



Ohio Legislative Service Commission

Bill Analysis

Phil Mullin

H.B. 127

128th General Assembly
(As Introduced)

Reps. S. Williams, Brown, Mallory, Letson, Hagan, Harris

BILL SUMMARY

- Permits individual boards, commissions, and agencies to adopt rules to determine what criminal offenses are "substantially related" to an applicable profession, the committing of which offenses causes certain licenses, permits, registrations, and certificates to be denied, revoked, suspended, or not renewed.

CONTENT AND OPERATION

Under current law, certain boards, commissions, and agencies have the authority to deny, revoke, suspend, refuse to renew, or impose conditions on a license, permit, registration, or certificate if the applicant or holder has committed certain crimes. The bill changes the varying types of those crimes to a "criminal offense that is substantially related" to the applicable profession. The bill defines "criminal offense that is substantially related" to mean that "the nature of the felony or misdemeanor offense for which the person was convicted or to which the person pleaded guilty has a direct bearing on the fitness or ability of the person to perform one or more of the duties or responsibilities necessarily related to a particular occupation, profession, or trade regulated by Title [47] of the Revised Code." The bill affects the professions in the manner described in the chart below. The first column in the chart describes the action that the applicable regulatory board, commission, or agency may take in disciplining a regulated professional. The second column states an offense specified under current law that, when committed by the professional, evokes the regulatory entity's discipline. The third column states the offense, as revised by the bill, that evokes discipline. The second and third columns complete the sentence started in the first column. The chart lists and contrasts only the offenses affected by the bill and does not list all the various offenses for which a regulated professional may be disciplined. (R.C. 4743.06.)

Description of action taken by regulatory board, commission, or agency under current law (unchanged by the bill)	Offense that evokes action by regulatory entity under current law	Change in offense under the bill
<p>The Accountancy Board may discipline a person if the person is convicted of . . .</p> <p>(R.C. 4701.16.)</p>	<p>. . . a felony or any crime, an element of which is dishonesty or fraud, under the laws of any state or of the United States.</p>	<p>. . . or pleads guilty to a criminal offense that is substantially related to the practice of accountancy under the laws of any state or of the United States.</p>
<p>The State Board of Examiners of Architects may deny renewal of, revoke, or suspend a certificate of qualification or a certificate of authorization if the certificate holder has been found guilty by the Board or a court of justice of any fraud or deceit in the holder's professional practice or has been convicted of . . .</p> <p>(R.C. 4703.15.)</p>	<p>. . . a felony by a court of justice.</p>	<p>. . . or pleaded guilty to a criminal offense that is substantially related to the practice of architecture by a court of justice.</p>
<p>The Department of Agriculture may deny, refuse to renew, suspend, or revoke a license if, in this state or another state, the applicant or licensee is convicted of . . .</p> <p>(Concerning all auction firms, auctioneers, apprentice auctioneers, and special auctioneers.)</p> <p>(R.C. 4707.15.)</p>	<p>. . . a criminal offense involving fraud, forgery, embezzlement, false pretense, extortion, conspiracy to defraud, or other similar offense or a felony.</p>	<p>. . . or pleads guilty to a criminal offense that is substantially related to the profession of auctioneer, apprentice auctioneer, or special auctioneer.</p>

Description of action taken by regulatory board, commission, or agency under current law (unchanged by the bill)	Offense that evokes action by regulatory entity under current law	Change in offense under the bill
<p>The Department of Agriculture may not issue or renew a license if the applicant or licensee has been convicted of . . .</p> <p><i>(Concerning auction firms, auctioneers, apprentice auctioneers, and special auctioneers with certain exceptions where these provisions do not apply to certain auctions or auctioneers.)</i></p> <p><i>(R.C. 4707.02 and 4707.15.)</i></p>	<p>. . . a felony or crime involving fraud or theft in this state or another state at any time during the ten years immediately preceding application or renewal.</p>	<p>. . . or pleaded guilty to a criminal offense that is substantially related to the profession of auction firm, auctioneer, apprentice auctioneer, or special auctioneer in this state or another state at any time during the ten years immediately preceding application or renewal.</p>
<p>The Barber Board may refuse to issue or renew, or may suspend, revoke, or impose conditions upon a license if a person is convicted of . . .</p> <p><i>(R.C. 4709.13.)</i></p>	<p>. . . a felony.</p>	<p>. . . or pleads guilty to a criminal offense that is substantially related to the practice of barbering.</p>
<p>The Superintendent of Financial Institutions in the Department of Commerce, concerning credit services organizations, may suspend, revoke, or refuse to issue or renew a certificate of registration if, in this state or any other state, the applicant or registrant was convicted of . . .</p> <p><i>(R.C. 4712.03.)</i></p>	<p>. . . a felony or any criminal offense involving fraud, or failed to notify the Division of Financial Institutions of a conviction.</p>	<p>. . . or pleaded guilty to a criminal offense that is substantially related to practice as a credit services organization, or failed to notify the Division of such a conviction or guilty plea.</p>
<p>The State Dental Board may discipline a certificate or license holder if the holder is convicted of . . .</p> <p><i>(R.C. 4715.30.)</i></p>	<p>. . . a misdemeanor committed in the course of practice or of any felony.</p>	<p>. . . or pleads guilty to a criminal offense that is substantially related to the practice of dentistry.</p>

Description of action taken by regulatory board, commission, or agency under current law (unchanged by the bill)	Offense that evokes action by regulatory entity under current law	Change in offense under the bill
<p>The Board of Embalmers and Funeral Directors may refuse to grant or renew or may suspend or revoke a license if the applicant or licensee has been convicted of or has pleaded guilty to . . .</p> <p>(R.C. 4717.14.)</p>	<p>. . . a felony or of any crime involving moral turpitude.</p>	<p>. . . a criminal offense that is substantially related to the profession of embalming or funeral directing.</p>
<p>The Attorney General, regarding telephone solicitors, may deny, refuse renewal, suspend, or revoke a certificate of registration if, in this state, any other state, or under the laws of the United States, the applicant or registrant was convicted of, pleaded guilty to, or entered a plea of no contest for . . .</p> <p>(R.C. 4719.03.)</p>	<p>. . . a felony, engaging in a pattern of corrupt activity, racketeering, a violation of federal or state securities law, or a theft offense, or the applicant or registrant failed to notify the Attorney General of a conviction of the type described above.</p>	<p>. . . a criminal offense that is substantially related to the profession of telephone solicitor, or the applicant or registrant failed to notify the Attorney General of a conviction or plea of the type described above.</p>
<p>(1) The Board of Nursing may impose a number of sanctions on a nurse or dialysis technician if, in this state, the person is convicted of or pleads guilty to or a court makes a judicial finding of guilt of, a judicial finding of guilt resulting from a plea of no contest to, or a judicial finding of eligibility for intervention in lieu of conviction for . . .</p> <p>(R.C. 4723.28.)</p> <p>(2) These sanctions also apply to a conviction, guilty plea, or judicial finding as described above that occurs in another state that would constitute . . .</p> <p>(Id.)</p>	<p>(1) . . . a misdemeanor committed in the course of practice, any felony, or any crime involving gross immorality or moral turpitude.</p> <p>(2) . . . a felony or crime of moral turpitude in this state or, if committed in the course of practice, that would constitute a misdemeanor in this state.</p>	<p>(1) . . . a criminal offense that is substantially related to the practice of nursing or dialysis technician.</p> <p>(2) . . . a criminal offense that is substantially related to the practice of nursing or dialysis technician in this state.</p>

Description of action taken by regulatory board, commission, or agency under current law (unchanged by the bill)	Offense that evokes action by regulatory entity under current law	Change in offense under the bill
<p>The State Board of Optometry may refuse to grant an optometrist license or discipline a licensee if the applicant or licensee is convicted of . . .</p> <p>(R.C. 4725.19.)</p>	<p>. . . a felony or a misdemeanor committed in the course of practicing optometry.</p>	<p>. . . a criminal offense that is substantially related to the practice of optometry.</p>
<p>The Ohio Optical Dispensers Board may refuse to grant a dispensing optician license or discipline a licensee if the applicant or licensee is convicted of . . .</p> <p>(R.C. 4725.53.)</p>	<p>. . . a felony or a crime involving moral turpitude.</p>	<p>. . . or pleads guilty to a criminal offense that is substantially related to the practice of optical dispensing.</p>
<p>The Superintendent of Financial Institutions, concerning pawnbrokers, may suspend or revoke a pawnbroker license or assess a penalty if the licensee is convicted of a crime under Ohio's criminal laws (Title 29) or under federal law for . . .</p> <p>(R.C. 4727.15.)</p>	<p>. . . a crime other than theft, receiving stolen property, or money laundering.</p>	<p>. . . a criminal offense substantially related to the profession of pawnbroker other than theft, receiving stolen property, or money laundering.</p>
<p>(1) The Division of Financial Institutions, concerning precious metals dealers, may revoke or suspend a precious metals dealer's license if the licensee is convicted of . . .</p> <p>(R.C. 4728.13.)</p> <p>(2) <i>The Division must revoke a precious metals dealer's license upon . . .</i></p> <p>(Id.)</p>	<p>(1) . . . any felony offense or crime involving moral turpitude.</p> <p>(2) . . . a criminal conviction.</p>	<p>(1) . . . or pleads guilty to any criminal offense substantially related to the profession of precious metals dealer.</p> <p>(2) . . . a criminal conviction for a violation of the Precious Metals Dealers Law.</p>

Description of action taken by regulatory board, commission, or agency under current law (unchanged by the bill)	Offense that evokes action by regulatory entity under current law	Change in offense under the bill
<p>The State Board of Pharmacy, concerning pharmacists and pharmacy interns, may refuse to grant an identification card or impose sanctions on a card holder if a pharmacist or pharmacy intern is guilty of . . .</p> <p>(R.C. 4729.16.)</p>	<p>. . . a felony or gross immorality, or has been convicted of a misdemeanor related to, or committed in, the practice of pharmacy.</p>	<p>. . . a criminal offense substantially related to the practice of pharmacy.</p>
<p>(1) The State Board of Pharmacy, concerning wholesale distributors of dangerous drugs, must not register any person as a wholesale distributor of dangerous drugs if the person is convicted of . . .</p> <p>(R.C. 4729.53.)</p> <p>(2) <i>The Board may sanction a registered wholesale distributor of dangerous drugs if the person is convicted of . . .</i></p> <p>(R.C. 4729.56.)</p>	<p>(1) . . . a felony unless the person assures the Board that the person has adequate safeguards in place to prevent recurrent violations.</p> <p>(2) . . . a felony.</p>	<p>(1) . . . a criminal offense substantially related to the profession of wholesale distributor of dangerous drugs, unless the person assures the Board that the person had adequate safeguards in place to prevent recurrent violations.</p> <p>(2) . . . or pleads guilty to a criminal offense that is substantially related to the practice of pharmacy.</p>

Description of action taken by regulatory board, commission, or agency under current law (unchanged by the bill)	Offense that evokes action by regulatory entity under current law	Change in offense under the bill
<p>(1) The <i>State Medical Board</i> may limit or refuse to register an applicant or otherwise discipline a certificate holder if, in this state, the person pleads guilty to or a court makes a judicial finding of guilt of or judicial finding of eligibility for intervention in lieu of conviction for . . .</p> <p><i>(Concerning certificates to practice medicine or as a physician assistant, certificates of registration for anesthesiologist assistants, and certificates of registration for acupuncturists.)</i></p> <p><i>(R.C. 4730.25, 4731.22, 4760.13, 4762.13, and 4774.13.)</i></p> <p>(2) These sanctions also apply to a guilty plea or judicial finding as described above that occurs in another state that would constitute . . .</p> <p><i>(Id.)</i></p>	<p>(1) . . . a felony, misdemeanor committed in the course of practice, or misdemeanor involving moral turpitude.</p> <p>(2) . . . a felony, misdemeanor committed in the course of practice, or misdemeanor involving moral turpitude in this state.</p>	<p>(1) . . . a criminal offense that is substantially related to (1) the practice of medicine or as a physician assistant, (2) for anesthesiologist assistants, the practice of anesthesiologist assistant, (3) for acupuncturists, the practice of acupuncture, or (4) for radiologist assistants, the practice of radiologist assistant.</p> <p>(2) . . . a criminal offense in this state that is substantially related to (1) the practice of medicine or as a physician assistant, (2) for anesthesiologist assistants, the practice of anesthesiologist assistant, (3) for acupuncturists, the practice of acupuncture, or (4) for radiologist assistants, the practice of radiologist assistant.</p>

Description of action taken by regulatory board, commission, or agency under current law (unchanged by the bill)	Offense that evokes action by regulatory entity under current law	Change in offense under the bill
<p>The State Medical Board must <i>automatically suspend</i> an anesthesiologist assistant's and an acupuncturist's certificate of registration if the person pleads guilty to or a judge or jury makes a judicial finding of guilt of or judicial finding of eligibility for intervention in lieu of conviction in this state or treatment of intervention in lieu of conviction in another jurisdiction for . . .</p> <p>(R.C. 4760.13 and 4762.13.)</p>	<p>. . . any of the following criminal offenses in this state or a substantially equivalent criminal offense in another jurisdiction: aggravated murder, murder, voluntary manslaughter, felonious assault, kidnapping, rape, sexual battery, gross sexual imposition, aggravated arson, aggravated robbery, or aggravated burglary.</p>	<p>. . . any criminal offense that is substantially related to (1) the practice of anesthesiologist assistant, or (2) for acupuncturists, the practice of acupuncture.</p>
<p>The State Board of Psychology, concerning licensed psychologists and licensed school psychologists, may refuse to issue, suspend, revoke a license to practice psychology or issue a reprimand to a person who is convicted of . . .</p> <p>(R.C. 4732.17.)</p>	<p>. . . a felony or any offense involving moral turpitude in this state, any other state, or federal court.</p>	<p>. . . or pleads guilty to a criminal offense that is substantially related to the practice of psychology in this state, any other state, or federal court.</p>
<p>The State Board of Registration for Professional Engineers and Surveyors may deny an applicant or discipline a registrant if the person is convicted of or pleads guilty to . . .</p> <p>(R.C. 4733.20.)</p>	<p>. . . any felony or crime involving moral turpitude.</p>	<p>. . . a criminal offense that is substantially related to the practice of professional engineering or professional surveying.</p>

Description of action taken by regulatory board, commission, or agency under current law (unchanged by the bill)	Offense that evokes action by regulatory entity under current law	Change in offense under the bill
<p>(1) The State Chiropractic Board may refuse to issue a license to practice chiropractic or discipline a license holder if a person pleads guilty to or a court makes a judicial finding of guilt of or a judicial finding of eligibility for intervention in lieu of conviction for . . .</p> <p>(R.C. 4734.31.)</p> <p>(2) These sanctions also apply to a guilty plea or judicial finding as described above that occurs in another state that would constitute . . .</p> <p>(Id.)</p>	<p>(1) . . . a felony in any jurisdiction, a misdemeanor involving moral turpitude in this state, or a misdemeanor committed in the course of practice.</p> <p>(2) . . . a felony, misdemeanor involving moral turpitude, or misdemeanor committed in the course of practice in this state.</p>	<p>(1) . . . a criminal offense that is substantially related to the practice of chiropractic in any jurisdiction.</p> <p>(2) . . . a criminal offense that is substantially related to the practice of chiropractic in this state.</p>
<p>The Superintendent of Real Estate, concerning real estate brokers, foreign real estate dealers, and foreign real estate salesperson applicants, may not allow an applicant to take the broker's examination, foreign real estate dealer's examination, or foreign real estate sales person's examination if the applicant has been convicted of . . .</p> <p>(R.C. 4735.07, 4735.27, and 4735.28.)</p>	<p>. . . a felony or a crime of moral turpitude unless the Superintendent of Real Estate disregards the conviction.</p>	<p>. . . or pleaded guilty to a criminal offense that is substantially related to (1) for real estate brokers, the practice of real estate broker, (2) for foreign real estate dealers, the practice of foreign real estate dealer, and (3) for foreign real estate salespersons, the practice of foreign real estate salesperson. However, the Superintendent may disregard the conviction or guilty plea.</p>

Description of action taken by regulatory board, commission, or agency under current law (unchanged by the bill)	Offense that evokes action by regulatory entity under current law	Change in offense under the bill
<p>(1) The Superintendent of Real Estate, concerning real estate salesperson applicants, may not allow an applicant to take the salesperson's examination if the applicant has been convicted of . . .</p> <p>(R.C. 4735.09.)</p> <p>(2) An application to be a real estate salesperson must be accompanied by a recommendation from the real estate broker with whom the applicant is associated certifying that the applicant has not been convicted of . . .</p> <p>(Id.)</p>	<p>(1) . . . a felony or a crime of moral turpitude unless the Superintendent of Real Estate disregards the conviction.</p> <p>(2) . . . a felony or a crime involving moral turpitude, and has not been convicted of violating any municipal, state, or federal civil rights law relevant to the protection of purchasers or sellers of real estate that has not already been disclosed to the Superintendent.</p>	<p>(1) . . . or pleaded guilty to a criminal offense that is substantially related to the practice of salesperson unless the Superintendent disregards the conviction or guilty plea.</p> <p>(2) . . . or pleaded guilty to a criminal offense that is substantially related to the practice of real estate broker and has not been convicted of or plead guilty to violating any municipal, state, or federal civil rights law relevant to the protection of purchasers or sellers of real estate that has not already been disclosed to the Superintendent.</p>
<p>(1) A real estate broker licensee must notify the Superintendent of Real Estate, within 15 days if the licensee is . . .</p> <p>(R.C. 4735.13.)</p> <p>(2) If a broker desires to associate with another broker as a salesperson, the broker must not have been convicted of . . .</p> <p>(Id.)</p>	<p>(1) . . . convicted of a felony or crime involving moral turpitude.</p> <p>(2) . . . a felony or crime involving moral turpitude.</p>	<p>(1) . . . convicted of or pleads guilty to a criminal offense that is substantially related to the practice of real estate broker or salesperson.</p> <p>(2) . . . or pleaded guilty to a criminal offense that is substantially related to the practice of real estate broker or salesperson.</p>

Description of action taken by regulatory board, commission, or agency under current law (unchanged by the bill)	Offense that evokes action by regulatory entity under current law	Change in offense under the bill
<p>The Ohio Real Estate Commission must impose disciplinary sanctions upon a real estate broker or salesperson who is found to have been convicted of . . .</p> <p>(R.C. 4735.18.)</p>	<p>. . . a felony or crime of moral turpitude.</p>	<p>. . . or pleaded guilty to a criminal offense that is substantially related to practice as a real estate broker or salesperson.</p>
<p>An applicant for a motor vehicle salvage dealer license, a salvage motor vehicle auction license, or a salvage motor vehicle pool license must submit a statement to the Bureau of Motor Vehicles showing whether the applicant has been convicted of . . .</p> <p>(R.C. 4738.04, 4738.07, and 4738.18.)</p>	<p>. . . a felony.</p> <p>If an applicant has been convicted of a felony, the Registrar of Motor Vehicles must deny the application.</p> <p>If an applicant is approved and the person wishes to purchase salvage motor vehicles at salvage motor vehicle auctions or salvage motor vehicle pools, the person must apply for a buyer's identification card; however, the person must not have been convicted of a felony.</p>	<p>. . . or pleaded guilty to a criminal offense that is substantially related to the profession of motor vehicle salvage dealer, salvage motor vehicle auction, or salvage motor vehicle pool.</p> <p>If an applicant has been convicted of or pleaded guilty to a criminal offense described above, the Registrar must deny the application.</p> <p>If an applicant is approved and the person wishes to purchase salvage motor vehicles at salvage motor vehicle auctions or salvage motor vehicle pools, the person must apply for a buyer's identification card; however, the person must not have been convicted of or pleaded guilty to a criminal offense described above.</p>
<p>The Motor Vehicle Salvage Dealer's Licensing Board may suspend or revoke a license described above if the license holder has been convicted of . . .</p> <p>(R.C. 4738.12.)</p>	<p>. . . a felony or violating any law that in any way relates to the theft of motor vehicles.</p>	<p>. . . or pleaded guilty to a criminal offense that is substantially related to the operation of a motor vehicle salvage dealer, salvage motor vehicle auction, or salvage motor pool.</p>

Description of action taken by regulatory board, commission, or agency under current law (unchanged by the bill)	Offense that evokes action by regulatory entity under current law	Change in offense under the bill
<p>(1) The Ohio Construction Industry Licensing Board may not allow an applicant to take an examination for a license if the person has been convicted of or pleaded guilty to . . .</p> <p>(R.C. 4740.06.)</p> <p>(2) The appropriate section of the Board may not issue or renew a license if the person has been convicted of . . .</p> <p>(R.C. 4740.10.)</p>	<p>(1) . . . a misdemeanor involving moral turpitude or any felony.</p> <p>(2) . . . a misdemeanor involving moral turpitude or a felony.</p>	<p>(1) . . . a criminal offense that is substantially related to the construction profession.</p> <p>(2) . . . or pleaded guilty to a criminal offense that is substantially related to the construction profession.</p>
<p>The State Veterinary Medical Licensing Board, concerning veterinarians and veterinary technicians, may refuse to issue a license or temporary permit to an applicant or discipline a licensee if the person is convicted of . . .</p> <p>(R.C. 4741.22.)</p>	<p>. . . any felony or crime involving moral turpitude.</p>	<p>. . . or pleads guilty to a criminal offense that is substantially related to the practice of veterinary medicine or registered veterinary technician.</p>
<p>The Hearing Aid Dealers and Fitters Licensing Board may revoke or suspend a license or permit if a person is convicted of . . .</p> <p>(R.C. 4747.12.)</p>	<p>. . . a felony or a misdemeanor involving moral turpitude.</p>	<p>. . . or pleads guilty to a criminal offense that is substantially related to the practice of hearing aid dealer or fitter.</p>
<p>The Department of Public Safety, concerning private investigators and security guard providers, may not issue and may suspend, revoke, or refuse to renew the license of a private investigator or security guard provider if the person has been convicted of . . .</p> <p>(R.C. 4749.03 and 4749.04.)</p>	<p>. . . a felony or any offense or crime involving moral turpitude.</p>	<p>. . . or pleaded guilty to a criminal offense that is substantially related to the practice of private investigator or security guard provider.</p>

Description of action taken by regulatory board, commission, or agency under current law (unchanged by the bill)	Offense that evokes action by regulatory entity under current law	Change in offense under the bill
<p>The Department of Public Safety, concerning employees of private investigators and security guard providers, must issue an identification card to an employee of a private investigator or security guard provider if the Bureau of Criminal Identification and Investigation determines that the employee has not been convicted of . . .</p> <p>(R.C. 4749.03 and 4749.06.)</p>	<p>. . . a felony within the last 20 years.</p>	<p>. . . or pleaded guilty to a criminal offense that is substantially related to the practice of private investigator or security guard provider within the last 20 years.</p>
<p>The Board of Examiners of Nursing Home Administrators must revoke or suspend the license or registration of any registrant or licensee if the person is convicted of . . .</p> <p>(R.C. 4751.10.)</p>	<p>. . . a felony in this state or another state.</p>	<p>. . . or pleaded guilty to a criminal offense that is substantially related to the practice of nursing home administration, in this state or another state.</p>
<p>The Board of Speech-Language Pathology and Audiology may refuse to issue a license for or may discipline a speech-language pathologist or audiologist if the person has been convicted of or pleaded guilty or nolo contendere to . . .</p> <p>(R.C. 4753.10.)</p>	<p>. . . a felony or a crime involving moral turpitude.</p>	<p>. . . a criminal offense that is substantially related to the practice of speech-language pathology or audiology.</p>

Description of action taken by regulatory board, commission, or agency under current law (unchanged by the bill)	Offense that evokes action by regulatory entity under current law	Change in offense under the bill
<p>The <i>Occupational Therapy Section</i> of the <i>Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board</i>, concerning <i>occupational therapists and occupational therapy assistants</i>, may refuse to issue a license for or discipline an occupational therapist or occupational therapy assistant if, in any state or country, the person is convicted of . . .</p> <p>(R.C. 4755.11.)</p>	<p>. . . an offense involving moral turpitude or a felony reasonably related to the practice of occupational therapy.</p>	<p>. . . pleads guilty to a criminal offense that is substantially related to the practice of occupational therapy.</p>
<p>The <i>Physical Therapy Section</i> or <i>Athletic Trainer Section</i> of the <i>Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board</i>, concerning <i>physical therapists, physical therapy assistants, and athletic trainers</i>, may refuse to issue a license for or may discipline a physical therapist, physical therapy assistant, or athletic trainer if, in any state or country, the person is convicted of . . .</p> <p>(R.C. 4755.47 and 4755.64.)</p>	<p>. . . a felony or crime involving moral turpitude.</p>	<p>. . . or pleads guilty to a criminal offense that is substantially related to, (1) for physical therapists and physical therapy assistants, the practice of physical therapy, or (2) for athletic trainers, the practice of athletic trainer.</p>

Description of action taken by regulatory board, commission, or agency under current law (unchanged by the bill)	Offense that evokes action by regulatory entity under current law	Change in offense under the bill
<p>The Professional Standards Committees of the Counselor, Social Worker, and Marriage and Family Therapist Board may refuse to issue a license or certificate of registration to an applicant or may discipline a person licensed under the Counselors, Social Workers, and Marriage and Family Therapists Law (Chapter 4757.) if, in this state or any other state, the person has been convicted of . . .</p> <p>(R.C. 4757.36.)</p>	<p>. . . a misdemeanor committed in the course of practice or a felony.</p>	<p>. . . or pleaded guilty to a criminal offense that is substantially related to the practice of counselor, social worker, or marriage and family therapist.</p>
<p>The Chemical Dependency Professionals Board may refuse to issue a license or discipline a person licensed under the Chemical Dependency Professionals Law (Chapter 4758.) if, in this state or any other state, the person has been convicted of . . .</p> <p>(R.C. 4758.30.)</p>	<p>. . . a misdemeanor committed in the course of practice or a felony.</p>	<p>. . . or pleaded guilty to a criminal offense that is substantially related to the practice of chemical dependency professional.</p>
<p>The Ohio Board of Dietetics may refuse to issue a license or permit to practice dietetics or may discipline a licensee if the person has been convicted of . . .</p> <p>(R.C. 4759.07.)</p>	<p>. . . a felony or misdemeanor committed in the course of work as a dietitian in this state or any other state.</p>	<p>. . . or pleaded guilty to a criminal offense that is substantially related to the practice of dietetics in this state or any other state.</p>

Description of action taken by regulatory board, commission, or agency under current law (unchanged by the bill)	Offense that evokes action by regulatory entity under current law	Change in offense under the bill
<p>The Ohio Respiratory Care Board may refuse to issue a license or may discipline a licensee if the person pleads guilty to or a court makes a judicial finding of guilt of or a judicial finding of eligibility for intervention in lieu of conviction for . . .</p> <p>(R.C. 4761.09.)</p>	<p>. . . an offense involving moral turpitude or a felony.</p>	<p>. . . a criminal offense that is substantially related to the practice of respiratory care.</p>
<p>The Real Estate Appraiser Board may take any authorized disciplinary action if a certificate holder, registrant, or licensee is convicted of . . .</p> <p>(R.C. 4763.11.)</p>	<p>. . . a felony or a crime involving moral turpitude.</p>	<p>. . . or pleads guilty to a criminal offense that is substantially related to the practice of appraiser.</p>
<p>The State Board of Emergency Medical Services may suspend or revoke a certificate of accreditation or approval if a certificate holder has been convicted of or pleaded guilty to . . .</p> <p>An appointing authority may not appoint a person to practice emergency medical services if the person has been convicted of or pleaded guilty to . . .</p> <p>(R.C. 4765.18 and 4765.301.)</p>	<p>. . . a felony or a crime involving moral turpitude.</p> <p>. . . a felony or arson offense.</p>	<p>. . . a criminal offense that is substantially related to the practice of emergency medical services.</p> <p>. . . a criminal offense substantially related to the practice of emergency medical services.</p>
<p>The State Board of Orthotics, Prosthetics, and Pedorthics may refuse to issue a license or may discipline a licensee if the person if convicted of or pleads guilty to . . .</p> <p>(R.C. 4779.28.)</p>	<p>. . . a misdemeanor or felony involving moral turpitude.</p>	<p>. . . a criminal offense that is substantially related to the practice of orthotics, prosthetics, or pedorthics.</p>

Description of action taken by regulatory board, commission, or agency under current law (unchanged by the bill)	Offense that evokes action by regulatory entity under current law	Change in offense under the bill
<p>The <i>Manufactured Homes Commission</i>, concerning <i>manufactured home installers</i>, may deny, suspend, revoke, or refuse to renew a license if the person is convicted of . . .</p> <p>(R.C. 4781.09.)</p>	<p>. . . a felony or a crime involving moral turpitude.</p>	<p>. . . or pleads guilty to a criminal offense that is substantially related to the practice of manufactured home installer.</p>

Within 90 days after the bill's effective date, each board, commission, and agency listed above must do all of the following:

(1) Adopt rules that identify each criminal offense that is substantially related to the occupation, profession, or trade under its supervision or regulation;

(2) Keep records of the number of licenses, permits, registrations, and certificates that are denied, revoked, or suspended because the applicant or license, permit, registration, or certificate holder is convicted of or pleads guilty to a criminal offense that is substantially related to the occupation, profession, or trade under the supervision or regulation of the board, commission, or agency;

(3) Keep records of the reasons for the denials, revocations, or suspensions.

Additionally, in the absence of fraud or bad faith, no private cause of action for damages exists against any of the following entities or persons if a board, commission, or agency grants a license, permit, registration, or certificate to a person who is convicted of or pleads guilty to a criminal offense if that person, subsequent to receiving the license, permit, registration, or certificate, commits another criminal offense: (1) any board, commission, or agency, (2) a current or former board, commission, or agency member, (3) an agent of a board, commission, or agency, (4) a person formally requested by a board, commission, or agency to be a representative of the entity, or (5) an employee of a board, commission, or agency. (R.C. 4743.06.)

HISTORY

ACTION

DATE

Introduced

04-08-09

H0127-1-128.docx/jc

