Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)</p>	

Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.

R.C. 4741.22 Disciplinary actions. (In part)

(A) The state veterinary medical licensing board may refuse to issue or renew a license, limited license, registration, or temporary permit to or of any applicant who, and may issue a reprimand to, suspend or revoke the license, limited license, registration, or the temporary permit of, or impose a civil penalty pursuant to this section upon any person holding a license, limited license, or temporary permit to practice veterinary medicine or any person registered as a registered veterinary technician who:

(19) Represents self as a specialist unless certified as a specialist by the board;

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?

The Board is self-sustained fiscally through licensure fees. The Board was allotted \$433,150 for FY 2020 with a reduction of \$20,702 as a result of conservation efforts in light of the COVID 19 pandemic. The Board paid \$ 134,413 in operating expenses and \$272,772 in payroll expenses for FY20. The Board generated \$845,929 in Revenue from fees for FY20. Of the total revenue in FY20, \$43,940.00 has been transferred to the Veterinary Student Loan Repayment Program in accordance with ORC 4741.17(A)(7).

Attached are the expense sheet and revenue sheet for FY2020: **Attachment A & B**

Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?

There is no federal regulation that applies to this occupation.

What is the “harm” that the regulation seeks to prevent? (See, R.C. 4798.02(B).)

Prevent fraud in the veterinary specialist’s practice and advertising so that an owner of an animal relies on that practitioner’s advance certification in that area of veterinary practice. (See R.C. 4741.19 (D), 4741.22(A)(2), (6), and Rule 4741-1-02 OAC)

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

The Board believes that the regulation is effective in preventing the harm described above and believes this is the least restrictive method to prevent the harm.

Are there any changes the Board would like to see implemented?

No

Comparison to other states *(How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)*

There are at least 14 states that recognized the Specialty License for a Veterinarian (advanced Board certification). There were a handful of states that had legislation pending. Other states do not have requirements to recognize a veterinarian who is Board certified or has additional accreditation as a "Specialist". By requiring someone who claims they are a "specialist" to have a license compared to other states that do not, Ohio would be considered more restrictive.

Surrounding state comparison (LSC)

Veterinary Specialist Certificate						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes, must be a licensed veterinarian who wishes to be recognized in a certain specialty (O.A.C. 4741-1-02)	N/A	N/A	Yes, for a controlled substance license to prescribe or dispense controlled substances beginning September 1, 2019 (Michigan Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, Veterinarian Licensing Guide)	N/A	N/A
Education or training	Depends on the specialty – subject to standards recognized by the American Board of Veterinary Specialties (O.A.C. 4741-1-02)	N/A	N/A	One-hour training in opioids and controlled substances awareness (Michigan Department of Licensing and Regulatory	N/A	N/A

Veterinary Specialist Certificate						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
				<i>Affairs, Bureau of Professional Licensing, Veterinarian Licensing Guide)</i>		
Experience	Depends on the specialty – subject to standards recognized by the American Board of Veterinary Specialties (O.A.C. 4741-1-02)	N/A	N/A	N/A	N/A	N/A
Exam	Depends on the specialty – subject to standards recognized by the American Board of Veterinary Specialties (O.A.C. 4741-1-02)	N/A	N/A	No	N/A	N/A
Continuing education	N/A	N/A	N/A	No	N/A	N/A
Initial licensure fee	\$50 (R.C. 4741.17(A)(10))	N/A	N/A	\$254.10 (Michigan Department of Licensing and	N/A	N/A

Veterinary Specialist Certificate						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
				<i>Regulatory Affairs, Bureau of Professional Licensing, Veterinarian Licensing Guide)</i>		
License duration	One time (O.A.C. 4741-1-02)	N/A	N/A	One time (Michigan Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, Veterinarian Licensing Guide)	N/A	N/A
Renewal fee	Not subject to renewal (R.C. 4741.17(A)(10))	N/A	N/A	Not subject to renewal (Michigan Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, Veterinarian Licensing Guide)	N/A	N/A

Attachments (DVM)

The Ohio Veterinary Medical Licensing Board											
Revenue FY 20											
License Type	Licensure Fee	Total #	Q1	Total #	Q2	Total #	Q3	Total #	Q4	FY 20 Totals	FY 20 Total Amts
New Veterinary License	\$425	0	\$0	0	\$0	49	\$20,825		\$0	49	\$20,825
	\$300	9	\$2,700	2	\$600	0	\$0		\$0	11	\$3,300
Veterinary Renewal	\$145	0	\$0	776	\$112,520	3574	\$518,230		\$0	4350	\$630,750
Vet Renewal Penalty	\$295	0	\$0	3	\$885	4	\$1,180		\$0	7	\$2,065
	\$70	0	\$0	0	\$0.00	168	\$11,760		\$0	168	\$11,760
License by Reciprocity	\$425	1	\$425	0	\$0	36	\$15,300		\$0	37	\$15,725
	\$300	26	\$7,800	28	\$8,400	1	\$300		\$0	55	\$16,500
RVT License	\$25	0	\$0	0	\$0	46	\$1,150		\$0	46	\$1,150
	\$35	135	\$4,725	69	\$2,415	1	\$35		\$0	205	\$7,175
RVT Renewal	\$35	10	\$350	19	\$735	11	\$525		\$0	40	\$1,610
RVT Renewal Penalty	\$25	10	\$250	18	\$500	10	\$350		\$0	38	\$1,100
	\$10	0	\$0	0	\$0	1	\$10		\$0	1	\$10
License Reinstatement	\$75	0	\$0	0	\$0	0	\$0		\$0	0	\$0
Specialist License	\$50	1	\$50	2	\$100	8	\$400		\$0	11	\$550
Temporary Permit	\$100	0	\$0	1	\$100	0	\$0		\$0	1	\$100
Limited License	\$155	5	\$775	0	\$0	12	\$1,860		\$0	17	\$2,635
Ltd License Renewal	\$145	8	\$1,160	2	\$290	0	\$0		\$0	10	\$1,450
Ltd License Renewal Penalty	\$295	2	\$590	2	\$590	0	\$0		\$0	4	\$1,180
	\$70	5	\$350	0	\$0	0	\$0		\$0	5	\$350
Limited Resident License	\$35	1	\$35	0	\$0	15	\$525		\$0	16	\$560
Provisional License	\$100	1	\$100	1	\$100	2	\$200		\$0	4	\$400
Business Facility License	\$300	5	\$1,500	21	\$6,300	7	\$2,100		\$0	33	\$9,900
Facility Lic Renewal	\$300	2	\$600	0	\$0	3	\$900		\$0	5	\$1,500
Miscellaneous		6	\$514.22	8	\$280.00	26	\$1,015.00		\$0	40	\$1,809.22
Fines		0	\$1,800	3	\$1,000.00	3	\$1,500		\$0	6	\$4,300
Total			\$23,724.22		\$134,815.00		\$578,165.00		\$0.00	0	\$736,704.22

Total Revenue
4K90

\$736,704.22

Student Loan (5BU0 Fund)	\$10/renewal	8	\$80.00	778	\$7,780	3574	\$35,740	0		4360	\$43,600.00
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TOTAL

\$780,304.22

OVMLB - FY 2020 Attachment B													
Yearly													
	Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Total
Expenses													
Telecommunications													
Land line/phone	46.46	46.46	46.46	46.34	46.34	0.00	92.56	46.70	46.70	46.76	46.76	46.76	558.30
Network	0.00	0.00	0.00	0.00	0.00	0.00	0.00	424.44	0.00	418.10	0.00	0.00	842.54
Technical Support	480.00	240.00	0.00	240.00	240.00	480.00	0.00	106.49	0.00	720.00	0.00	0.00	2,506.49
Microsoft License				577.50								462.00	1,039.50
Ohio One network	0.00	0.00	0.00	0.00	0.00	17.30	0.00	0.00	0.00	69.44	0.00	0.00	86.74
Telecom Totals	526.46	286.46	46.46	863.84	286.34	497.30	92.56	577.63	46.70	1,254.30	46.76	508.76	5,033.57
Hearing costs													
Hearing examiner	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Court reporter	0.00	0.00	263.60	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	807.00	1,070.60
Witness fees	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Court costs	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Delivery Service	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Hearing Totals	0.00	0.00	263.60	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	807.00	1,070.60
Travel--Board Expenses													
Airfare	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Fleet services	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Hotel/Food/miles	471.60	439.61	1,230.47	0.00	0.00	0.00	1,378.56	1,259.09	592.79	841.19	2,010.97	1,098.84	9,323.12
Other expenses	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Travel totals	471.60	439.61	1,230.47	0.00	0.00	0.00	1,378.56	1,259.09	592.79	841.19	2,010.97	1,098.84	9,323.12

Investigations													
ODA	0.00	4,725.21	0.00	0.00	9,609.18	0.00	0.00	6,468.54	0.00	0.00	3,011.35	0.00	23,814.28
Subpoenas, etc.	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Investigations Totals	0.00	4,725.21	0.00	0.00	9,609.18	0.00	0.00	6,468.54	0.00	0.00	3,011.35	0.00	23,814.28
Office Equipment													
Equipment	0.00	0.00	0.00	0.00	0.00	0.00	3,083.00	0.00	0.00	0.00	0.00	0.00	3,083.00
DAS Copier Lease	522.88	0.00	0.00	0.00	0.00	1,209.60	0.00	0.00	604.80	0.00	0.00	604.80	2,942.08
Office Supplies	0.00	0.00	193.26	0.00	109.56	0.00	301.24	0.00	612.06	0.00	0.00	0.00	1,216.12
Office Equip. Totals	522.88	0.00	193.26	0.00	109.56	1,209.60	3,384.24	0.00	1,216.86	0.00	0.00	604.80	7,241.20
Other													
Auditor	0.00	0.00	0.00	0.00	6,505.60	4,491.60	0.00	0.00	0.00	0.00	0.00	0.00	10,997.20
DAS Rent	0.00	0.00	6,455.56	4,772.64	0.00	0.00	0.00	4,142.01	0.00	0.00	6,455.56	0.00	21,825.77
DAS Mail Metering	0.00	1,228.36	0.00	1,061.89	0.00	0.00	1,490.53	0.00	0.00	1,771.83	0.00	0.00	5,552.61
DAS Mail Presort	0.00	4.37	0.00	5.11	0.00	0.00	5.71	0.00	0.00	4.75	0.00	0.00	19.94
DAS State Printing	2,085.07	0.00	412.40	0.00	0.00	0.00	8.24	406.00	0.00	0.00	0.00	0.00	2,911.71
Hines-Certificates	140.00	0.00	208.00	128.00	0.00	0.00	0.00	708.00	115.00	338.00	0.00	80.00	1,717.00
DAS-CSA (HR)	0.00	1,890.66	0.00	0.00	3,054.23	0.00	0.00	0.00	2,336.00	3,813.51	0.00	0.00	11,094.40
Ethics Commission	0.00	0.00	0.00	420.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	420.00
JLEC	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
E-Licensing	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	12,025.25	0.00	0.00	12,025.25
OBM Travel processing	0.00	90.00	0.00	85.00	0.00	0.00	65.00	0.00	0.00	0.00	90.00	0.00	330.00
DAS warrants	0.00	0.00	0.00	0.00	5.47	0.00	0.00	0.00	0.00	0.00	0.00	0.00	5.47
DAS approval charge	21.76	0.00	0.00	0.00	0.00	33.92	0.00	13.87	0.00	38.86	0.00	17.92	126.33
DAS Risk Mngmt	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	472.97	472.97
DAS other fees	0.00	0.00	0.00	0.00	0.00	184.40	0.00	0.00	0.00	0.00	0.00	0.00	184.40
Greene shredding serv	33.00	33.00	33.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	33.00	33.00	165.00
Gongwer Legis pub	0.00	0.00	0.00	750.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	750.00
AAVSB	0.00	0.00	500.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	500.00
Cboss credit cards	0.00	0.00	0.00	2,290.08	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2,290.08
Bank processing fees	0.00	0.00	0.00	0.00	6,483.92	9,199.02	685.74	0.00	0.00	173.10	0.00	0.00	16,541.78
Other Totals	2,279.83	3,246.39	7,608.96	9,512.72	16,049.22	13,908.94	2,255.22	5,269.88	2,451.00	18,165.30	6,578.56	603.89	87,929.91
	Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Year
TOTAL EXPENSES	3,800.77	8,697.67	9,342.75	10,376.56	26,054.30	15,615.84	7,110.58	13,575.14	4,307.35	20,260.79	11,647.64	3,623.29	134,412.68