





OCCUPATIONAL REGULATION REPORT

Ohio Legislative Service Commission
135th 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 law 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 2024 publication is the third edition of the report. It covers occupations regulated by the following agencies and occupational licensing boards:

- Ohio Athletics Commission;
- Ohio Construction Industry Licensing Board;
- Historical Boilers Licensing Board;
- Ohio Home Inspector Licensing Board;
- Division of Securities;
- State Board of Education;
- Ohio Environmental Protection Agency;
- Ohio Department of Health;
- State Medical Board;
- Ohio Department of Natural Resources; and
- Miscellaneous Regulations.

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 substance of the survey responses is fully reproduced in this report. 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. 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. Regulations in each comparison chart are identified as a license (an authorization that one must have to practice or engage in an occupation or profession and meet specified personal qualifications to obtain); a certification (a voluntary private or state program under which an individual who meets specified personal qualifications is granted recognition), or registration (a requirement to give notice the government that may include certain personal information). Note that the comparisons do not address all types of personal qualifications that make a regulation a license or certification. Each chart is preceded by a heading that includes “(LSC).”

There are a few instances throughout this report in which there is no survey 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 align 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 (lsc.ohio.gov) under the Publications 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.

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 Julie Rishel at (614) 466-3615.

¹ S.B. 255 of the 132nd 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 (legislature.ohio.gov).

OHIO ATHLETIC COMMISSION

Table of Contents

| | |
|---|----|
| General information (ATH) | 1 |
| Professional boxer's, mixed martial artist, amateur mixed martial artist, or contestant | 4 |
| Judge, matchmaker, timekeeper, manager, trainer, or second | 17 |
| Promoter | 26 |
| Referee | 33 |
| Athlete agent | 41 |
| Tough persons..... | 50 |

General information (ATH)

Duties

The purpose of the Commission, which replaced the State Boxing Commission, is to regulate boxing, wrestling, kickboxing, karate, and tough-man contests in the state in an effort to protect the safety of the participants and the interests of the public. The agency carries out its mission by setting standards for licensure of individuals, granting permits, and conducting events sanctioned by the Commission.

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

Charles Haskell – Executive Director

Robert Schuerger – Commissioner

Brittany Warner – Commissioner

Dr. James Armile – Commissioner

John “Terry” Patton – Commissioner

Robert Hedger – Commissioner

Judy McCartney – Executive Secretary

Melinda McQuaide – Assistant Executive Secretary

Chad Kohler - Assistant Attorney General

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

General Services Fund Group

4K9 175-609

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

After 2018 the work load significantly decreased with the COVID19 pandemic, from 2019 to 2021 there was events at limited capacity that were streamed online, 2022 the UFC came back to Ohio in April, this helping significantly with the revenue for the state, in November 2022 Match Room / Eddie Hearn Boxing came back to Ohio also contributing to a significant revenue boost as well, 2023 we have seen much more Local regional promotions, although not having any bigger promotions in Ohio (UFC/Top Rank Boxing)

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

Three (3) employees total

Two (2) Fulltime Employees

Charles Haskell – Executive Director

Judy McCartney – Executive Secretary

One (1) Part Time Employee

Melinda McQuaide – Assistant Executive Secretary

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

Al-Jamari Case was settled for Two Hundred and Seventy Five Thousand Dollars (\$275,000)

Upon the completion of a any public or private competition that involves the sports of boxing, kick boxing, mixed martial arts karate, tough man contests or tough person contests, or any other form of boxing or martial arts, the results of the match, exhibition or contest may be protested under the following conditions:

- (A) To file a protest the protest must show fraud, corruption or a deliberate rule violation.
- (B) When there is indisputable video evidence that demonstrates a self evident and palpable error by the referee when a bout ends as a result of a foul, the result of the bout shall be changed to a no contest decision.
- (C) The protester must have standing to protest the outcome of the match, or contest. Persons with standing to protest the outcome are the contestant, the contestant's manager, and the contestant's trainer.
- (D) The protester must file the protest, in writing, with the commission or the executive director, no later than ten days after the match, or contest being protested. The protest letter shall specify the reason or reasons for the protest with such particularity as to enable the commission to quickly and accurately act upon the protest. Filing may be by personal delivery or US postal service and is deemed complete upon receipt by the commission or executive director.
- (E) The protester must supply the commission with a videotaped recording of the contestant's entire match, or contest, if such a recording is available, at the time of filing the protest. The videotape shall become part of the permanent record of the commission and shall not be returned.
- (F) Upon receipt of the protest the commission shall have sixty days in which to investigate the allegations contained in the protest. Upon completion of the investigation the findings and recommendations shall be presented to the commission at the next scheduled public meeting. The commission will then vote on the findings and recommendations. The findings, recommendations, and commission vote shall be made a permanent record of the commission and shall be final.
- (G) A letter detailing the findings and recommendations of the investigation, the vote of the commission, and the actions to be taken will be sent to the protester by regular mail within fourteen days of the meeting in paragraph (E) of this rule.

Professional boxer's, mixed martial artist, amateur mixed martial artist, or contestant

Survey response for contestant (generally) (ATH)

Description

"Contestant" means a participant in a public boxing match, wrestling, tough person, kick boxing, karate, mixed martial or other unarmed combat sport exhibition.

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

All contestants are required to get a license to participate in the event they wish to compete in based on age and experience.

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

Number issued annually

247 (All pro boxers and pro MMA fighters)

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? | Yes there has been an over all decrease due to the covid 19 pandemic |
| Education or training requirements | Not Applicable |
| Experience requirements | Pro athletes have to prove a certain experience (usually 7-10 with a winning record or comparable experience) |
| Examination requirements (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Commission receive any proceeds of those fees? If so, how are the proceeds used?</i>) | Contestants in combative sports do not need to pass any education based exam. All contestants must pass a medical examination |
| Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>) | Not Applicable |
| Initial fee | Forty dollars (\$40) |
| Duration | One (1) Year from date of required medicals. |
| Renewal fee (<i>If different from initial fee, please explain why.</i>) | Same |

| If the regulation is a registration, certification, or license requirement, please complete the following: | |
|--|---|
| Does the Commission recognize uniform licensure requirements or allow for reciprocity? | No, They must be licensed in Ohio, although we recognize their National and Federal Id. Ohio does recognize Pro licenses from other states but still have to get licensed in Ohio. |
| 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 Commission? | No |
| Is the Commission 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>) | Experience and more advanced medicals are required for some contestants who have been medically suspended or over a certain age. |

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

Yes, the commission imposes fines and suspensions on contestants who do not follow the regulations put forth by the state.

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

\$9,420. This revenue is deposited into state treasurer account (TOS account)

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 unsupervised medical, unsupervised fights which do not involve medical personnel licensed coaches licensed officials and licensed non officials. Regulations of fighters prevents contestants with prior med issues from competing in unsanctioned events. We license contestants for their safety, security and well being.

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 Commission would like to see implemented?

Hoping to begin regulating submission wrestling competitions and other forms of combative sports that are gaining in popularity but are not regulated or overseen by the state.

Survey response for amateur MMA fighter (ATH)**Description**

“Amateur MMA Fighter” means a contestant who does not compete for a prize, in cash or otherwise, that has a value of more than twenty-five dollars

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

Only requirements for this license is the competitor be 18 – 35 years old

Blood work Requirements: HIV, Hepatitis C Antibody, Hepatitis Surface Antigen

Medical requirements for over 35 years of age: EKG with Doctor clearance good for one (1) year, MRI good for five (5) years, Chest Xray good for two (2) years

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

Number issued annually

340

Number renewed annually

Not applicable

We do not keep track of renewals

| 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? | Yes Since the Covid 19 pandemic we have seen an increase in local and regional promotions resulting in more licensing |
| 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 Commission receive any proceeds of those fees? If so, how are the proceeds used?</i>) | No licensing exam Must pass a pre fight physical medical examination |
| Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>) | Not applicable |
| Initial fee | Forty Dollars (\$40) |
| Duration | One (1) year based off expired medicals |
| Renewal fee (<i>If different from initial fee, please explain why.</i>) | Same as initial Fee, Forty Dollars (\$40) |

| If the regulation is a registration, certification, or license requirement, please complete the following: | |
|--|--|
| Does the Commission recognize uniform licensure requirements or allow for reciprocity? | Yes, we use Associations of boxing committee (ABC) guidelines, we honor amateur national ID cards from any state providence or country |
| Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation? | Yes, Various sanctioning bodies use different but similar licensing procedures. They could be used if approved by the commission. |
| Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Commission? | Above answer: Yes, when approved by the commission independent sanctioning bodies can sanction / regulate an event in Ohio No |
| Is the Commission 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>) | Not applicable |

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

The commission makes sure that all amateur fighters have their required medicals, have paid any fines imposed upon them, and have followed all regulations established in the Ohio administrative code and the Ohio Revised code

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

\$13,600 100% all Revenue goes into a zero account balance to the state.

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

Not applicable, each state regulates their own laws, rules, and policies.

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

The regulation seeks to prevent unsupervised medical, unsupervised fights which do not involve medical personnel licensed coaches licensed officials and licensed non officials. Regulations of fighters prevents contestants with prior medical issues from competing in unsanctioned events. The commission operates for care, safety, and security of all the fighters.

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

Yes, it's very effective in preventing harm.

No, minimum standards are necessary for the safety and security of the contestants

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

Yes, Improved medicals and continuous contestant education of fighter safety, rules of competition, and license requirements.

Surrounding state comparison (LSC) (as of July 12, 2024)

| Professional Boxer's, Mixed Martial Artist, or Amateur Mixed Martial Artist (Contestant License) | | | | | | |
|--|---|---|--|---|---|---|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Type of regulation (Name of regulation) | License (Contestant licenses: professional boxer license, mixed martial artist (MMA) license, or amateur MMA license) (R.C. 3773.32 and 3773.41) | License (Fighter's license) (No license required for amateur MMA contestants) (Ind. Code 4-33-22-17) | License (Boxing or mixed martial arts license) (Ky. Rev. Stat. 229.025; 201 Ky. Admin. Regs. 27:008) | License (Contestant license) (Mich. Comp. Laws 338.3630 and 338.3633a) | License (License) (58 Pa. Code 29.3) | License (License) (W. Va. Code 29-5A-3; W. Va. Code R. 177-1-4 and 177-2-4; see W. Va. Athletic Commission, WVAC Policy #121522 (PDF)) |
| Education or training | N/A | N/A | N/A | N/A | N/A | N/A |
| Experience | Must be at least 18 years of age (O.A.C. 3773-4-01 and 3773-7-16) | Must be at least 18 years of age The Indiana Gaming Commission may consider previous fighting experience when determining whether to issue a license | Must be at least 18 years of age Applicant must demonstrate the ability to be competitive in the sport and compete without the risk of serious injury | Must be at least 18 years of age Professional boxer: seven amateur contests or 28 amateur rounds, or proven competence Professional MMA: five amateur contests, | Must be at least 18 years of age Applicant must be skilled in their profession and "of requisite experience" (5 Pa. Cons. Stat. 702; 58 Pa. Code 29.22) | Must be at least 18 years of age (W. Va. Code R. 177-1-11 and 177-2-12) Boxing: applicant must establish that the applicant is skilled in the profession of boxing and is |

| Professional Boxer's, Mixed Martial Artist, or Amateur Mixed Martial Artist (Contestant License) | | | | | | |
|--|---|---|--|---|--|---|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | | <i>(Ind. Code 4-33-22-25; 68 Ind. Admin. Code 24-3-4)</i> | <i>(Ky. Rev. Stat. 229.025; 201 Ky. Admin. Regs. 27:008)</i> | or proven competence <i>(Mich. Comp. Laws 338.3633a; Mich. Admin. Code R. 339.203)</i> | | physically fit and mentally sound <i>(W. Va. Code R. 177-1-4)</i> MMA: applicant must establish that the applicant is skilled and trained in MMA <i>(W. Va. Code R. 177-2-4)</i> |
| Exam | No (but is required to have certain negative medical tests and may be subject to further medical tests if certain factors apply) <i>(O.A.C. 3773-4-02, 3773-4-03, and 3773-7-21; Ohio Athletic Commission, Boxer and MMA Ohio)</i> | No (but is required to have certain negative medical tests) <i>(Ind. Code 4-33-22-28; 68 Ind. Admin. Code 24-3-4 and 24-6-8)</i> | No (but submit a physical report from a physician) <i>(Ky. Rev. Stat. 229.025; 201 Ky. Admin. Regs. 27:008)</i> | No (but must have physical exam) <i>(Mich. Comp. Laws 338.3633a)</i> | Yes ¹ <i>(5 Pa. Cons. Stat. 913)</i> | No (but may be subject to medical exam if at least 40 years of age) <i>(W. Va. Code R. 177-1-12 and 177-2-12a)</i> |

¹ Pennsylvania Athletic Commission may require applicant to appear for oral exam on qualifications (5 Pa. Cons. Stat. 913).

| Professional Boxer's, Mixed Martial Artist, or Amateur Mixed Martial Artist (Contestant License) | | | | | | |
|--|--|--|---|--|--|---|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | <u>License Application</u> | | | | | |
| Continuing education | N/A | N/A | N/A | N/A | N/A | N/A |
| Initial licensure fee | \$40 <i>(R.C. 3773.43; Ohio Athletic Commission, <u>Boxer and MMA Ohio License Application</u>)</i> | \$50 <i>(68 Ind. Admin. Code 24-3-2)</i> | \$40 <i>(Ky. Rev. Stat. 229.025; 201 Ky. Admin. Regs. 27:008)</i> | \$45 (statute) Professional boxer: \$90 Professional MMA: \$90 Amateur MMA: \$90 <i>(Mich. Comp. Laws 338.3633a; Mich. Dept. of Licensing and Regulatory Affairs (LARA), <u>Application for Contestant License or Relicensure (PDF)</u>)</i> | Professional boxer or MMA: \$22 Amateur MMA: \$10 <i>(Pa. Athletic Commission, <u>Boxer, MMA, Amateurs (PDFs)</u>)</i> | Professional boxer or MMA: \$25 Semi-professional boxer: \$10 Amateur boxer or MMA: \$20 <i>(W. Va. Code R. 177-1-4 and 177-2-4)</i> |
| License duration | One year <i>(R.C. 3773.42)</i> | Two years <i>(Ind. Code 4-33-22-28; 68 Ind. Admin. Code 24-3-3)</i> | One year <i>(Ky. Rev. Stat. 229.025; 201 Ky. Admin. Regs. 27:2008)</i> | One year <i>(Mich. Comp. Laws 338.3633a; Mich. Admin. Code R. 339.401)</i> | License expires on December 31 of the year it was issued <i>(5 P.S. 911)</i> | One year <i>(W. Va. Code R. 177-1-4 and 177-2-4)</i> |

| Professional Boxer's, Mixed Martial Artist, or Amateur Mixed Martial Artist (Contestant License) | | | | | | |
|--|------------------|---|--|---|---|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Renewal fee | N/A ² | \$50 <i>(68 Ind. Admin. Code 24-3-2)</i> | \$40 <i>(Ky. Rev. Stat. 229.025; 201 Ky. Admin. Regs. 27:008)</i> | \$45 (statute) Pro boxing: \$120 Pro MMA: \$120 Amateur MMA: \$120 <i>(Mich. Comp. Laws 338.3633a; LARA, Application for Contestant License or Relicensure (PDF))</i> | Professional boxer or MMA: \$22 Amateur MMA: \$10 <i>(Pa. Athletic Commission, Boxer, MMA, Amateurs (PDFs))</i> | Professional boxer or MMA: \$25 Amateur boxer or MMA: \$20 <i>(W. Va. Code R. 177-1-4 and 177-2-4)</i> |

Judge, matchmaker, timekeeper, manager, trainer, or second

Survey response (ATH)

| Description |
|--|
| <p>"Judge" is a person who scores a fight and evaluates the techniques and impact of fighters Boxing and Mixed Martial Arts</p> <p>"Matchmaker" means any person who schedules pairings for a prize fight, public boxing match, wrestling, tough person, kick boxing, karate, mixed martial arts or other unarmed combat sport exhibition.</p> <p>"Manager" means any person who is in charge of the training, performance, and business affairs of a Fighter.</p> <p>"Second" means any person who is an attendant to a contestant.</p> |

² A contestant must apply for a new license each year.

| | |
|--|--|
| Description | |
| <p>“Trainer” means any person who coaches a contestant competing in any sport regulated by the Ohio athletic commission</p> <p>“Timekeeper” is responsible for regulating the rounds and intervals between rounds</p> | |
| Type <i>(License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)</i> | |
| All officials and non-officials need to be state licensed at the time of the fight. | |
| If the regulation is a registration, certification, or license requirement, please complete the following: | |
| Number issued annually | 247 |
| Number renewed annually | Not applicable |
| Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years? | Yes due to the COVID 19 pandemic the numbers of applications decreased and with the ending of the pandemic the numbers have steadily increased |

| If the regulation is a registration, certification, or license requirement, please complete the following: | |
|---|--|
| Education or training requirements | All new judges, matchmakers, and time keepers have to trial with the OAC 2-4 times before being granted a license. |
| Experience requirements | Proof of experience and recommendations are required for officials that already have prior experience from other states or provinces. |
| Examination requirements (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Commission 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>) | Judges are encouraged to take yearly trainings to update themselves on rules and regulations. |
| Initial fee | \$40 |
| Duration | One year |
| Renewal fee (<i>If different from initial fee, please explain why.</i>) | Not Applicable |
| Does the Commission recognize uniform licensure requirements or allow for reciprocity? | The OAC recognizes experience from any other commissioning body, but every non-official or official needs to be evaluated and licensed by the OAC. |

| 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? | Yes as long as they are approved by OAC and provide recommendations, and get a license in Ohio. |
| Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Commission? | NO. |
| Is the Commission 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>) | Not applicable |

| Oversight and disciplinary authority of the Commission respecting individuals engaged in the occupation. |
|--|
| The Ohio Athletic Commission has discretionary authority to deny or revoke a license for incompetency and conviction of a crime that relates to the sport involved or other specified crimes that pertain to safety. |

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

\$4880 revenue deposited in the TOC account.

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 OAC seeks to prevent inexperienced individuals from performing their job.

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

YES, providing experience and recommendations for certain jobs increases the safety of all involved.

NO.

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

Continued experience and training requirements

Surrounding state comparison (LSC) (as of July 18, 2024)

| Judge, Matchmaker, Timekeeper, Manager, Trainer, or Second | | | | | | |
|--|---|--|---|---|--|---|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Type of regulation (Name of regulation) | License (License) <i>(R.C. 3773.41; O.A.C. 3773-5-01)</i> | License (License) <i>(Ind. Code 4-33- 22-17)</i> | License (License) <i>(Ky. Rev. Stat. 229.025)</i> | License (Participant license) (No license required for manager, trainer, or second) | License (License) <i>(5 Pa. Cons. Stat. 905)</i> | License (License) <i>(W. Va. Code 29- 5A-8; W. Va. Code R. 177-1-4)</i> |

| Judge, Matchmaker, Timekeeper, Manager, Trainer, or Second | | | | | | |
|--|--|---|---|--|--|---|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | | | | <i>(Mich. Comp. Laws 338.3633b)</i> | | |
| Education or training | N/A | N/A | N/A | Michigan Unarmed Combat Commission may require timekeeper or judge to obtain satisfactory training <i>(Mich. Admin. Code R. 339.203a)</i> | Judge: must serve an apprenticeship of at least three months <i>(58 Pa. Code 21.12)</i> | N/A |
| Experience | Must be at least 18 years of age <i>(O.A.C. 3773-5-01; Ohio Athletic Commission, <u>Non-Fighter Ohio License Application</u>)</i> | Second, manager, trainer, or matchmaker: must be at least 18 years of age Judge or timekeeper: must be at least 21 years of age <i>(68 Ind. Admin. Code 24-3-5 to 24-3-8, 24-3-10, and 24-3-11)</i> | Must be at least 18 years of age <i>(Ky. Rev. Stat. 229.025)</i> | Must be at least 18 years of age Michigan Unarmed Combat Commission may require timekeeper or judge to obtain satisfactory experience <i>(Mich. Admin. Code R. 339.203a)</i> | Judge: must be at least 21 years of age <i>(58 Pa. Code 21.12)</i> | Must be at least 18 years of age <i>(W. Va. Code R. 177-1-14)</i> Applicant must establish that the applicant is skilled in the profession of boxing and is physically fit and mentally sound <i>(W. Va. Code 29-5A-8)</i> |

| Judge, Matchmaker, Timekeeper, Manager, Trainer, or Second | | | | | | |
|--|---|--|---|--|---|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Exam | N/A | N/A | N/A | Yes ³ (Mich. Admin. Code R. 339.203a) | Judge: Yes ⁴ (5 Pa. Cons. Stat. 913; 58 Pa. Code 21.12) | N/A |
| Continuing education | N/A | N/A | N/A | N/A | N/A | N/A |
| Initial licensure fee | \$40 (R.C. 3773.43; Ohio Athletic Commission, Non-Fighter Ohio License Application) | Judge: \$75 Matchmaker: \$125 Timekeeper: \$30 Manager: \$50 Trainer: \$30 Second: \$25 (68 Ind. Admin. Code 24-3-2) | \$40 (Ky. Rev. Stat. 229.025; 201 Ky. Admin. Regs. 27:008) | \$30 processing fee and: Judge: \$70 Matchmaker: \$150 Timekeeper: \$70 (Mich. Comp. Laws 338.3633b) | Judge: \$35 Matchmaker: \$50 Timekeeper: \$25 Manager: \$60 Trainer: \$20 Second: \$20 (58 Pa. Code 13.4) | Judge: \$30 Matchmaker: \$50 Manager, professional: \$50 Manager, amateur: \$0 Timekeeper: \$30 Trainer: \$20 Second: \$20 (W. Va. Code 29-5A-20; W. Va. Code R. 177-1-4) |

³ Michigan Unarmed Combat Commission may require timekeeper or judge to complete an examination (Mich. Admin. Code R. 339.203a).

⁴ Pennsylvania Athletic Commission may require all others to appear for an oral examination (5 Pa. Cons. Stat. 913).

| Judge, Matchmaker, Timekeeper, Manager, Trainer, or Second | | | | | | |
|--|----------------------------|--|--|--|---|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| License duration | One year (R.C. 3773.42) | Judge: Two years All others: One year (Ind. Code 4-33-22-29; 68 Ind. Admin. Code 24-3-2) | One year (201 Ky. Admin. Regs. 27:2008) | One year (Mich. Comp. Laws 338.3633b; Mich. Admin. Code R. 339.401) | License expires on December 31 of the year it was issued (5 Pa. Cons. Stat. 911) | One year (W. Va. Code 29-5A-20) |
| Renewal fee | N/A ⁵ | Judge: \$75 Matchmaker: \$125 Timekeeper: \$30 Manager: \$50 Trainer: \$30 Second: \$25 (68 Ind. Admin. Code 24-3-2) | \$40 (201 Ky. Admin. Regs. 27:008) | \$30 processing fee and: Judge: \$70 Matchmaker: \$150 Timekeeper: \$70 (Mich. Comp. Laws 338.3633b) | Judge: \$35 Matchmaker: \$50 Timekeeper: \$25 Manager: \$60 Trainer: \$20 Second: \$20 (58 Pa. Code 13.4) | Judge: \$30 Matchmaker: \$50 Manager, professional: \$50 Manager, amateur: \$0 Timekeeper: \$30 Trainer: \$20 Second: \$20 (W. Va. Code 29-5A-20; W. Va. Code R. 177-1-4) |

⁵ A judge, matchmaker, timekeeper, manager, trainer, or second must apply for a new license each year.

Promoter

Survey response (ATH)

| Description | |
|--|--|
| <p>“Promoter” means any person who conducts or sponsors a public boxing match, wrestling, tough person, kick boxing, mixed martial arts or other unarmed combat sport exhibition.</p> | |
| Type (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.) | |
| <p>Promoters for wrestling events do not need bonded just have to be approved by the OAC</p> <p>Promoters for MMA and boxing events must carry two bonds One for 20,000 for the event officials and one for 2,500 for the State taxes.</p> | |
| If the regulation is a registration, certification, or license requirement, please complete the following: | |
| Number issued annually | <p>Boxing Promoters 21 @ \$150</p> <p>MMA Promoters 11 @ \$150</p> <p>Wrestling Promoters 32 @ \$200</p> <p>69 Total at \$9420</p> |

| If the regulation is a registration, certification, or license requirement, please complete the following: | |
|---|---|
| Number renewed annually | Not applicable |
| Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years? | Due to covid restrictions there has been a significant decrease in the number of shows. After covid we have seen an increase in local and regional shows. We continue to grow but with local and regional promotions, however since covid drawing bigger promotions into the Ohio has been a challenge. |
| Education or training requirements | NA |
| Experience requirements | NA |
| Examination requirements (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Commission 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 | MMA/Boxing \$150 Wrestling \$200 |
| 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> | NA |
| Does the Commission recognize uniform licensure requirements or allow for reciprocity? | No each promoter must obtain a state promoters license in Ohio to have an event. |
| 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 Commission? | NO |
| Is the Commission 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> | NO |

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

The commission can suspend promoters for violating their promotor's responsibilities, such as but not limited to:

1. Failure to pay state taxes.
2. Breach of contracts between promoter and contestants.
3. Failure to pay state officials
4. Failure to provide safe working/event conditions for the officials, non-officials, contestants, and general public.

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

\$9420 was deposited in the TOC account.

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).)

Preventing promoters from providing unsafe events for the contestants, officials and to all involved in the event.

Preventing unfair business practices involving contracts between promoters and the contestants.

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

YES.

NO.

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

The commission is constantly making improvements for the promoters (Promoter's Responsibilities) to ensure the care, welfare and safety to all involved.

Surrounding state comparison (LSC) (as of July 22, 2024)

| Promoter | | | | | | |
|--|--|---|--|--|--|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Type of regulation (Name of regulation) | License (Promoter's license) (R.C. 3773.32) | License (License) (Ind. Code 4-33-22-17) | License (Promoter license) (Ky. Rev. Stat. 229.035) | License (Promoter's license) (Mich. Comp. Laws 338.3630) | License (Promoter's license) (5 Pa. Cons. Stat. 902) | License (License) (W. Va. Code 29-5A-3) |
| Education or training | Must be "knowledgeable in the proper conduct of competition" (R.C. 3773.36) | N/A | N/A | N/A | N/A | N/A |
| Experience | N/A | Must be at least 21 years of age (68 Ind. Admin. Code 24-3-13) | Must be at least 18 years of age (Ky. Boxing and Wrestling Commission, Promoter Forms) | N/A | N/A | Applicants must possess the requisite "skill, knowledge, and ability to promote, hold, and conduct" an unarmed combat event (W. Va. Code 29-5A-8) |

| Promoter | | | | | | |
|-----------------------|---|---------------------------------------|---|---|--|-----------------------------------|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Exam | N/A | N/A | N/A | N/A | Yes ⁶ (5 Pa. Cons. Stat. 913) | N/A |
| Continuing education | N/A | N/A | N/A | N/A | N/A | N/A |
| Initial licensure fee | Boxing: \$150 Wrestling: \$200 MMA: \$150 Tough Person: \$150 (R.C. 3773.43; O.A.C. 3773-3-02; Ohio Athletic Commission, Non-Fighter Ohio License Application) | \$300 (68 Ind. Admin. Code 24-3-2) | \$300 (201 Ky. Admin. Regs. 27:008) | \$300 plus \$500 if conduct an event in Michigan (Mich. Comp. Laws 338.3633) | \$100 (58 Pa. Code 13.4) | \$125 (W. Va. Code 29-5A-3) |
| License duration | One year (R.C. 3773.36) | One year (Ind. Code 4-33-22-14) | One year (201 Ky. Admin. Regs. 27:008) | One year (Mich. Comp. Laws 338.3630) | License expires on December 31 of the year it was issued | One year (W. Va. Code 29-5A-3) |

⁶ Pennsylvania Athletic Commission may require applicant to appear for oral examination (5 Pa. Cons. Stat. 913).

| Promoter | | | | | | |
|-------------|------------------|---------------------------------------|--|--|-----------------------------|--------------------------------|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | | | | | (5 Pa. Cons. Stat. 911) | |
| Renewal fee | N/A ⁷ | \$300 (68 Ind. Admin. Code 24-3-2) | \$300 (201 Ky. Admin. Regs. 27:008) | \$300 plus \$500 if conduct event in Michigan (Mich. Comp. Laws 338.3633) | \$100 (58 Pa. Code 13.4) | \$125 (W. Va. Code 29-5A-3) |

Referee

Survey response (ATH)

| Description |
|--|
| <p>"Referee" is responsible for ensuring the safety of the fighters and the rules of the fight are followed.</p> |

⁷ A promoter must apply for a new license each year.

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

The Ohio Athletic Commission evaluates each referee through trainings, shadowing, to trial referee supervised by a senior referee. Once approved the commission will license the referee.

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

| | |
|---|--|
| Number issued annually | 11 |
| Number renewed annually | 440 |
| Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years? | Referee is a selective job and with more local and regional events we had an increase in new referees. |
| Education or training requirements | Training course through the ABC and any other accredited program are highly recommended but not required. |
| Experience requirements | Previous experience in another state with recommendation is necessary for already licensed officials that have not trial refereed in Ohio. |

| 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 Commission 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 | 1 year |
| Renewal fee (<i>If different from initial fee, please explain why.</i>) | Same as initial fee |
| Does the Commission 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 |

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 Commission?

No

Is the Commission 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.*)

NA

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

The commission has the right to suspend referee's license.

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

\$440 All money received goes into the TOC fund.

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

NA

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

The commission seeks to prevent harm during combative sports to its contestants to the highest standard possible.

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

Yes, It is effective in screening, installing and maintaining good referees.

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

OAC is looking into statewide training and continuation education for trainings.

Surrounding state comparison (LSC) (as of July 23, 2024)

| Referee | | | | | | |
|--|---|---|---|---|--|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Type of regulation (Name of regulation) | License (License) <i>(R.C. 3773.32)</i> | License (License) <i>(Ind. Code 4-33-22-17)</i> | License (License) <i>(Ky. Rev. Stat. 229.025)</i> | License (Participant license) <i>(Mich. Comp. Laws 338.3633b)</i> | License (License) <i>(5 Pa. Cons. Stat. 905)</i> | License (License) <i>(W. Va. Code 29-5A-3; W. Va. Code R. 177-1-4)</i> |

| Referee | | | | | | |
|-----------------------|--|--|---|--|---|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Education or training | N/A | N/A | N/A | Michigan Unarmed Combat Commission may require referee to obtain satisfactory training <i>(Mich. Admin. Code R. 339.203a)</i> | Applicant must have served an apprenticeship of at least three months <i>(58 Pa. Code 21.11)</i> | N/A |
| Experience | Must be at least 21 years of age and have experience as an amateur or professional referee or evaluated by the Commission <i>(R.C. 3773.41 and 3773.42; O.A.C. 3773-5-03)</i> | Must be at least 21 years of age and must submit any certification the applicant has obtained from any organization that certifies boxing or MMA referees <i>(68 Ind. Admin. Code 24-3-9)</i> | Must be at least 18 years of age <i>(Ky. Rev. Stat. 229.025)</i> | Must be at least 18 years of age Michigan Unarmed Combat Commission may require referee to obtain satisfactory experience <i>(Mich. Admin. Code R. 339.203a)</i> | Must be at least 21 years of age <i>(58 Pa. Code 21.11)</i> | Must be at least 18 years of age <i>(W. Va. Code R. 177-1-14)</i> Applicant must establish that he or she is skilled in the profession of boxing and is physically fit and mentally sound <i>(W. Va. Code R. 177-1-4)</i> |

| Referee | | | | | | |
|-----------------------|---|---|--|--|---|------------------------------------|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Exam | N/A | N/A (but is subject to a physical and medical exam) (68 Ind. Admin. Code 24-3-9) | N/A (but must submit a physical report) (201 Ky. Admin. Regs. 27:008) | Yes ⁸ (Mich. Admin. Code R. 339.203a) | Yes (5 Pa. Cons. Stat. 913; 58 Pa. Code 21.11) | N/A |
| Continuing education | N/A | N/A | N/A | N/A | N/A | N/A |
| Initial licensure fee | \$40 (R.C. 3773.43; Ohio Athletic Commission, Non-Fighter Ohio License Application) | \$100 (68 Ind. Admin. Code 24-3-2) | \$40 (Ky. Rev. Stat. 229.025; 201 Ky. Admin. Regs. 27:2008) | \$150 plus \$30 processing fee (Mich. Comp. Laws 338.3633b) | \$35 (58 Pa. Code 13.4) | \$30 (W. Va. Code R. 177-1-4) |
| License duration | One year (R.C. 3773.42) | Two years (68 Ind. Admin. Code 24-3-2) | One year (201 Ky. Admin. Regs. 27:2008) | One year (Mich. Comp. Laws 338.3633b; Mich. Admin. Code R. 339.401) | License expires on December 31 of the year it was issued (5 Pa. Cons. Stat. 911) | One year (W. Va. Code 29-5A-20) |

⁸ Michigan Unarmed Combat Commission may require a referee to complete an examination (Mich. Admin. Code R. 339.203a).

| Referee | | | | | | |
|-------------|------------------|--|---|---|-----------------------------------|---------------------------------------|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Renewal fee | N/A ⁹ | \$100 <i>(68 Ind. Admin. Code 24-3-2)</i> | \$40 <i>(Ky. Rev. Stat. 229.025; 201 Ky. Admin. Regs. 27:2008)</i> | \$150 plus \$30 processing fee <i>(Mich. Comp. Laws 338.3633b)</i> | \$35 <i>(58 Pa. Code 13.4)</i> | \$30 <i>(W. Va. Code 29-5A-20)</i> |

Athlete agent

Survey response (ATH)

| Description |
|---|
| <p>“Athlete agent” means any person who directly or indirectly recruits or solicits any athlete to enter into an agent contract or professional sports services contract, or who for a fee procures, offers, promises, or attempts to obtain employment for an athlete with a professional sports team, or as a professional athlete, or otherwise attempts to market an athlete or an athlete’s reputation. Athlete agent does not include either of the following:</p> <ul style="list-style-type: none"> (1) A member of a student athlete’s immediate family; (2) An attorney from whom an athlete seeks legal advice concerning a proposed professional sports services contract if the attorney does not represent the athlete in negotiating or soliciting the contract. |

⁹ A referee must apply for a new license each year.

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

Athlete agents need to be bonded a minimum of \$15,000 before being licensed. Athlete Agents are licensed to be approved to go on college campus public schools, sporting events, etc. within the state to recruit athletes.

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

| | |
|---|---|
| Number issued annually | 64 |
| Number renewed annually | Not applicable |
| Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years? | Yes, with athlete agents being allowed to now recruit athletes in high school, the number of licenses continue to increase. |
| Education or training requirements | Not applicable |
| Experience requirements | Not applicable |

| 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 Commission 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 | Five Hundred Dollars (\$500) |
| Duration | Two (2) Years |
| Renewal fee (<i>If different from initial fee, please explain why.</i>) | Not applicable |
| Does the Commission recognize uniform licensure requirements or allow for reciprocity? | No, All athlete agents must be registered in Ohio to do business in Ohio. |
| Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation? | Not applicable |

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 Commission? | No |
| Is the Commission 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>) | Not applicable |

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

Yes, License can be suspended if contracts between athlete agents and the athlete are broken.

The Ohio athletic commission may, except as provided in division (B) of this section, refuse to grant or renew a registration, or may suspend or revoke a registration of an athlete agent upon proof satisfactory to the commission that the athlete agent or an employee or representative of the athlete agent has done any of the following:

Made false or misleading statements of a material nature in an application for registration as an athlete agent;

Been convicted of or pleaded guilty to an offense in connection with the person's service as an athlete agent in this or another state;

Been convicted of or pleaded guilty to an offense involving illegal gambling;

Engaged in conduct that has a significant adverse impact on the applicant's credibility, integrity, or competence to serve in a fiduciary capacity;

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

Misappropriated funds or engaged in other specific conduct that would render the applicant unfit to serve in a fiduciary capacity, including being convicted of or pleading guilty to offenses involving embezzlement, theft, or fraud;

Violated a provision of this chapter or a rule adopted under this chapter.

The commission shall not refuse to issue a registration to an applicant because of a conviction of or plea of guilty to an offense unless the refusal is in accordance with section [9.79](#) of the Revised Code.

Upon receiving a complaint of a violation of this chapter or a rule adopted under it, the commission shall conduct an investigation of the complaint. If the commission finds reasonable cause to believe a violation occurred, the commission shall conduct a hearing in accordance with Chapter 119. of the Revised Code to determine if a violation occurred. If the commission finds a violation occurred, the commission may suspend or revoke, or refuse to issue or renew, the registration of an athlete agent for such period of time as the commission finds appropriate.

Upon completion of an investigation, if the commission finds no reasonable grounds to believe a violation occurred, the commission shall certify without a hearing that no violation occurred. The commission shall serve the certification on all parties addressed in the complaint by certified mail, return receipt requested. The certification shall be considered a final resolution of the matter if no objection to the certification is filed. A party involved in the complaint may file an objection to the certification with the commission within ten days after the date the certification is mailed. If a party files an objection to the certification within the prescribed period, the commission, within its discretion, may conduct a hearing in accordance with Chapter 119. of the Revised Code to determine if a violation occurred.

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

It's a two year license. Biannually. The OAC issued 64 licenses taking in approximately \$32,000 biannually.

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).)

Athlete agents taking financial advantage of student athletes

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

Yes it's effective in preventing deceptive business practices.

No

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

Yes, the commission is looking into one year licensing for athlete agents, but as of now we are staying with a two year license.

Surrounding state comparison (LSC) (as of July 15, 2024)

| Athlete Agent | | | | | | |
|--|--|---|--|---------------------|---|---|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Type of regulation (Name of regulation) | License (Certificate of registration) <i>(R.C. 4771.06)</i> | License (Certificate of registration) <i>(Ind. Code 25-5.2-2-2)</i> | License (Certificate of registration) <i>(Ky. Rev. Stat. 164.6907)</i> | No clear equivalent | License (Certificate of Registration) <i>(5 Pa. Cons. Stat. 3504)</i> | License (Certificate of registration) <i>(W. Va. Code 30-39-4)</i> |
| Education or training | If the applicant is an attorney, must submit a certificate of good standing from the Ohio Supreme Court If the applicant is not an attorney, must submit affidavit or | Applicant must describe the applicant's formal training as an athlete agent and educational background relating to the applicant's activities as an athlete agent | Applicant must describe the applicant's formal training as an athlete and the applicant's educational background relating to the applicant's | N/A | Applicant must describe formal training as an athlete agent and educational background relating to the applicant's activities as an athlete agent | Applicant must describe formal training as an athlete agent and educational background relating to the applicant's activities as an athlete agent |

| Athlete Agent | | | | | | |
|---------------|---|--|---|----------|--|---|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | certificate of completion describing all formal training or practical experience in any of the following areas: contracts, contract negotiation, complaint resolution, arbitration, or dispute resolution ¹⁰ (R.C. 4771.07) | (Ind. Code 25-5.2-2-3) | activities as an athlete agent (Ky. Rev. Stat. 164.6909) | | (5 Pa. Cons. Stat. 3505) | (W. Va. Code 30-39-5) |
| Experience | See “Education or training,” above (R.C. 4771.07) | Applicant must describe the applicant’s practical experience as an athlete agent (Ind. Code 25-5.2-2-3) | Applicant must describe practical experience as an athlete agent (Ky. Rev. Stat. 164.6909) | N/A | Applicant must describe the applicant’s practical experience as an athlete agent (5 Pa. Cons. Stat. 3505) | Applicant must describe the applicant’s practical experience as an athlete agent (W. Va. Code 30-39-5) |

¹⁰ Per conversation with Ohio Athletic Commission Director Charles Haskell, although the statute has these requirements, the focus for licensure is obtaining the required bond.

| Athlete Agent | | | | | | |
|-----------------------|--|---|---|----------|--|---|
| | 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 | \$500 <i>(R.C. 4771.05; O.A.C. 3773-1-05)</i> | \$700 <i>(Ind. Code 25-5.2-2-7; 10 Ind. Admin. Code 4-3-1)</i> | \$300 <i>(Ky. Rev. Stat. 164.6915; 830 Ky. Admin. Regs. 002:010)</i> | N/A | \$200 <i>(5 Pa. Cons. Stat. 3509)</i> | \$50 <i>(W. Va. Code 30-39-9)</i> |
| License duration | Two years <i>(R.C. 4771.08)</i> | Two years <i>(Ind. Code 25-5.2-2-4)</i> | Two years <i>(Ky. Rev. Stat. 164.6911)</i> | N/A | Two years <i>(5 Pa. Cons. Stat. 3506)</i> | Two years <i>(W. Va. Code 30-39-6)</i> |
| Renewal fee | N/A ¹¹ | \$700 <i>(Ind. Code 25-5.2-2-7; 10 Ind. Admin. Code 4-3-1)</i> | \$200 <i>(Ky. Rev. Stat. 164.6915; 830 Ky. Admin. Regs. 002:010)</i> | N/A | \$200 <i>(5 Pa. Cons. Stat. 3509)</i> | \$10 <i>(W. Va. Code 30-39-9)</i> |

¹¹ An athlete agent must apply for a new license each year.

Tough persons

Survey response for tough person competition (ATH)

| Description | |
|--|--|
| <p>“Tough person contests” mean any competition that involves any physical contact bout between two or more individuals who attempt to knock out the opponent by using boxing, kicking, or any combination of such techniques and tactics.</p> | |
| Type <i>(License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)</i> | |
| <p>All Tough-person contestants were included as mixed martial artists.</p> | |
| If the regulation is a registration, certification, or license requirement, please complete the following: | |
| Number issued annually | All Tough-person contestants were included as mixed martial artists. |
| Number renewed annually | All Tough-person contestants were included as mixed martial artists. |

| 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? | All Tough-person contestants were included as mixed martial artists. |
| Education or training requirements | All Tough-person contestants were included as mixed martial artists. |
| Experience requirements | |
| Examination requirements (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Commission receive any proceeds of those fees? If so, how are the proceeds used?)</i> | All Tough person contestants were included as mixed martial artists. |
| Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>) | All Tough person contestants were included as mixed martial artists. |
| Initial fee | All Tough person contestants were included as mixed martial artists. |
| Duration | All Tough person contestants were included as mixed martial artists. |
| Renewal fee (<i>If different from initial fee, please explain why.</i>) | All Tough person contestants were included as mixed martial artists. |

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

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

All Tough person contestants were included as mixed martial artists.

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

All Tough person contestants were included as mixed martial artists.

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

All Tough person contestants were included as mixed martial artists.

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

All Tough person contestants were included as mixed martial artists.

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

All Tough person contestants were included as mixed martial artists.

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

All Tough person contestants were included as mixed martial artists.

Survey response for super-tough person competition (ATH)**Description**

Non-Applicable. The OAC does not currently sanction or regulate Super Toughman competitions.

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

Non-Applicable. The OAC does not currently sanction or regulate Super Tough-person competitions.

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

Non-Applicable. The OAC does not currently sanction or regulate Super Tough-person competitions.

Number renewed annually

Non-Applicable. The OAC does not currently sanction or regulate Super Tough-person competitions.

| 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? | Non-Applicable. The OAC does not currently sanction or regulate Super Tough-person competitions. |
| Education or training requirements | Non-Applicable. The OAC does not currently sanction or regulate Super Tough-person competitions. |
| Experience requirements | Non-Applicable. The OAC does not currently sanction or regulate Super Tough-person competitions. |
| Examination requirements (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Commission receive any proceeds of those fees? If so, how are the proceeds used?</i>) | Non-Applicable. The OAC does not currently sanction or regulate Super Tough-person competitions. |
| Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>) | Above answer- will not allow answer. Non-Applicable. The OAC does not currently sanction or regulate Super Tough-person competitions. Non-Applicable. The OAC does not currently sanction or regulate Super Tough competitions. |
| Initial fee | Non-Applicable. The OAC does not currently sanction or regulate Super Tough-person competitions. |
| Duration | Non-Applicable. The OAC does not currently sanction or regulate Super Tough-person competitions. |

| 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> | Non-Applicable. The OAC does not currently sanction or regulate Super Tough-person competitions. |
| Does the Commission recognize uniform licensure requirements or allow for reciprocity? | Non-Applicable. The OAC does not currently sanction or regulate Super Tough-person competitions. |
| Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation? | Non-Applicable. The OAC does not currently sanction or regulate Super Tough-person competitions. |
| Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Commission? | Non-Applicable. The OAC does not currently sanction or regulate Super Tough-person competitions. |
| Is the Commission permitted to exercise discretion in determining whether to register, certify, or license an individual? | Non-Applicable. The OAC does not currently sanction or regulate Super Tough-person competitions. |
| Other information <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i> | Non-Applicable. The OAC does not currently sanction or regulate Super Tough-person competitions. |

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

Non-Applicable. The OAC does not currently sanction or regulate Super Tough-person competitions.

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

Non-Applicable. The OAC does not currently sanction or regulate Super Tough-person competitions.

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

Non-Applicable. The OAC does not currently sanction or regulate Super Tough-person competitions.

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

Non-Applicable. The OAC does not currently sanction or regulate Super Tough-person competitions.

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

Non-Applicable. The OAC does not currently sanction or regulate Super Tough-person competitions.

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

Non-Applicable. The OAC does not currently sanction or regulate Super Tough-person competitions.

Surrounding state comparison (LSC) (as of July 26, 2024)

Of Ohio and the surrounding states, only Ohio appears to expressly regulate tough person contestants (either tough man (a form of amateur boxing, sometimes referred to as “boxing elimination contests”) contest participants or tough guy (a form of MMA) contest participants), by requiring them to obtain a tough person license. Indiana expressly prohibits these types of competitions, and

Michigan exempts boxing elimination contests from the laws governing boxing and MMA competitions.¹² It is possible that for the remaining states, these contestants fall under the regulations for boxing or MMA fighting as described above.

Ohio has two types of licenses: tough person or super tough person. An applicant for either type must be at least 18 years of age. An applicant for either type of license cannot have any previous professional experience in boxing, mixed martial arts, kickboxing, or any other unarmed combat sport. The license is valid for one year, and the applicant must pay a \$40 fee.¹³ It does not appear that the Ohio Athletic Commission is issuing these licenses at this time (as noted by the Commission, tough person falls under MMA).

¹² Ind. Code 35-45-18-1 and 35-45-18-2; Mich. Comp. Laws 338.3650.

¹³ R.C. 3773.42; O.A.C. 3773-1-05, 3773-6-01, and 3773-6-02.

**DIVISION OF SECURITIES
DEPARTMENT OF COMMERCE**

Table of Contents

General information (COM) 1

Bureau of Workers’ Compensation chief investment officer 3

Dealer in securities..... 8

Investment advisor 16

Investment advisor representative..... 23

Salesperson of securities 31

State retirement system investment officer 38

General information (COM)

Duties

The Division of Securities (“Division”) administers and enforces the Ohio Securities Act found in Chapter 1707 of the Ohio Revised Code. The Division licenses broker-dealers, securities salespersons, investment advisers, investment adviser representatives and investment officers. The Division also registers securities offered for sale to Ohioans. When Ohio’s securities laws are violated, the Division can pursue administrative actions, civil injunctive actions and criminal referrals. Ohio is considered a model state in its licensing, registration, and enforcement practices. The Division works closely with stakeholders in promulgating rules making Ohio a safe marketplace for the investing public.

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

Andrea Seidt – Ohio Securities Commissioner; appointed by the Governor
Roger L. Patrick, Jr. – Division Counsel; appointed by the Commissioner
Janice Hitzeman – Attorney Inspector; appointed by the Commissioner
John Crist – Compliance Director; appointed by the Commissioner

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

The Division of Securities is self-funded through the licensing and registration revenue outlined in the Ohio Revised Code Chapter 1707. All of these fees are paid into the State Treasury to the credit of the Securities fund (Fund 5500). The Division receives no General Revenue funding, but rather is a consistent contributor of excess revenue to GRF. The Division also receives money from settlements that is paid into the State Treasury to the credit of the Securities Enforcement and Education fund (Fund 5GKO).

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

The workload has increased significantly over the last few years with an increase in the number of licensees with the compliance section. The number of cases with a number of those resulting in criminal convictions have increased significantly as well.

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

There are 39 FTE in the Division of Securities.

Commissioner, Assistant to the Commissioner, Division Counsel, Attorney Inspector, 2 Deputy Attorney Inspector, 7 Enforcement Attorneys, 3 Investigators, 2 Forensic Accountants, Compliance Director, 4 Compliance Attorneys, Examination Programs Administrator, 5 Examiners and 10 Administrative staff in various support roles. There are currently 3 vacancies.

The Division anticipates increasing staffing to meet the demands of the workload in the next few years.

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

The Division follows the administrative hearing process that is outlined in Chapter 119.

Bureau of Workers' Compensation chief investment officer**Survey response (COM)**

| Description | |
|---|---|
| According to ORC 1707.164, no person shall act as a bureau of workers' compensation chief investment officer unless the person is licensed as a bureau of workers' compensation chief investment officer by the division of securities. | |
| Type <i>(License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)</i> | |
| License | |
| If the regulation is a registration, certification, or license requirement, please complete the following: | |
| Number issued annually | 1 |
| Number renewed annually | 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? | No |
| 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 Division receive any proceeds of those fees? If so, how are the proceeds used?</i>) | Applicant shall include documentation that the applicant has been designated as a chartered financial analyst by the CFA Institute and remains in good standing as required by division (A) of section 4123.441 of the Revised Code. |
| Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>) | N/A |
| Initial fee | \$50 |
| Duration | Annually expiring on June 30 th . |
| Renewal fee (<i>If different from initial fee, please explain why.</i>) | \$50 |

| If the regulation is a registration, certification, or license requirement, please complete the following: | |
|---|---|
| Does the Division recognize uniform licensure requirements or allow for reciprocity? | <p>According to ORC 1707.165(D)(2), The division shall issue a license to act as a bureau of workers' compensation chief investment officer in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies:</p> <p>(a) The applicant holds a license in another state.</p> <p>(b) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as a bureau of workers' compensation chief investment officer in a state that does not issue that license.</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 Division? | No |
| Is the Division 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.) | |

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

The Division has the authority to investigate applicants, licensees and/or persons suspected of engaging in unlicensed activity. Chapter 1707 permits this to be accomplished in a number of ways including the issuance of subpoenas, examination of records, interviewing individuals, the issuance of orders, etc. The Division may also seek administrative actions, pursue civil remedies or refer cases for criminal prosecution.

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

There is only one licensed BWC/CIO so the revenue generated is \$50 (renewal figures). This money is deposited with the State Treasurer and applied to the Securities Fund which is used for payroll and expenses related to operating the Division.

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).)

The licensing regulation seeks to protect the public by ensuring that individuals in a position of trust with public funds or investor monies are reputable and competent according to qualifications that the General Assembly has set forth in the Ohio Revised Code and through rules promulgated under the powers granted by statute to the Division.

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 are the least restrictive means to prevent such harm.

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

No

Surrounding state comparison (LSC) (as of September 6, 2024)

Under Ohio law, no person may act as a Bureau of Workers' Compensation chief investment officer unless the person is licensed as a Bureau of Workers' Compensation chief investment officer by the Division of Securities.¹ To be issued a license, an individual must pay a \$50 license fee, and pass an examination designated by the Division or achieve a specified professional designation. The license is valid for one year and may be renewed for a fee of \$50.²

The license application must include documentation that the applicant has been designated as a chartered financial analyst by the CFA Institute and remains in good standing.³

Indiana, Kentucky, Michigan, Pennsylvania, and West Virginia have no equivalent license.

Dealer in securities

Survey response (COM)

| Description |
|--|
| According to 1707.14, No person shall act as a dealer, unless the person is licensed as a dealer by the division of securities unless exempt. The exceptions are listed in the statute and in rules promulgated by the Division. |

¹ R.C. 1707.164.

² R.C. 1707.17.

³ O.A.C. 1301:6-3-16.5(B).

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

License

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

| | |
|---|---------------|
| Number issued annually | 1,827 in FY24 |
| Number renewed annually | 1,830 in FY23 |
| Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years? | No |
| Education or training requirements | N/A |
| Experience requirements | N/A |

| 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 Division 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 | \$200 |
| Duration | Annually with an expiration of December 31 st |
| Renewal fee (<i>If different from initial fee, please explain why.</i>) | \$200 |
| Does the Division 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 |

| 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 Division? | Only if they qualify for one of the exemptions listed in ORC 1707.14 |
| Is the Division permitted to exercise discretion in determining whether to register, certify, or license an individual? | If the person has engaged in deceptive acts or practices or is found to not be of good business repute, the Division has the authority, through the Chapter 119 administrative process, to deny a license application, refuse to renew, suspend, or revoke a license. |
| Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>) | |
| Oversight and disciplinary authority of the Division respecting individuals engaged in the occupation. | |
| The Division has the authority to investigate applicants, licensees and/or persons suspected of engaging in unlicensed activity. Chapter 1707 permits this to be accomplished in a number of ways including the issuance of subpoenas, examination of records, interviewing individuals, the issuance of orders, etc. | |

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

\$365,400 (renewal figures). This money is deposited with the State Treasurer and applied to the Securities Fund which is used for payroll and expenses related to operating the Division.

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

31 CFR Part 1023

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

The licensing regulation seeks to protect the public by ensuring that individuals in a position of trust with public funds or investor monies are reputable and competent according to qualifications that the General Assembly has set forth in the Ohio Revised Code and through rules promulgated under the powers granted by statute to the Division.

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 are the least restrictive means to prevent such harm.

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

No

Surrounding state comparison (LSC) (as of September 6, 2024)

| Dealer in Securities | | | | | | |
|--|--|--|---|--|--|---|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Type of regulation (Name of regulation) | License (Dealer license) <i>(R.C. 1707.14)</i> | License (Broker-dealer registration) <i>(Ind. Code 23-19-4-1)</i> | License (Broker-dealer registration) <i>(Ky. Rev. Stat. 292.330)</i> | License (Broker-dealer registration) <i>(Mich. Comp. Laws 451.2401)</i> | Registration (Broker-dealer registration) <i>(70 P.S. 1-301(a))</i> | License (Broker-dealer registration) <i>(W. Va. Code 32-2-201)</i> |
| Education or training | N/A | N/A | N/A | N/A | N/A | N/A |

| Dealer in Securities | | | | | | |
|----------------------|---|--|---|---|--------------|---|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Experience | N/A | N/A | N/A | N/A | N/A | N/A |
| Exam | Yes, for a natural person associated with the dealer; Registered options principal, series 4; General securities principal, series 24; Investment company and variable contracts products principal, series 26; Direct participation programs principal, series 39; Municipal securities principal, series 53; or Uniform Combined State Law exam, series 66, administered by FINRA | Yes <i>(710 Ind. Admin. Code 4-7-2)</i> | Yes; Uniform Investment Advisor Law exam or General Securities Representative exam and Uniform Combined State Law exam, administered by FINRA <i>(808 Ky. Admin. Regs. 10:260)</i> | Yes; Uniform Securities Agent State Law exam or Uniform Combined State Law exam and General Securities Representative exam <i>(Mich. Admin. Code R. 451.4.9)</i> | N/A | Yes <i>(W. Va. Code R. 111-1-11)</i> |

| Dealer in Securities | | | | | | |
|-----------------------|---|---|--|---|---------------------------------------|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | <i>(R.C. 1707.15; O.A.C. 1301:6-3-15)</i> | | | | | |
| Continuing education | N/A | N/A | N/A | N/A | N/A | N/A |
| Initial licensure fee | \$200 <i>(R.C. 1707.17 (B)(1))</i> | \$250 <i>(Ind. Code 23-19-4-10)</i> | \$120 <i>(Ky. Rev. Stat. 292.335)</i> | \$300 <i>(Mich. Comp. Laws 451.2410(1))</i> | \$350 <i>(70 P.S. 1-602 (d.1))</i> | \$300 <i>(W. Va. Code 32-2-202(c))</i> |
| License duration | One year <i>(R.C. 1707.17 (A)(1))</i> | One year <i>(Ind. Code 23-19-4-6(e))</i> | One year <i>(Ky. Rev. Stat. 292.331(2))</i> | One year <i>(Mich. Comp. Laws 451.2406(4))</i> | One year <i>(70 P.S. 1-301(e))</i> | One year <i>(W. Va. Code 32-2-201(d))</i> |
| Renewal fee | \$200 <i>(R.C. 1707.17 (B)(1))</i> | \$125 <i>(Ind. Code 23-19-4-10)</i> | \$120 <i>(Ky. Rev. Stat. 292.335)</i> | \$300 <i>(Mich. Comp. Laws 451.2410(1))</i> | \$350 <i>(70 P.S. 1-602 (d.1))</i> | \$300 <i>(W. Va. Code 32-2-202(c))</i> |

Investment advisor

Survey response (COM)

| Description | |
|--|-------|
| <p>According to ORC 1707.141, no person shall act as an investment advisor in Ohio unless they meet one of the requirements set forth in that section. ORC 1707.141 requires the investment adviser to either be licensed by the Division, qualify for an exception listed within the statute or be registered with the United States Securities and Exchange Commission and provide notice and fee to the Division.</p> | |
| Type <i>(License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)</i> | |
| License | |
| If the regulation is a registration, certification, or license requirement, please complete the following: | |
| Number issued annually | 3,301 |
| Number renewed annually | 3,279 |

| 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? | Yes |
| 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 Division 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 | \$100 |
| Duration | Annually expiring on December 31 st |
| 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: | |
|---|---|
| Does the Division 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 Division? | If they meet an exception set forth in 1707.141 |
| Is the Division permitted to exercise discretion in determining whether to register, certify, or license an individual? | If the person has engaged in deceptive acts or practices or is found to not be of good business repute, the Division has the authority, through the Chapter 119 administrative process, to deny a license application, refuse to renew, suspend, or revoke a license. |
| Other information (Significant attributes or prerequisites to licensure not addressed in this chart.) | |

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

The Division has the authority to investigate applicants, licensees and/or persons suspected of engaging in unlicensed activity. Chapter 1707 permits this to be accomplished in a number of ways including the issuance of subpoenas, examination of records, interviewing individuals, the issuance of orders, etc. The Division may also seek administrative actions, pursue civil remedies or refer cases for criminal prosecution.

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

\$330,100 (renewal figures). This money is deposited with the State Treasurer and applied to the Securities Fund which is used for payroll and expenses related to operating the Division.

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

The Investment Advisers Act of 1940, codified at 15 U.S.C. § 80b-1 through 15 U.S.C. § 80b-21

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

The licensing regulation seeks to protect the public by ensuring that individuals in a position of trust with public funds or investor monies are reputable and competent according to qualifications that the General Assembly has set forth in the Ohio Revised Code and through rules promulgated under the powers granted by statute to the Division.

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 are the least restrictive means to prevent such harm.

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

No.

Surrounding state comparison (LSC) (as of September 6, 2024)

| Investment Adviser | | | | | | |
|--|---|--|--|--|--|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Type of regulation (Name of regulation) | License (Investment adviser license) <i>(R.C. 1707.141)</i> | License (Investment adviser registration) <i>(Ind. Code 23-19-4-3)</i> | License (Investment adviser registration) <i>(Ky. Rev. Stat. 292.330(8))</i> | License (Investment adviser registration) <i>(Mich. Comp. Laws 451.2403)</i> | License (Investment adviser registration) <i>(70 P.S. 1-301(c))</i> | License (Investment adviser registration) <i>(W. Va. Code 32-2-201(c))</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 | Yes, if sole proprietor; Uniform Investment Adviser Law exam, or Securities Industry Essentials exam, General Securities Representative exam, and Uniformed State Law exam <i>(O.A.C. 1301:6-3-15.1)</i> | Yes <i>(710 Ind. Admin. Code 4-9-6)</i> | Yes; Uniform Investment Advisor Law exam or General Securities Representative exam and Uniform Combined State Law exam administered by FINRA <i>(808 Ky. Admin. Regs. 10:260)</i> | Yes; Uniform Investment Adviser State Law exam or Uniform Combined State Law exam and General Securities Representative exam <i>(Mich. Admin. Code R. 451.4.12)</i> | Yes; Uniform Investment Adviser Law exam, General Securities Representative exam administered by FINRA and Uniform Combined State Law exam, or series 65 exam or series 7 and series 66 exams and no | Yes <i>(W. Va. Code R. 111-1-13)</i> |

| Investment Adviser | | | | | | |
|-----------------------|-----------------------------------|--------------------------------------|---|--|--|---------------------------------------|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | | | | | lapse in registration (10 Pa. Code 303.032) | |
| Continuing education | N/A | N/A | N/A | N/A | N/A | N/A |
| Initial licensure fee | \$100 (R.C. 1707.17 (B)(3)) | \$100 (Ind. Code 23-19-4-10(c)) | \$100 (Ky. Rev. Stat. 292.335) | \$200 (Mich. Comp. Laws 451.2410(3)) | \$275 (70 P.S. 1-602 (d.1)) | \$200 (W. Va. Code 32-2-202(c)) |
| License duration | One year (R.C. 1707.17 (A)(3)) | One year (Ind. Code 23-19-4-6(e)) | One year (Ky. Rev. Stat. 292.331(2)) | One year (Mich. Comp. Laws 451.2406(4)) | One year (70 P.S. 1-301(e)) | One year (W. Va. Code 32-2-201(d)) |
| Renewal fee | \$100 (R.C. 1707.17 (B)(3)) | \$50 (Ind. Code 23-19-4-10(c)) | \$100 (Ky. Rev. Stat. 292.335) | \$200 (Mich. Comp. Laws 451.2410(3)) | \$275 (70 P.S. 1-602 (d.1)) | \$200 (W. Va. Code 32-2-202(c)) |

Investment advisor representative

Survey response (COM)

Description

According to ORC 1707.161 (A), No person shall act as an investment adviser representative, unless one of the following applies:

(1) The person is licensed as an investment adviser representative by the division of securities.

(2) The person is a natural person who is licensed as an investment adviser by the division, and does not act as an investment adviser representative for another investment adviser; however, a natural person who is licensed as an investment adviser by the division may act as an investment adviser representative for another investment adviser if the natural person also is licensed by the division, or is properly excepted from licensure, as an investment adviser representative of the other investment adviser.

(3) The person is employed by or associated with an investment adviser registered under section 203 of the “Investment Advisers Act of 1940,” 15 U.S.C. 80b-3, and does not have a place of business in this state.

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

License

| If the regulation is a registration, certification, or license requirement, please complete the following: | |
|--|--|
| Number issued annually | 21,360 in FY24 |
| Number renewed annually | 21,052 in FY23 |
| Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years? | Yes. |
| Education or training requirements | N/A |
| Experience requirements | <p>One of the conditions that an applicant can satisfy is showing the Division that the applicant was licensed as an investment adviser representative by the division or in another U.S. jurisdiction within the two years immediately preceding the date of the application. If they do not meet this requirement, then they must either pass one of the exams listed in the next section or hold one of the following professional designations in good standing:</p> <p>(a) "Certified Financial Planner" awarded by the "Certified Financial Planner Board of Standards, Inc.";</p> <p>(b) Chartered financial analyst;</p> <p>(c) Chartered financial consultant;</p> <p>(d) Chartered investment counselor; or</p> <p>(e) Certified public accountant with a personal financial specialist designation.</p> |

| 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 Division receive any proceeds of those fees? If so, how are the proceeds used?</i>) | Applicants that have not met either of the conditions listed in the experience requirements section above must have achieved a passing score within 2 years preceding the application on either: (a) The uniform investment adviser law exam (series 65); or (b) The securities industry essentials exam (SIE), the general securities representative exam (series 7), and the uniform combined state law exam (series 66); |
| Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>) | N/A |
| Initial fee | \$35 |
| Duration | Annually expiring on December 31st |
| Renewal fee (<i>If different from initial fee, please explain why.</i>) | \$35 |
| Does the Division 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 |

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 Division? | No |
| Is the Division permitted to exercise discretion in determining whether to register, certify, or license an individual? | If the person has engaged in deceptive acts or practices or is found to not be of good business repute, the Division has the authority, through the Chapter 119 administrative process, to deny a license application, refuse to renew, suspend, or revoke a license. |
| Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>) | |

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

The Division has the authority to investigate applicants, licensees and/or persons suspected of engaging in unlicensed activity. Chapter 1707 permits this to be accomplished in a number of ways including the issuance of subpoenas, examination of records, interviewing individuals, the issuance of orders, etc. The Division may also seek administrative actions, pursue civil remedies or refer cases for criminal prosecution.

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

\$747,600 (renewal figures). This money is deposited with the State Treasurer and applied to the Securities Fund which is used for payroll and expenses related to operating the Division.

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

The Investment Advisers Act of 1940, codified at 15 U.S.C. § 80b-1 through 15 U.S.C. § 80b-21

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

The licensing regulation seeks to protect the public by ensuring that individuals in a position of trust with public funds or investor monies are reputable and competent according to qualifications that the General Assembly has set forth in the Ohio Revised Code and through rules promulgated under the powers granted by statute to the Division.

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 are the least restrictive means to prevent such harm.

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

No.

Surrounding state comparison (LSC) (as of September 6, 2024)

| Investment Adviser Representative | | | | | | |
|--|--|---|--|---|--|---|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Type of regulation (Name of regulation) | License (Investment adviser representative license) <i>(R.C. 1707.161)</i> | License (Investment adviser representative registration) <i>(Ind. Code 23-19-4-4)</i> | License (Investment adviser representative registration) <i>(Ky. Rev. Stat. 292.330(10))</i> | License (Investment adviser representative registration) <i>(Mich. Comp. Laws 451.2404)</i> | License (Investment adviser representative registration) <i>(70 P.S. 1-301(c))</i> | License (Investment adviser representative registration) <i>(W. Va. Code 32-2-201(e))</i> |

| Investment Adviser Representative | | | | | | |
|-----------------------------------|---|--|--|--|---|---|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| 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 | No, if applicant holds specified credentials; otherwise, yes; Uniform Investment Adviser Law exam or Securities Industry Essentials exam, General Securities Representative exam, and Uniform Combined State Law exam <i>(R.C. 1707.161(D); O.A.C. 1301:6-3-16.1(B))</i> | Yes <i>(710 Ind. Admin. Code 4-9-6)</i> | Yes, unless registered in another state or holds specified credentials; Uniform Investment Advisor Law exam or General Securities Representative exam and Uniform Combined State Law exam, administered by FINRA <i>(808 Ky. Admin. Regs. 10:260)</i> | Yes; Uniform Investment Adviser State Law exam or Uniform Combined State Law exam and General Securities Representative exam <i>(Mich. Admin. Code R. 451.4.12)</i> | Yes; Uniform Investment Adviser Law exam or General Securities Representative exam administered by FINRA and Uniform Combined State Law exam, or either the series 65 exam or both the series 7 and series 66 exams <i>(10 Pa. Code 303.032)</i> | Yes <i>(W. Va. Code R. 111-1-13)</i> |
| Continuing education | N/A | N/A | Every 12 months, six credits of ethics and professional responsibility with | N/A | N/A | N/A |

| Investment Adviser Representative | | | | | | |
|-----------------------------------|--|---|---|---|---------------------------------------|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | | | at least three credits on ethics; and six credits of products and practice content, or has complied with FINRA's continuing education requirements <i>(Ky. Rev. Stat. 292.338)</i> | | | |
| Initial licensure fee | \$35 <i>(R.C. 1707.17 (B)(5))</i> | \$25 <i>(Ind. Code 23-19-4-10(d))</i> | \$50 <i>(Ky. Rev. Stat. 292.335)</i> | \$65 <i>(Mich. Comp. Laws 451.2410(4))</i> | \$80 <i>(70 P.S. 1-602 (d.1))</i> | \$75 <i>(W. Va. Code 32-2-202(c))</i> |
| License duration | One year <i>(R.C. 1707.17 (A)(2))</i> | One year <i>(Ind. Code 23-19-4-6(e))</i> | One year <i>(Ky. Rev. Stat. 292.331(2))</i> | One year <i>(Mich. Comp. Laws 451.2406(4))</i> | One year <i>(70 P.S. 1-301(e))</i> | One year <i>(W. Va. Code 32-2-201(d))</i> |
| Renewal fee | \$35 <i>(R.C. 1707.17 (B)(5))</i> | \$25 <i>(Ind. Code 23-19-4-10(d))</i> | \$50 <i>(Ky. Rev. Stat. 292.335)</i> | \$65 <i>(Mich. Comp. Laws 451.2410(4))</i> | \$80 <i>(70 P.S. 1-602 (d.1))</i> | \$75 <i>(W. Va. Code 32-2-202(c))</i> |

Salesperson of securities

Survey response (COM)

| Description | |
|--|----------|
| According to ORC 1707.16 (A), every salesperson of securities must be licensed by the division of securities and shall be employed, authorized, or appointed only by the licensed dealer specified in the salesperson's license. If the relationship between the salesperson and the dealer is severed, the salesperson's license shall be void. | |
| Type <i>(License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)</i> | |
| License | |
| If the regulation is a registration, certification, or license requirement, please complete the following: | |
| Number issued annually | 231,963 |
| Number renewed annually | 230, 842 |

| 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? | Yes. |
| Education or training requirements | N/A |
| Experience requirements | The applicant must show that they have been licensed as a securities salesperson by the Division within 2 years preceding the date of application. Applicant's not meeting this requirement must pass one of the exam requirements listed in the next section. However, an applicant who has been licensed in another U.S. jurisdiction within 2 years preceding the application does not have to take the exams. |
| Examination requirements (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Division receive any proceeds of those fees? If so, how are the proceeds used?</i>) | <p>According to OAC 1301:6-3-16(A)(2), an applicant who has not been licensed in Ohio or any other U.S. jurisdiction must have achieved a passing score on the following exams, or their successor exams, within two years of the date of filing an application with the division:</p> <p>(a) Either the uniform securities agent state law exam (series 63); or the uniform combined state law exam (series 66);</p> <p>(b) The securities industry essentials exam (SIE); and</p> <p>(c) The general securities representative exam (series 7), unless the applicant's proposed securities activities will be restricted, in which case the applicant needs to achieve a passing score on each exam that relates to the applicant's proposed securities activities:</p> <ul style="list-style-type: none"> (i) The investment company products and variable contracts representative exam (series 6); (ii) The direct participation programs limited representative exam (series 22); (iii) The municipal securities representative exam (series 52); |

| If the regulation is a registration, certification, or license requirement, please complete the following: | |
|--|---|
| | (iv) The investment banking representative exam (series 79); (v) The private securities offerings representative exam (series 82). |
| Continuing education requirements <i>(Including a description of the curriculum and the process of setting it.)</i> | N/A |
| Initial fee | \$60 |
| Duration | Annually expiring on December 31 st . |
| Renewal fee <i>(If different from initial fee, please explain why.)</i> | \$60 |
| Does the Division 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 Division? | No |

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

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

If the person has engaged in deceptive acts or practices or is found to not be of good business repute, the Division has the authority, through the Chapter 119 administrative process, to deny a license application, refuse to renew, suspend, or revoke a license.

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

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

The Division has the authority to investigate applicants, licensees and/or persons suspected of engaging in unlicensed activity. Chapter 1707 permits this to be accomplished in a number of ways including the issuance of subpoenas, examination of records, interviewing individuals, the issuance of orders, etc. The Division may also seek administrative actions, pursue civil remedies or refer cases for criminal prosecution.

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

\$13,850,520 (renewal figures). This money is deposited with the State Treasurer and applied to the Securities Fund which is used for payroll and expenses related to operating the Division.

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 licensing regulation seeks to protect the public by ensuring that individuals in a position of trust with public funds or investor monies are reputable and competent according to qualifications that the General Assembly has set forth in the Ohio Revised Code and through rules promulgated under the powers granted by statute to the Division.

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 are the least restrictive means to prevent such harm.

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

No

Surrounding state comparison (LSC) (as of September 6, 2024)

| Salesperson of Securities | | | | | | |
|--|---|---|---|--|--|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Type of regulation (Name of regulation) | License (Salesperson license) <i>(R.C. 1707.16)</i> | License (Agent registration) <i>(Ind. Code 23-19-4-2)</i> | License (Agent registration) <i>(Ky. Rev. Stat. 292.330(3))</i> | License (Agent registration) <i>(Mich. Comp. Laws 451.2402(1))</i> | License (Agent registration) <i>(70 P.S. 1-301(a))</i> | License (Agent registration) <i>(W. Va. Code 32-2-201(b))</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 | Yes; Uniform Securities Agent State Law exam, Uniform Combined State Law exam, or Securities Industry | Yes <i>(710 Ind. Admin. Code 4-8-2)</i> | Yes; Uniform Investment Advisor Law exam, or General Securities Representative exam and | Yes; Uniform Securities Agent State Law exam or the Uniform Combined State Law exam and General Securities | Yes; Securities exam for principals or registered representatives administered by FINRA or SEC | Yes; applicable qualifying exam required by the NASD, National Securities or Commodities exchanges, and/or |

| Salesperson of Securities | | | | | | |
|---------------------------|--|---|--|--|---------------------------------------|---|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | Essentials exam and General Securities Representative exam <i>(R.C. 1707.16(C); O.A.C. 1301:6-3-16)</i> | | Uniform Combined State Law exam, administered by FINRA <i>(808 Ky. Admin. Regs. 10:260)</i> | Representative exam <i>(Mich. Admin. Code R. 451.4.9)</i> | <i>(10 Pa. Code 303.031)</i> | the SEC, and Uniform Securities Agent State Law exam administered by NASD <i>(W. Va. Code R. 111-1-11)</i> |
| Continuing education | N/A | N/A | N/A | N/A | N/A | N/A |
| Initial licensure fee | \$60 <i>(R.C. 1707.17 (B)(2))</i> | \$25 <i>(Ind. Code 23-19-4-10)</i> | \$50 <i>(Ky. Rev. Stat. 292.335)</i> | \$65 <i>(Mich. Comp. Laws 2410(2))</i> | \$80 <i>(70 P.S. 1-602 (d.1))</i> | \$66 <i>(W. Va. Code 32-2-202(c))</i> |
| License duration | One year <i>(R.C. 1707.17(A))</i> | One year <i>(Ind. Code 23-19-4-6(e))</i> | One year <i>(Ky. Rev. Stat. 292.331(2))</i> | One year <i>(Mich. Comp. Laws 451.2406(4))</i> | One year <i>(70 P.S. 1-301(e))</i> | One year <i>(W. Va. Code 32-2-201(d))</i> |
| Renewal fee | \$60 <i>(R.C. 1707.17 (B)(2))</i> | \$25 <i>(Ind. Code 23-19-4-10)</i> | \$50 <i>(Ky. Rev. Stat. 292.335)</i> | \$65 <i>(Mich. Comp. Laws 2410(2))</i> | \$80 <i>(70 P.S. 1-602 (d.1))</i> | \$66 <i>(W. Va. Code 32-2-202(c))</i> |

State retirement system investment officer

Survey response (COM)

| Description | |
|---|-------------|
| According to ORC 1707.162(A), No person shall act as a state retirement system investment officer unless the person is licensed as a state retirement system investment officer by the division of securities. | |
| Type <i>(License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)</i> | |
| License | |
| If the regulation is a registration, certification, or license requirement, please complete the following: | |
| Number issued annually | 90 in FY24 |
| Number renewed annually | 92 in FY 23 |

| 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 | 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 Division receive any proceeds of those fees? If so, how are the proceeds used?</i>) | <p>Applicants after September 15, 2004, must satisfy one of the following (1) pass the series 63, 65 or 66 examination administered by the Financial Industry Regulatory Authority (FINRA) or the Level One examination offered by the CFA Institute. (2) earned, and is in good standing with the organization that issued any of the following credentials:</p> <ul style="list-style-type: none"> (a) "Certified Financial Planner" awarded by the "Certified Financial Planner Board of Standards, Inc."; (b) Chartered financial analyst; (c) Chartered financial consultant; (d) Chartered investment counselor; or (e) Certified public accountant with a personal financial specialist designation. <p>The Division does not receive any portion of the examination fees paid to the administering organizations.</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> | N/A |
| Initial fee | \$50 |
| Duration | Annually expiring on June 13 th . |
| Renewal fee <i>(If different from initial fee, please explain why.)</i> | \$50 |
| Does the Division 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 Division? | No |

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

Is the Division 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.*)

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

The Division has the authority to investigate applicants, licensees and/or persons suspected of engaging in unlicensed activity. Chapter 1707 permits this to be accomplished in a number of ways including the issuance of subpoenas, examination of records, interviewing individuals, the issuance of orders, etc. The Division may also seek administrative actions, pursue civil remedies or refer cases for criminal prosecution.

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

\$4,500 (renewal figures). This money is deposited with the State Treasurer and applied to the Securities Fund which is used for payroll and expenses related to operating the Division.

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).)

The licensing regulation seeks to protect the public by ensuring that individuals in a position of trust with public funds or investor monies are reputable and competent according to qualifications that the General Assembly has set forth in the Ohio Revised Code and through rules promulgated under the powers granted by statute to the Division.

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 are the least restrictive means to prevent such harm.

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

No

Surrounding state comparison (LSC) (as of September 6, 2024)

Under Ohio law, no person may act as a state retirement system investment officer unless the person is licensed as a state retirement system investment officer by the Division of Securities.⁴ To be issued a license, an individual must pay a \$50 license fee and pass an examination designated by the Division or achieve a specified professional designation. The license is valid for one year and may be renewed for a fee of \$50.⁵

Specifically, the individual must have satisfied one of the following criteria:

1. Achieved a passing score on one of the following examinations:
 - a. Uniform securities agent state law examination, series 63 administered by the Financial Industry Regulatory Authority;
 - b. Uniform investment adviser law examination, series 65 administered by the Financial Industry Regulatory Authority;
 - c. Uniform combined state law examination, series 66 administered by the Financial Industry Regulatory Authority; or
 - d. Level one examination offered by the CFA Institute.
2. Earned, and is in good standing with the organization that issued, any one of the following credentials:
 - a. Certified Financial Planner awarded by the Certified Financial Planner Board of Standards, Inc.;
 - b. Chartered financial analyst;

⁴ R.C. 1707.162.

⁵ R.C. 1707.17(B)(6).

- c. Chartered financial consultant;
- d. Chartered investment counselor; or
- e. Certified public accountant with a personal financial specialist designation.

An individual who was acting as a state retirement system investment officer on September 15, 2004, and has experience or equivalent education acceptable to the Division, may also be issued a license.⁶

Indiana, Kentucky, Michigan, Pennsylvania, and West Virginia have no equivalent license.⁷

⁶ R.C. 1707.163; O.A.C. 1301:6-3-16.3.

⁷ Ind. Code 5-10-0.5-1, Ky. Rev. Stat. 61.650, Mich. Comp. Laws 38.1176, 24 P.S. 8538, and W. Va. Code 5-10-9.

HISTORICAL BOILERS LICENSING BOARD DEPARTMENT OF COMMERCE

Table of Contents

| | |
|----------------------------------|---|
| General information (COM) | 1 |
| Historical boiler operator | 3 |

General information (COM)

Duties

The Historical Boilers Licensing Board is primarily responsible for promulgating standards for inspection and operation of historical boilers in the State, as well as licensing of historical boiler operators. R.C. 4104.34(A) & (F). A “historical boiler” refers to a “steam boiler of riveted construction that is preserved, restored, or maintained for hobby or demonstration.” R.C. 4104.31(B). Historical boilers differ from what is commonly referred to in the boiler industry as modern-day boilers in that modern boilers are not made solely of riveted construction, but rather are manufactured and constructed using welded components and procedures.

The Board also approves historical boiler operator courses, which applicants must attend in order to meet the requirements to obtain a historical boiler operator’s license.

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

The Board consists of “seven members appointed by the governor with the advice and consent of the senate. Terms of office shall be for five years, each term ending on the same day of the same month of the year as did the term that it succeeds. One member shall be an employee of the division of boiler inspection in the department of commerce; one member shall be an independent mechanical engineer who is not involved in selling or inspecting historical boilers; and one shall be an active member of an association that represents managers of fairs or festivals.” R.C. 4104.33. And “[t]he remaining four members shall each own a historical boiler and also have at least ten years of experience in the operation of historical boilers, and each of these four members shall reside in a different region of the state.” *Id.* At present, members of the Board include Bruce Babcock, which holds the position for independent engineer; Richard Oeder, which represents managers of fairs and festivals; John Sharier, who is the employee of the Division; and Kim Besecker, John Leck, Homer “Dan” Rufener, and James Lashaway, each of whom sit as the regional members. And Mr. Lashaway serves as Chairman. Dawn Evarson is an employee of the Department of Commerce and serves as the Board Secretary. Don Frymyer and Bill Glover are Commerce employees serving as general inspectors, which perform inspections of historical boilers under the jurisdiction of the Board.

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 only required to meet annually, but may meet more often as necessary if a meeting is called by the Chairman. R.C. 4104.33. And its costs are generally limited to compensating board members for “their actual and necessary expenses incurred in the discharge of their duties as board members.” *Id.* These direct costs of board member expenses to attend a meeting are roughly six hundred dollars in total per meeting. As such, its budgetary needs are minimal. These costs are covered by the initial licensing fee of fifty dollars, which is paid by historical boiler operators for the operator’s license that is valid for the lifetime of the licensee. The Board does not anticipate an increase or decrease in budget or funding in the future.

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

The board is required to meet at least annually, but often meets between two and four times per year depending upon the amount of work needing the board’s attention. In 2022, thirty-four historical boiler inspections were performed by the Department’s General Inspectors; sixty-one applicants passed the historical boilers licensing examination; and three training courses were conducted by providers approved by the Board. Since first being established, the Board has issued 727 Historical Boiler Operator’s Licenses, which have no expiration period and are not required to be renewed. Aside from a brief period when the Board was abolished, its workload has neither increased nor decreased significantly in the preceding six years.

At present 123 historical boilers are active in the state, meaning that the historical boilers have been inspected, the required certificate of operation fee has been paid, and the historical boiler has been issued a certificate of operation by the Department of Commerce. Records indicate that 102 historical boilers are currently inactive, meaning that the owners of the boilers did not elect to have the boilers inspected. This often occurs when an owner does not plan to show or operate the historical boiler for a period of time, and, thereby, having no need to obtain a certificate of operation. Inspection of historical boilers and issuance of certificates of operation is performed by the Division of Industrial Compliance. The Board’s involvement is limited to setting criteria for inspectors, procedures for performing inspections, and standards for riveted or welded repairs or alterations made to historical boilers under division (A) of section 4104.34 of the Revised Code.

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?)*

No staff are employed directly by the Board. Administrative support for the Board is provided by employees of the Division of Industrial Compliance (the "Division") within the Ohio Department of Commerce. Roughly five employees within the Division are responsible for nearly all staffing needs of the Board. The Chief Boiler Inspector within the Department of Commerce serves on the Board and oversees the Division's Boiler Section. The Boiler Section is responsible for performing inspections of both modern-day and historical boilers throughout the state. Two of the Division's boiler inspectors specifically are involved with performing historical boiler inspections. And the Board Secretary is also an employee of the Division. Finally, the Division's legal section provides legal counsel to the Board on an as needed basis as well as attending Board meetings.

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

While the Board has jurisdiction over licensee discipline, the Board has not had the need to pursue disciplinary action against a licensee in recent memory. If discipline were pursued, it would proceed according to the requirements of Chapter 119. of the Revised Code. In the event a complaint was received, the matter would be referred to the Chief Boiler Inspector and a General Inspector employed by the Division would be asked to investigate the matter alleged in the Complaint.

Historical boiler operator

Survey response (COM)

Description

In order to "operate a historical boiler in this state in a place that is open to the public" an individual must obtain a historical boilers operator license from the Board, and the boiler must have a current valid certificate of operation. R.C. 4104.32. "Open to the public" means "any event that is attended by one hundred twenty-five or more people at any time or that takes place within five hundred yards of one hundred twenty-five or more people." O.A.C. 1301:3-4-01(A). This requirement, however, only applies to boilers "in excess of sixteen inches interior diameter of the shell of the boiler." O.A.C. 1301:3-4-01(B).

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

Under section 4798.01 of the Revised Code, an “[o]ccupational license” means nontransferable authorization in law that an individual must possess in order to perform a lawful occupation for compensation based on meeting personal qualifications established by statute, or by a rule authorized by statute. “Occupational license” does not include a commercial or other driver’s license issued under the Revised Code.” *Id.* A “historical boiler,” however, is limited to a “steam boiler of riveted construction that is preserved, restored, or maintained *for hobby or demonstration.*” R.C. 4104.31(B) (emphasis added). As such, licenses required to operate historical boilers do not constitute an occupational license, as they are merely maintained for hobby or demonstration and not as an occupation. In order to obtain a historical boiler operator’s license, however, an applicant must meet certain personal qualifications. Accordingly, if the license fits any of the categories defined in section 4798.01 of the Revised Code, it would likely be as an “occupational license.”

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

| | |
|---|---|
| Number issued annually | Numbers vary from year to year. 727 historical boiler operator’s licenses have been issued since the Board was initially established. In general, between 20 and 50 new licenses are issued each year. |
| Number renewed annually | A historical boiler operator’s license does not expire and is valid for the life of the licensee. R.C. 4104.35(C). As such, the license cannot be renewed. |
| Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years? | Aside from the period of roughly a year during which the Historical Boilers Licensing Board was abolished and then reinstituted, and the slightly increased number of applications received following this period when demand for the license was unmet and thereby carried over to when the board began to operate again, the board has not seen an increase or decrease in the number of licenses processed over the preceding six years. |
| Education or training requirements | In order to obtain a historical boiler operator’s license, an applicant must be sixteen years of age or older, have completed a historical boiler operator’s course that is approved by the board, pass a written or verbal examination approved by the board, and have at least one hundred hours of actual operating experience or training in the operation of historical boilers. R.C. 4104.35(A)(1)-(4). |

| If the regulation is a registration, certification, or license requirement, please complete the following: | |
|--|--|
| Experience requirements | An applicant must have “one hundred hours of actual operating experience or training in the operation of historical boilers.” R.C. 4104.35(A)(4). |
| 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 examination is administered by employees of the Division. Questions on the examination were drafted by members of the Board in collaboration with the Division and are reviewed periodically to ensure the examination accurately represents areas of boiler operator practices that concern the Board the most. There is no fee to sit for the examination. |
| Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>) | There is no continuing education requirement for historical boiler operators. <i>See generally</i> R.C. Chapter 4104. |
| Initial fee | A one-time fee of fifty dollars for issuance of the license. R.C. 4104.35(B). |
| Duration | Lifetime of the applicant. R.C. 4104.35(C). |
| Renewal fee (<i>If different from initial fee, please explain why.</i>) | The license is not renewed. <i>See</i> R.C. 4104.35(C). |
| Does the Board recognize uniform licensure requirements or allow for reciprocity? | Because the Historical Boilers Licensing Board only regulates boilers used for hobby or demonstration, there is no national or uniform licensing standard applicable to this class of boiler. The board, however, has reciprocity with the state of Minnesota, which also licenses historical boiler operators. To the Board’s knowledge, the only other state that offers or requires a license comparable to that required by section 4104.35 of the Revised Code would be North Dakota, which requires a license for operation of “hobby boilers.” While the Board maintains that a historical boiler operator’s license does not constitute an occupational license, it acknowledges that obtaining a license through out-of-state licensing experience pursuant to Chapter 4796. of the Revised Code may also be available. |

| 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? | No. No. |
| Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Board? | <p>To begin, operation of historical boilers is not an occupation. Unlike low pressure boiler operators, high pressure boiler operators, and stationary steam engineers, all of which are occupations, a historical boiler is a type of boiler that is preserved, restored, or maintained for hobby or demonstration. Given that historical boiler operation is not an occupation, there are no elements of such an occupation that may be practiced, with or without a license.</p> <p>It should be noted, however, that “[t]he smallest historical boilers that are subject to sections 4104.32 to 4104.36 of the Revised Code are those in excess of sixteen inches interior diameter of the shell of the boiler.” O.A.C. 1301:3-4-01(B). Moreover, the requirement for the license only applies to operation of a historical boiler that is “open to the public,” which means “any event that is attended by one hundred twenty-five or more people at any time or that takes place within five hundred yards of one hundred twenty-five or more people.” O.A.C. 1301:3-4-01(A).</p> |
| Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual? | No. |
| 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.

Pursuant to rule 1301:3-4-06, the Board may deny the application for licensing or revoke a license of a historical boiler operator “who operates a historical boiler in this state in violation of section 4104.32 of the Revised Code, or any existing or former law of any state substantially equivalent to section 4104.32 of the Revised Code.” O.A.C. 1301:3-4-06(C). License revocation hearings are conducted in accordance with Chapter 119. and sections 4104.32 through 4104.37 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?

Because historical boiler operator licenses are valid for the lifetime of the holder and, as such, do not require renewal, all revenue generated by the board pertaining to operator licenses is limited to the initial licensing fee of \$50.00. Accordingly, annual revenue is dependent upon the number of licenses issued each year, which generally varies between 20 and 50 licenses each year. As a result, annual revenue of the Board is between one thousand and two-thousand five-hundred dollars each year.

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

Given that this is not an occupation, no federal regulations apply to the operation of historical boilers. Moreover, no federal law requires the state to regulate historical boilers.

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

If a boiler experiences a low-water event or other dangerous condition, there is a possibility that the boiler may explode, which may result in serious injury or even death of anyone within the vicinity. A competent operator, therefore, should be present when a boiler is being operated to ensure corrective measures can be taken to address any unsafe conditions and prevent a potentially catastrophic failure. For example, the requirement for the license in Ohio was enacted following a deadly boiler accident at the Medina County Fairgrounds in 2001 in which five people were killed and dozens more injured when a steam traction engine exploded.

With regard to historical boilers, a license is only required to operate a historical boiler in places “open to the public,” which means “any event that is attended by one hundred twenty-five or more people at any time or that takes place within five hundred yards of one hundred twenty-five or more people.” See R.C. 4104.32(A); O.A.C. 1301:3-4-01(A). This limitation on the requirement of the license helps to ensure that attendees at public events where historical boilers are being shown, such as fairs, festivals, and parades, are able to attend these events safely. Conversely, this enables owners and operators of historical boilers that choose not to obtain a license to operate their historical boilers so long as the place of operation is not “open to the public.”

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 potential harm of physical injury or death by requiring a licensed operator to be present when a historical boiler is being operated in a place open to the public. There are no less restrictive ways to prevent this harm as the requirement is already narrowly tailored in that a license is only required when a historical boiler is being operated in a place “open to the public,” meaning an event attended by one hundred twenty-five or more people or that takes place within five hundred yards of one hundred twenty-five or more people.

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

None at this time.

Surrounding state comparison (LSC) (as of July 8, 2024)

Under Ohio law, a “historical boiler” is a steam boiler of riveted construction that is preserved, restored, or maintained for hobby or demonstration.¹ No person may operate a historical boiler in a place open to the public unless the person operating the boiler is licensed by the Historical Boilers Licensing Board.²

To be issued a historical boiler operator license, an individual must meet the following requirements:

- Be at least 16 years of age;
- Complete a historical boiler operator’s course approved by the Board;
- Pass a written or verbal examination approved by the Board that tests the operator’s competence;
- Complete at least 100 hours of operating experience or training;
- Pay a one-time license fee of \$50.

The license is valid for the operator’s life unless it is revoked by the Board for reasons listed in law.³

None of the surrounding states require a license to operate a historical boiler. However, Michigan has a certification that applies to boiler operators generally that may apply to historical boiler operation.⁴ See the Ohio Legislative Service Commission’s [Occupational Regulation 134th General Assembly \(PDF\)](#) for information on the requirements for Michigan’s boiler operator certification.

¹ R.C. 4104.31.

² R.C. 4104.32, by reference to R.C. 4104.35.

³ R.C. 4104.35.

⁴ Mich. Comp. Laws 339.5931.

OHIO CONSTRUCTION INDUSTRY LICENSING BOARD DEPARTMENT OF COMMERCE

Table of Contents

| | |
|--|----|
| General information (COM) | 1 |
| Electrical contractor | 5 |
| Heating, ventilation, and air conditioning (HVAC) contractor | 17 |
| Hydronics contractor | 27 |
| Plumbing contractor | 37 |
| Refrigeration contractor | 48 |

General information (COM)

Duties

The Ohio Construction Industry Licensing Board regulates and licenses individuals working in the specialty trades regulated by Chapter 4740 of the Ohio Revised Code, which includes those working as a heating, ventilating, and air conditioning contractor; a refrigeration contractor; an electrical contractor; a plumbing contractor; or a hydronics contractor. The primary goal and objective of the Board is to promote the safety of the public, those working in the specialty trades, as well as those working in the construction industry generally, by verifying that individuals working in the “licensed trades” have sufficient education, training, and experience to ensure that the work performed in these trades is done properly and competently. The Board also approves training agencies that provide continuing education programming for licensees.

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

The Board consists of seventeen (17) total members, which are divided up between the administrative section and three specialty sections ((1) plumbing and hydronics section; (2) electrical section; and (3) heating, ventilating, air conditioning, and refrigeration section). The administrative section consists of five (5) members, which are the Director of the Ohio Department of Commerce or their designee, a member who represents the public that cannot be a member of any group certified by the Board, and one member from each specialty section elected by those specialty sections. The plumbing and hydronics section consists of five (5) members and includes a plumbing inspector employed by the Department, a municipal corporation, or a health district; two plumbing contractors with no affiliation with any union representing plumbers; and two plumbing contractors that are signatories to agreements with unions representing plumbers. The electrical section consists of five (5) members, which are an electrical inspector employed by the Department, a municipal corporation, or a county; two electrical contractors with no affiliation with any union representing electricians; and two electrical contractors that are signatories to agreements with unions representing electricians. The heating, ventilating, air conditioning, and refrigeration section consists of five (5) members, which are an HVAC and refrigeration inspector employed by the Department or a municipal corporation; two HVAC or refrigeration contractors with no affiliation with any union representing HVAC or refrigeration tradespersons; and two HVAC or refrigeration contractors that are signatories to agreements with unions HVAC or refrigeration tradespersons.

Current members are as follows:

- Administrative Section

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

- William Koester (Chairperson)
- Richard Roberts (Vice Chairperson)
- Jason Norris
- Dale Witte
- Robb Coventry (Administration)
- HVAC/Refrigeration Section
 - William Detillion (Chairperson)
 - Chris Ellis (Vice Chairperson)
 - Dale Witte (Chair)
 - Angela Crawford
 - Michael Thompson (Inspector)
- Electrical Section
 - Robbert Wadden (Chairperson)
 - Chris Claypool (Vice Chairperson)
 - John Frantz
 - Rich Roberts
- Plumbing/Hydronics Section
 - Michael Shuman (Chairperson)
 - Mary Nutter (Vice Chairperson)
 - Jason Norris

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

- Aaron Streng (Inspector)

The Director of the Ohio Department of Commerce appoints all members of the Board. Board members serve for 3-year terms and may be reappointed.

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

In accordance with R.C. 4740.03(B)(2)(d) and R.C. 4740.11, the Board does not have a dedicated budget or source of funding. Instead, the revenues and expenses associated with the administration of the Board's various duties are included in the operating budget and funds of the Ohio Division of Industrial Compliance. This allows the Division and the Board to share and divide up responsibilities and resources in a manner that results in increased efficiency and reductions in indirect costs for both the Division and the Board. The Board does not expect any material increases or decreases in budget or funding in future years.

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

The Board issues approximately 13,500 licenses to roughly 11,500 specialty contractors working in the "licensed trades," which include heating, ventilating, and air conditioning contractors; refrigeration contractors; electrical contractors; plumbing contractors; and hydronics contractors. In addition to licensing said contractors, the Board also handles all disciplinary matters for licensees; investigates any violations of Chapter 4740 of the Revised Code and the rules it promulgates, including allegations of contractors operating without a license; and approves or renews training agencies and their continuing education courses that are offered to licensees. Workload has remained relatively consistent during the preceding six years, without any significant increases or decreases.

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?)*

In addition to the members of the Board, the Board's staff includes six office employees: a Board Secretary, one (1) Program Administrator, and four (4) Administrative Professionals. Additionally, four (4) investigators employed by the Division of Industrial Compliance that primarily perform work with the Manufactured Homes Program also assist in investigations of violations of Chapter 4740 of the Revised Code and the rules promulgated thereunder. Yes, staffing levels are proportionate to the Board's current and anticipated workload at this time.

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

When the Board receives a complaint, it is first reviewed to determine whether it includes an alleged violation of Chapter 4740 of the Revised Code or the rules adopted thereunder. For those complaints that are within the Board's jurisdiction, the Board investigates the allegations as appropriate, which may include an inspection, and works to obtain all evidence relevant to the complaint. Once the investigation is complete, the findings of the investigation are presented to the appropriate specialty section of the Board at a board meeting. The specialty section votes on whether reasonable evidence exists that a violation has occurred and if so, what the discipline or action the section proposes to take against the alleged violating party. If the Board votes that reasonable evidence exists that a violation occurred and proposes discipline or action to be taken, the Board issues a Notice of Opportunity for Hearing to the alleged violator and proceeds through the Chapter 119 adjudication process. The process is set up so that all complaints and/or disciplinary matters are handled in a thorough, efficient, and fair manner that complies with the law and also accounts for the specific circumstances at issue with each case.

Electrical contractor

Survey response (COM)

| Description | |
|---|-------|
| A license issued to individuals allowing them to perform electrical work for construction, improvement, renovation, repair, or maintenance projects of non-residential/commercial buildings | |
| Type <i>(License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)</i> | |
| License | |
| If the regulation is a registration, certification, or license requirement, please complete the following: | |
| Number issued annually | 3,805 |
| Number renewed annually | 2,533 |

| 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 slight overall decrease in active licenses during the preceding six years. |
| Education or training requirements | There is no education or training requirement. In certain circumstances, completion of education programs may be accepted in lieu of 1 year of the 5 years' experience required for applicants. |
| Experience requirements | <p>Applicants can meet the experience requirements in a number of ways:</p> <ul style="list-style-type: none"> • 5 years of experience immediately prior to the date the application is filed in the trade for which the license is being applied; • Engineer currently registered in the State of Ohio with 3 years of business experience in the construction industry trade for which they are applying; • Engineer not currently registered in the State of Ohio with at least 5 years of business experience in the construction industry trade for which they are applying; • 5 years of experience in the trade for which the license is being applied, with 3 of the 5 years obtained by performing construction work on commercial or residential projects in the licensed trade for which the individual is applying; • 5 years of experience as an Ohio government inspector in the trade for which the individual is applying; or • 5 years' experience immediately prior to the filing of the application as the full-time owner, partner, or employee of a licensed commercial contracting company in the trade for which the individual is applying |

| 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>) | The Board engaged in the request for proposal process to select the administrator of its licensing exams, and the proposal from PSI Services LLC (“PSI”) was the one that was chosen. So, PSI developed and administers the current licensing exams, pursuant to a contract it has with the Board. PSI charges \$69.00 per exam per specialty trade. No, the Board does not receive any proceeds of the fees PSI collects for its exams. |
| Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>) | A licensee that holds only an electrical contractor license must complete 10 hours of approved continuing education courses each year, with 5 hours on electrical code approved by the electrical section and 5 hours in any health and safety, business, or technology course approved by the electrical section. A licensee that holds an electrical contractor license and another specialty trade contractor license issued by the Board must complete 10 hours of approved continuing education courses each year, with 5 hours spent on electrical code and 5 hours in any course approved by any of the specialty sections of the Board. *Licensees that are members of the compliant contractor program are entitled to a 2-hour reduction in their yearly continuing education requirement. |
| Initial fee | \$50.00 (\$25.00 fee for application to take licensing exam and \$25.00 licensing fee) |
| Duration | 1 year* *Licensees that are members of the compliant contractor program have the option to renew their licenses on a triennial basis, rather than an annual basis. |
| Renewal fee (<i>If different from initial fee, please explain why.</i>) | \$60.00 (annual renewal); \$180.00 (triennial renewal). Licensing and renewal fees have not been changed since 2001 and are some of the lowest fees for master contractor licenses in the country. The difference between the initial licensing fees and the renewal fee accounts for the increased and ongoing administrative functions that are involved in oversight of licensees (e.g., complaints, continuing education, discipline, etc.) as compared to the workload that occurs in handling initial licensing applications. Regardless of the difference, the licensing fees in their current amounts do not offset the administrative costs incurred by the Board. |

| 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 Board allows for reciprocity via two paths: 1) via S.B. 131 (under R.C. 4740.06(C)) and 2) via R.C. 4740.08, when the Board has a reciprocity agreement with another jurisdiction. Currently, the Board has reciprocity agreements for electrical contractor licenses with six (6) different jurisdictions: West Virginia, Kentucky, North Carolina, South Carolina, Louisiana, and Tennessee. |
| 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 national registrations, certifications, or licenses. |
| Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Board? | <p>Yes, the Board does not require an individual to obtain an electrical contractor license when they perform electrical work in the following circumstances:</p> <ul style="list-style-type: none"> • Construction projects involving residential buildings or structures • Where an individual is a “tradesperson” under R.C. 4740.01(E) that performs electrical work under the supervision of a licensed electrical contractor that employs them and assumes responsibility for the means, method, or manner of the work • Where minor repair/maintenance work is being performed, for which a building permit or approval under the Ohio Building Code is not required • Installation, service, or maintenance work on related or interfaced control wiring for equipment and devices related to their specific license, so long as the control wiring is less than 25 volts • Construction, improvement, renovation, repair, testing, or maintenance of the following systems using less than 50 volts of electricity: fire or burglar alarm, cabling, tele-data sound, communication, and landscape lighting and irrigation |
| Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual? | Yes, the Board does have some discretion in determining whether to license an individual. R.C. 4740.06(B)(3) sets forth three (3) ways a prospective licensee can meet the minimum experience requirements, with the third option being that they “have other experience acceptable to the appropriate specialty section of the board.” The Board also has discretion in refusing to issue a |

| If the regulation is a registration, certification, or license requirement, please complete the following: | |
|---|--|
| | license to an applicant because of a conviction of or plea of guilty to an offense that the Board determines is disqualifying, so long as said discretion is exercised in accordance with R.C. 9.79. |
| 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.

R.C. 4740.05(A)(2) requires each specialty section of the Board to adopt rules about criteria to be used in deciding whether to issue, renew, suspend, revoke, or refuse to issue or renew a license. R.C. 4740.06(B) requires each specialty section of the Board to investigate alleged violations of Chapter 4740 of the Revised Code and the rules adopted pursuant to it, as well as determine by rule a procedure to conduct investigations and hearings on the alleged violations. R.C. 4740.10 sets forth the grounds for when an applicant shall be refused a license, the circumstances for when disciplinary action may be taken against an applicant or licensee, and what disciplinary actions are available for the Board to take (i.e., suspend, revoke, or refuse to issue any license; require additional continuing education hours; issue a fine). R.C. 4740.16 establishes specific requirements for the Board when handling investigations, notices, hearings, and civil penalties involving violations of R.C. 4740.13 (contractor operating without a license). Finally, R.C. 4740.99 states that anyone who violates R.C. 4740.13(A) by operating as a contractor without a license or claiming to be a contractor without a license is guilty of a minor misdemeanor on the first violation and a fourth-degree misdemeanor on subsequent violations.

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 estimates the previous fiscal year's revenue from electrical contractor licensing fees (not including any late fees) to be roughly \$380,280.00. As some contractors renew annually and others triennially, the estimate may not be representative of the average annual revenue received by the Board for electrical contractors. In accordance with R.C. 4740.03(B)(2)(d) and R.C. 4740.11, revenue of the Board is deposited into the Division of Industrial Compliance's operating fund and is used toward the operating expenses of the Division and the Board in its administration of their duties.

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 the occupation. No, federal law does not require the state to regulate the occupation.

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

The Board's regulation of the occupation seeks to prevent numerous significant harms to the public's health, safety, and welfare, with the primary harms being damages, injuries, or death caused by individuals that lack sufficient education, training, and experience to safely and competently perform the specialty trade.

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. No, it is not likely that the public could be protected or served in an alternate or less restrictive manner. Chapter 4740 only applies in those limited circumstances where the state legislature determined the specific type of work done in a specific type of setting requires at least one responsible contractor with a higher degree of training and experience to ensure that the specialized work is performed in a safe and competent manner. The regulations do not apply to any work done for residential projects or to any work done in commercial projects that is not in one of the five specialty trades. The regulations also do not limit who can perform work in one of the five specialty trades for a commercial project to just those persons licensed by the Board. Anyone can perform such work without a license, so long as they are employed and supervised by a licensed contractor that assumes responsibility for the means, method, and manner of the specialized work.

With regard to any potentially less restrictive methods of regulation, commercial work in the five specialty trades is of the type that its performance by an unqualified individual can cause significant harm (i.e., damages, injuries, and death) to the unqualified individual or any others in the surrounding area at the time the work is being performed. This means that while other feasible alternatives to licensing (e.g.,

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

inspections, insurance) may be necessary to protect against other harms to the public, they are inadequate and incapable of preventing the very real and dangerous harms that come with the performance of the work itself (e.g., electrocution).

So, in both the scope of jurisdiction and the licensing requirement itself, Chapter 4740 is construed and applied in the least restrictive manner that will still sufficiently protect the public's health, safety, and welfare from the harms the regulations seek to prevent.

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

Not at this time

Surrounding state comparison (LSC) (as of August 29, 2024)

| Electrical Contractor | | | | | | |
|--|---|---|--|--|---|---|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Type of regulation (Name of regulation) | License (Electrical contractor license) <i>(R.C. 4740.01 and 4740.02)</i> | No state license but local license requirements apply | License (Electrical contractor license or Master electrical contractor license) | License (Master electrician license or Electrical journeyman license) | No state license but local license requirements apply | License (Electrical contractor license, Journeyman electrician license, Master electrician license, Specialty electrician license, |

| Electrical Contractor | | | | | | |
|-----------------------|------|---------|---|---|--------------|---|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | | | <i>(Ky. Rev. Stat. 227A.010 and 227A.020)</i> | <i>(Mich. Comp. Laws 339.5701 and 339.5717)</i> | | or Temporary electrician license) <i>(W. Va. Code 30-42-3 and 30-42-6)</i> |
| Education or training | N/A | N/A | Electrical Contractor: Completion of any of the following may be substituted for 4,000 hours of experience: (1) a training course approved by the Department of Housing, Buildings, and Construction, (2) two years of a four-year training course in electrical work, (3) associate's degree or diploma program in electrical technology, or (4) two years of | N/A | N/A | N/A |

| Electrical Contractor | | | | | | |
|-----------------------|------|---------|--|----------|--------------|---------------|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | | | <p>teaching electrical technology or a related field at an accredited college or university</p> <p>Master electrician:</p> <p>Completion of the following may be substituted for 4,000 hours of experience:</p> <p>(1) training course approved by the Department,</p> <p>(2) two years of teaching electrical technology or related field at an accredited college or university, or</p> <p>(3) completion of an associate's degree or diploma program in electrical technology or related field may be substituted for</p> | | | |

| Electrical Contractor | | | | | | |
|-----------------------|---|---------|--|--|--------------|---|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | | | 6,000 hours of experience <i>(Ky. Rev. Stat. 227A.060)</i> | | | |
| Experience | Must be at least 18 years of age U.S. citizen or legal alien One of the following: (1) five years of experience as an electrician immediately before application date, (2) registered engineer with three years of business experience in the construction industry, or (3) other experience determined to be acceptable by the OCILB | N/A | Electrical contractor: 8,000 hours in the electrical trade since the applicant's 16 th birthday Master electrician: 16,000 hours in the electrical trade since the applicant's 16 th birthday <i>(Ky. Rev. Stat. 227A.060)</i> | Master electrician: Must be at least 22 years of age 12,000 hours of experience over a period of at least six years related to electrical construction Two years as a journeyman electrician <i>(Mich. Comp. Laws 339.5713)</i> Electrical journeyman: Must be at least 20 years of age 8,000 hours of experience over a period of at least | N/A | Electrical contractor: N/A Master electrician: Two years of experience as a journeyman electrician Journeyman electrician: One year of experience as an assistant/helper electrician; or complete an approved apprenticeship program; or complete an approved electrical vocational program |

| Electrical Contractor | | | | | | |
|-----------------------|---|---------|---|---|--------------|---|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | <i>(R.C. 4740.06; O.A.C. 4101:16-2-01)</i> | | | four years related to electrical construction <i>(Mich. Comp. Laws 339.5715)</i> | | Specialty electrician: One year of experience in area of specialty; or one year of approved education <i>(W. Va. Code R. 103-5-4)</i> |
| Exam | Yes <i>(R.C. 4740.06; O.A.C. 4101:16-2-03)</i> | N/A | Yes <i>(Ky. Rev. Stat. 227A.090)</i> | Yes <i>(Mich. Comp. Laws 339.5713 and 339.5715)</i> | N/A | Yes <i>(W. Va. Code 30-42-7; W. Va. Code R. 103-5-5)</i> |
| Continuing education | Ten hours per year Eight hours per year for participants in the compliant contractor program <i>(R.C. 4740.04 (G)(2); O.A.C. 4101:16-2-08 and 4101:16-1-08)</i> | N/A | Six hours per year <i>(815 Ky. Admin. Regs. 2:010)</i> | Following any change to the state construction code, complete a course about that change <i>(Mich. Comp. Laws 339.5713 and 339.5715)</i> | N/A | N/A |

| Electrical Contractor | | | | | | |
|-----------------------|---|---------|--|--|--------------|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Initial licensure fee | \$25 for exam application and \$25 license fee <i>(O.A.C. 4101:16-2-09)</i> | N/A | \$200 <i>(Ky. Rev. Stat. 227A.060)</i> | Master electrician: \$100 for exam and \$50 license fee Journeyman electrician: \$100 for exam and \$40 license fee <i>(Mich. Comp. Laws 339.5707)</i> | N/A | Electrical contractor: \$90 per year All others: \$25 application review fee and \$50 license fee per year <i>(W. Va. Code 30-42-7 and 30-42-8; W. Va. Code R. 28-2-5.4)</i> |
| License duration | One year Participants in the compliant contractor program may renew every three years <i>(R.C. 4740.06(H); O.A.C. 4101:16-1-08)</i> | N/A | One year <i>(815 Ky. Admin. Regs. 35:060)</i> | One year <i>(Mich. Comp. Laws 339.5707)</i> | N/A | One year <i>(W. Va. Code 30-42-8; W. Va. Code R. 103-5-7)</i> |
| Renewal fee | \$60 per year <i>(O.A.C. 4101:16-2-09)</i> | N/A | \$200 <i>(Ky. Rev. Stat. 227A.060)</i> | Master electrician: \$50 per year | N/A | Electrical contractor: \$90 per year |

| Electrical Contractor | | | | | | |
|-----------------------|------|---------|----------|---|--------------|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | | | | Journeyman electrician: \$40 per year <i>(Mich. Comp. Laws 339.5707)</i> | | All others: \$50 per year <i>(W. Va. Code 30-42-7 and 30-42-8; W. Va. Code R. 103-05-7)</i> |

Heating, ventilation, and air conditioning (HVAC) contractor

Survey response (COM)

| Description |
|---|
| A license issued to individuals allowing them to perform heating, ventilation, and air conditioning work for construction, improvement, renovation, repair, or maintenance projects of non-residential/commercial buildings |
| Type <i>(License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)</i> |
| License |

| If the regulation is a registration, certification, or license requirement, please complete the following: | |
|---|--|
| Number issued annually | 2,575 |
| Number renewed annually | 1,465 |
| Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years? | There has been a slight overall decrease in active licenses during the preceding six years. |
| Education or training requirements | There is no education or training requirement. In certain circumstances, completion of education programs may be accepted in lieu of 1 year of the 5 years' experience required for applicants. |
| Experience requirements | <p>Applicants can meet the experience requirements in a number of ways:</p> <ul style="list-style-type: none"> • 5 years of experience immediately prior to the date the application is filed in the trade for which the license is being applied; • Engineer currently registered in the State of Ohio with 3 years of business experience in the construction industry trade for which they are applying; • Engineer not currently registered in the State of Ohio with at least 5 years of business experience in the construction industry trade for which they are applying; • 5 years of experience in the trade for which the license is being applied, with 3 of the 5 years obtained by performing construction work on commercial or residential projects in the licensed trade for which the individual is applying; • 5 years of experience as an Ohio government inspector in the trade for which the individual is applying; or |

| If the regulation is a registration, certification, or license requirement, please complete the following: | |
|--|---|
| | <ul style="list-style-type: none"> 5 years' experience immediately prior to the filing of the application as the full-time owner, partner, or employee of a licensed commercial contracting company in the trade for which the individual is applying |
| 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 Board engaged in the request for proposal process to select the administrator of its licensing exams, and the proposal from PSI Services LLC ("PSI") was the one that was chosen. So, PSI developed and administers the current licensing exams, pursuant to a contract it has with the Board. PSI charges \$69.00 per exam per specialty trade. No, the Board does not receive any proceeds of the fees PSI collects for its exams. |
| Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>) | <p>Each year, licensees must complete 10 hours of continuing education courses that have been approved by any of the specialty sections of the Board.</p> <p>*Licensees that are members of the compliant contractor program are entitled to a 2-hour reduction in their yearly continuing education requirement.</p> |
| Initial fee | \$50.00 (\$25.00 fee for application to take licensing exam and \$25.00 licensing fee) |
| Duration | <p>1 year*</p> <p>*Licensees that are members of the compliant contractor program have the option to renew their licenses on a triennial basis, rather than an annual basis.</p> |
| Renewal fee (<i>If different from initial fee, please explain why.</i>) | \$60.00 (annual renewal); \$180.00 (triennial renewal). Licensing and renewal fees have not been changed since 2001 and are some of the lowest fees for master contractor licenses in the country. The difference between the initial licensing fees and the renewal fee accounts for the increased and ongoing administrative functions that are involved in oversight of licensees (e.g., complaints, continuing education, discipline, etc.) as compared to the workload that occurs in handling initial licensing applications. Regardless of the difference, the licensing fees in their current amounts do not offset the administrative costs incurred by the Board. |

| 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 Board allows for reciprocity via two paths: 1) via S.B. 131 (under R.C. 4740.06(C)) and 2) via R.C. 4740.08, when the Board has a reciprocity agreement with another jurisdiction. Currently, the Board has reciprocity agreements for HVAC contractor licenses with five (5) different jurisdictions: West Virginia, Kentucky, South Carolina, Louisiana, and Tennessee. |
| 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 national registrations, certifications, or licenses. |
| Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Board? | Yes, the Board does not require an individual to obtain an HVAC contractor license when they perform HVAC work in the following circumstances: <ul style="list-style-type: none"> • Construction projects involving residential buildings or structures • Where an individual is a “tradesperson” under R.C. 4740.01(E) that performs HVAC work under the supervision of a licensed HVAC contractor that employs them and assumes responsibility for the means, method, or manner of the work • Where minor repair/maintenance work is being performed, for which a building permit or approval under the Ohio Building Code is not required |
| Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual? | Yes, the Board does have some discretion in determining whether to license an individual. R.C. 4740.06(B)(3) sets forth three (3) ways a prospective licensee can meet the minimum experience requirements, with the third option being that they “have other experience acceptable to the appropriate specialty section of the board.” The Board also has discretion in refusing to issue a license to an applicant because of a conviction of or plea of guilty to an offense that the Board determines is disqualifying, so long as said discretion is exercised in accordance with R.C. 9.79. |
| 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.

R.C. 4740.05(A)(2) requires each specialty section of the Board to adopt rules about criteria to be used in deciding whether to issue, renew, suspend, revoke, or refuse to issue or renew a license. R.C. 4740.06(B) requires each specialty section of the Board to investigate alleged violations of Chapter 4740 of the Revised Code and the rules adopted pursuant to it, as well as determine by rule a procedure to conduct investigations and hearings on the alleged violations. R.C. 4740.10 sets forth the grounds for when an applicant shall be refused a license, the circumstances for when disciplinary action may be taken against an applicant or licensee, and what disciplinary actions are available for the Board to take (i.e., suspend, revoke, or refuse to issue any license; require additional continuing education hours; issue a fine). R.C. 4740.16 establishes specific requirements for the Board when handling investigations, notices, hearings, and civil penalties involving violations of R.C. 4740.13 (contractor operating without a license). Finally, R.C. 4740.99 states that anyone who violates R.C. 4740.13(A) by operating as a contractor without a license or claiming to be a contractor without a license is guilty of a minor misdemeanor on the first violation and a fourth-degree misdemeanor on subsequent violations.

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 estimates the previous fiscal year's revenue from HVAC contractor licensing fees (not including any late fees) to be roughly \$242,400.00. As some contractors renew annually and others triennially, the estimate may not be representative of the average annual revenue received by the Board for HVAC contractors. In accordance with R.C. 4740.03(B)(2)(d) and R.C. 4740.11, revenue of the Board is deposited into the Division of Industrial Compliance's operating fund and is used toward the operating expenses of the Division and the Board in its administration of their duties.

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 the occupation. No, federal law does not require the state to regulate the occupation.

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

The Board's regulation of the occupation seeks to prevent numerous significant harms to the public's health, safety, and welfare, with the primary harms being damages, injuries, or death caused by individuals that lack sufficient education, training, and experience to safely and competently perform the specialty trade.

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. No, it is not likely that the public could be protected or served in an alternate or less restrictive manner. Chapter 4740 only applies in those limited circumstances where the state legislature determined the specific type of work done in a specific type of setting requires at least one responsible contractor with a higher degree of training and experience to ensure that the specialized work is performed in a safe and competent manner. The regulations do not apply to any work done for residential projects or to any work done in commercial projects that is not in one of the five specialty trades. The regulations also do not limit who can perform work in one of the five specialty trades for a commercial project to just those persons licensed by the Board. Anyone can perform such work without a license, so long as they are employed and supervised by a licensed contractor that assumes responsibility for the means, method, and manner of the specialized work.

With regard to any potentially less restrictive methods of regulation, commercial work in the five specialty trades is of the type that its performance by an unqualified individual can cause significant harm (i.e., damages, injuries, and death) to the unqualified individual or any others in the surrounding area at the time the work is being performed. This means that while other feasible alternatives to licensing (e.g., inspections, insurance) may be necessary to protect against other harms to the public, they are inadequate and incapable of preventing the very real and dangerous harms that come with the performance of the work itself (e.g., electrocution).

So, in both the scope of jurisdiction and the licensing requirement itself, Chapter 4740 is construed and applied in the least restrictive manner that will still sufficiently protect the public's health, safety, and welfare from the harms the regulations seek to prevent.

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

Not at this time

Surrounding state comparison (LSC) (as of August 29, 2024)

| HVAC Contractor | | | | | | |
|--|--|---|---|--|---|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Type of regulation (Name of regulation) | License (Heating, ventilating, and air conditioning (HVAC) contractor license) <i>(R.C. 4740.01 and 4740.02)</i> | No state license but local license requirements apply | License (Master HVAC contractor license or Journeyman HVAC contractor license) <i>(Ky. Rev. Stat. 198B.656)</i> | License (Mechanical contractor license) <i>(Mich. Comp. Laws 339.5807)</i> | No state license but local license requirements apply | License (HVAC contractor license, HVAC technician license, HVAC residential technician license, or HVAC technician-in-training license) <i>(W. Va. Code 30-42-3, 21-16-2, and 21-16-3)</i> |
| Education or training | N/A | N/A | N/A | Applicant may be credited for one year or 2,000 hours of experience for | N/A | N/A |

| HVAC Contractor | | | | | | |
|-----------------|--|---------|--|---|--------------|---|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | | | | completing a two-year HVAC training program <i>(Mich. Comp. Laws 339.5807)</i> | | |
| Experience | Must be at least 18 years of age U.S. citizen or legal alien One of the following: (1) five years of experience as an HVAC contractor immediately preceding application date, (2) registered engineer with three years of business experience in the construction industry, or (3) other experience determined to be | N/A | Master HVAC Contractor: Must be at least 18 years of age U.S. citizen or legal alien Two years as a journeyman HVAC contractor Journeyman HVAC Contractor: Must be at least 18 years of age U.S. citizen or legal alien Two years under the direction of a master HVAC contractor | At least three years or 6,000 hours of experience in applicable work classification or an equivalent of that experience <i>(Mich. Comp. Laws 339.5807)</i> | N/A | HVAC technician: At least 2,000 hours of HVAC-related work, training, and experience <i>(W. Va. Code R. 42-34-6.3)</i> All others: N/A |

| HVAC Contractor | | | | | | |
|----------------------|---|---------|---|---|--------------|---|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | acceptable by the OCILB <i>(R.C. 4740.06; O.A.C. 4101:16-2-01)</i> | | <i>(Ky. Rev. Stat. 198B.658)</i> | | | |
| Exam | Yes <i>(R.C. 4740.06; O.A.C. 4101:16-2-03)</i> | N/A | Yes <i>(Ky. Rev. Stat. 198B.658)</i> | Yes <i>(Mich. Comp. Laws 339.5807)</i> | N/A | Yes, except for technicians-in-training <i>(W. Va. Code 30-42-7; W. Va. Code R. 42-34-6.2, 42-34-7.2, and 42-34-8.2)</i> |
| Continuing education | Ten hours per year Eight hours per year for participants in the compliant contractor program <i>(R.C. 4740.04 (G)(2); O.A.C. 4101:16-2-08 and 4101:16-1-08)</i> | N/A | N/A | N/A | N/A | N/A |

| HVAC Contractor | | | | | | |
|-----------------------|---|---------|---|--|--------------|---|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Initial licensure fee | \$25 for exam application and \$25 license fee <i>(O.A.C. 4101:16-2-09)</i> | N/A | Master HVAC contractor: \$150 for exam and \$250 license fee Journeyman HVAC contractor: \$50 for exam and \$50 license fee <i>(815 Ky. Admin. Regs. 8:010)</i> | \$100 per year plus exam fee <i>(Mich. Comp. Laws 339.5813)</i> | N/A | HVAC contractor: \$90 <i>(W. Va. Code 30-42-7)</i> HVAC technician: \$75 per year HVAC residential technician: \$50 per year HVAC technician-in-training: \$25 per year <i>(W. Va. Code R. 42-34-10)</i> |
| License duration | One year Participants in the compliant contractor program may renew every three years <i>(R.C. 4740.06(H); O.A.C. 4101:16-1-08)</i> | N/A | One year <i>(Ky. Rev. Stat. 198B.664)</i> | Up to three years <i>(Mich. Comp. Laws 339.5813)</i> | N/A | One year <i>(W. Va. Code 30-42-8; W. Va. Code R. 42-34-6.4 and 42-34.7.3)</i> |

| HVAC Contractor | | | | | | |
|-----------------|--|---------|---|---|--------------|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Renewal fee | \$60 per year (O.A.C. 4101:16-2-09) | N/A | Master HVAC contractor: \$250 Journeyman HVAC contractor: \$50 (815 Ky. Admin. Regs. 8:010) | \$100 per year (Mich. Comp. Laws 339.5813) | N/A | HVAC contractors: \$90 (W. Va. Code 30-42-8) HVAC technician: \$75 per year HVAC residential technician: \$50 per year HVAC technician-in-training: \$25 per year (W. Va. Code R. 42-34-10) |

Hydronics contractor

Survey response (COM)

| Description |
|--|
| A license issued to individuals allowing them to perform hydronics work for construction, improvement, renovation, repair, or maintenance projects of non-residential/commercial buildings |

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

License

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

| | |
|---|--|
| Number issued annually | 738 |
| Number renewed annually | 314 |
| Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years? | There has been a slight overall decrease in active licenses during the preceding six years. |
| Education or training requirements | There is no education or training requirement. In certain circumstances, completion of education programs may be accepted in lieu of 1 year of the 5 years' experience required for applicants. |
| Experience requirements | Applicants can meet the experience requirements in a number of ways: <ul style="list-style-type: none"> • 5 years of experience immediately prior to the date the application is filed in the trade for which the license is being applied; • Engineer currently registered in the State of Ohio with 3 years of business experience in the construction industry trade for which they are applying; |

| If the regulation is a registration, certification, or license requirement, please complete the following: | |
|--|---|
| | <ul style="list-style-type: none"> • Engineer not currently registered in the State of Ohio with at least 5 years of business experience in the construction industry trade for which they are applying; • 5 years of experience in the trade for which the license is being applied, with 3 of the 5 years obtained by performing construction work on commercial or residential projects in the licensed trade for which the individual is applying; • 5 years of experience as an Ohio government inspector in the trade for which the individual is applying; or • 5 years' experience immediately prior to the filing of the application as the full-time owner, partner, or employee of a licensed commercial contracting company in the trade for which the individual is applying |
| 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 Board engaged in the request for proposal process to select the administrator of its licensing exams, and the proposal from PSI Services LLC ("PSI") was the one that was chosen. So, PSI developed and administers the current licensing exams, pursuant to a contract it has with the Board. PSI charges \$69.00 per exam per specialty trade. No, the Board does not receive any proceeds of the fees PSI collects for its exams. |
| Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>) | <p>Each year, licensees must complete 10 hours of continuing education courses that have been approved by any of the specialty sections of the Board.</p> <p>*Licensees that are members of the compliant contractor program are entitled to a 2-hour reduction in their yearly continuing education requirement.</p> |
| Initial fee | \$50.00 (\$25.00 fee for application to take licensing exam and \$25.00 licensing fee) |
| Duration | <p>1 year*</p> <p>*Licensees that are members of the compliant contractor program have the option to renew their licenses on a triennial basis, rather than an annual basis.</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> | \$60.00 (annual renewal); \$180.00 (triennial renewal). Licensing and renewal fees have not been changed since 2001 and are some of the lowest fees for master contractor licenses in the country. The difference between the initial licensing fees and the renewal fee accounts for the increased and ongoing administrative functions that are involved in oversight of licensees (e.g., complaints, continuing education, discipline, etc.) as compared to the workload that occurs in handling initial licensing applications. Regardless of the difference, the licensing fees in their current amounts do not offset the administrative costs incurred by the Board. |
| Does the Board recognize uniform licensure requirements or allow for reciprocity? | Yes, the Board allows for reciprocity via two paths: 1) via S.B. 131 (under R.C. 4740.06(C)) and 2) via R.C. 4740.08, when the Board has a reciprocity agreement with another jurisdiction. Currently, the Board has reciprocity agreements for hydronics contractor licenses with two (2) different jurisdictions: Louisiana and Tennessee. |
| 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 national registrations, certifications, or licenses. |
| Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Board? | Yes, the Board does not require an individual to obtain a hydronics contractor license when they perform hydronics work in the following circumstances: <ul style="list-style-type: none"> • Construction projects involving residential buildings or structures • Where an individual is a “tradesperson” under R.C. 4740.01(E) that performs hydronics work under the supervision of a licensed hydronics contractor that employs them and assumes responsibility for the means, method, or manner of the work • Where minor repair/maintenance work is being performed, for which a building permit or approval under the Ohio Building Code is not required |
| Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual? | Yes, the Board does have some discretion in determining whether to license an individual. R.C. 4740.06(B)(3) sets forth three (3) ways a prospective licensee can meet the minimum experience requirements, with the third option being that they “have other experience acceptable to the appropriate specialty section of the board.” The Board also has discretion in refusing to issue a |

| If the regulation is a registration, certification, or license requirement, please complete the following: | |
|---|--|
| | license to an applicant because of a conviction of or plea of guilty to an offense that the Board determines is disqualifying, so long as said discretion is exercised in accordance with R.C. 9.79. |
| 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. |
|---|
| <p>R.C. 4740.05(A)(2) requires each specialty section of the Board to adopt rules about criteria to be used in deciding whether to issue, renew, suspend, revoke, or refuse to issue or renew a license. R.C. 4740.06(B) requires each specialty section of the Board to investigate alleged violations of Chapter 4740 of the Revised Code and the rules adopted pursuant to it, as well as determine by rule a procedure to conduct investigations and hearings on the alleged violations. R.C. 4740.10 sets forth the grounds for when an applicant shall be refused a license, the circumstances for when disciplinary action may be taken against an applicant or licensee, and what disciplinary actions are available for the Board to take (i.e., suspend, revoke, or refuse to issue any license; require additional continuing education hours; issue a fine). R.C. 4740.16 establishes specific requirements for the Board when handling investigations, notices, hearings, and civil penalties involving violations of R.C. 4740.13 (contractor operating without a license). Finally, R.C. 4740.99 states that anyone who violates R.C. 4740.13(A) by operating as a contractor without a license or claiming to be a contractor without a license is guilty of a minor misdemeanor on the first violation and a fourth-degree misdemeanor on subsequent violations.</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? |
|--|
| <p>The Board estimates the previous fiscal year's revenue from hydronics contractor licensing fees (not including any late fees) to be roughly \$63,120.00. As some contractors renew annually and others triennially, the estimate may not be representative of the average annual revenue received by the Board for hydronics contractors. In accordance with R.C. 4740.03(B)(2)(d) and R.C. 4740.11, revenue of the Board is deposited into the Division of Industrial Compliance's operating fund and is used toward the operating expenses of the Division and the Board in its administration of their duties.</p> |

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 the occupation. No, federal law does not require the state to regulate the occupation.

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

The Board's regulation of the occupation seeks to prevent numerous significant harms to the public's health, safety, and welfare, with the primary harms being damages, injuries, or death caused by individuals that lack sufficient education, training, and experience to safely and competently perform the specialty trade.

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. No, it is not likely that the public could be protected or served in an alternate or less restrictive manner. Chapter 4740 only applies in those limited circumstances where the state legislature determined the specific type of work done in a specific type of setting requires at least one responsible contractor with a higher degree of training and experience to ensure that the specialized work is performed in a safe and competent manner. The regulations do not apply to any work done for residential projects or to any work done in commercial projects that is not in one of the five specialty trades. The regulations also do not limit who can perform work in one of the five specialty trades for a commercial project to just those persons licensed by the Board. Anyone can perform such work without a license, so long as they are employed and supervised by a licensed contractor that assumes responsibility for the means, method, and manner of the specialized work.

With regard to any potentially less restrictive methods of regulation, commercial work in the five specialty trades is of the type that its performance by an unqualified individual can cause significant harm (i.e., damages, injuries, and death) to the unqualified individual or any others in the surrounding area at the time the work is being performed. This means that while other feasible alternatives to licensing (e.g.,

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

inspections, insurance) may be necessary to protect against other harms to the public, they are inadequate and incapable of preventing the very real and dangerous harms that come with the performance of the work itself (e.g., electrocution).

So, in both the scope of jurisdiction and the licensing requirement itself, Chapter 4740 is construed and applied in the least restrictive manner that will still sufficiently protect the public's health, safety, and welfare from the harms the regulations seek to prevent.

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

Not at this time

Surrounding state comparison (LSC) (as of August 29, 2024)

| Hydronics ¹ Contractor | | | | | | |
|--|---|---|----------|--|---|---------------|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Type of regulation (Name of regulation) | License (Hydronics contractor license) | No state license but local license requirements apply | N/A | License (Mechanical contractor license) | No state license but local license requirements apply | N/A |

¹ "Hydronics" is a system of heating or cooling that involves transfer of heat by a circulating fluid in a closed system of pipes (Merriam-Webster, *hydronic*, [merriam-webster.com/dictionary/hydronic](https://www.merriam-webster.com/dictionary/hydronic)). It is possible that, while not explicitly stated, a plumber's license would be required to engage in hydronics in Indiana, Kentucky, Michigan, Pennsylvania, or West Virginia.

| Hydronics ¹ Contractor | | | | | | |
|-----------------------------------|--|---------|----------|--|--------------|---------------|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | <i>(R.C. 4740.01 and 4740.02)</i> | | | <i>(Mich. Comp. Laws 339.5807)</i> | | |
| Education or training | N/A | N/A | N/A | Applicant may be credited for one year or 2,000 hours of experience for completing a two-year hydronics training program <i>(Mich. Comp. Laws 339.5807)</i> | N/A | N/A |
| Experience | Must be at least 18 years of age U.S. citizen or legal alien One of the following: (1) five years of experience as a hydronics contractor immediately prior to application date, (2) registered engineer with | N/A | N/A | At least three years or 6,000 hours of experience in applicable work classification or an equivalent of that experience <i>(Mich. Comp. Laws 339.5807)</i> | N/A | N/A |

| Hydronics ¹ Contractor | | | | | | |
|-----------------------------------|--|---------|----------|---|--------------|---------------|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | three years of experience in the construction industry, or (3) other experience determined to be acceptable by the OCILB <i>(R.C. 4740.06; O.A.C. 4101:16-2-01)</i> | | | | | |
| Exam | Yes <i>(R.C. 4740.06; O.A.C. 4101:16-2-03)</i> | N/A | N/A | Yes <i>(Mich. Comp. Laws 339.5807)</i> | N/A | N/A |
| Continuing education | Ten hours per year Eight hours per year for participants in the compliant contractor program <i>(R.C. 4740.04 (G)(2); O.A.C.</i> | N/A | N/A | N/A | N/A | N/A |

| Hydronics ¹ Contractor | | | | | | |
|-----------------------------------|---|---------|----------|--|--------------|---------------|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | <i>4101:16-2-08 and 4101:16-1-08)</i> | | | | | |
| Initial licensure fee | \$25 for exam application and \$25 license fee <i>(O.A.C. 4101:16-2-09)</i> | N/A | N/A | \$100 per year plus exam fee <i>(Mich. Comp. Laws 339.5813)</i> | N/A | N/A |
| License duration | One year Participants in the compliant contractor program may renew every three years <i>(R.C. 4740.06(H); O.A.C. 4101:16-1-08)</i> | N/A | N/A | Up to three years <i>(Mich. Comp. Laws 339.5813)</i> | N/A | N/A |
| Renewal fee | \$60 per year <i>(O.A.C. 4101:16-2-09)</i> | N/A | N/A | \$100 per year <i>(Mich. Comp. Laws 339.5813)</i> | N/A | N/A |

Plumbing contractor

Survey response (COM)

| Description | |
|---|-------|
| A license issued to individuals allowing them to perform plumbing work for construction, improvement, renovation, repair, or maintenance projects of non-residential/commercial buildings | |
| Type <i>(License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)</i> | |
| License | |
| If the regulation is a registration, certification, or license requirement, please complete the following: | |
| Number issued annually | 2,744 |
| Number renewed annually | 1,603 |

| 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 slight overall decrease in active licenses during the preceding six years. |
| Education or training requirements | There is no education or training requirement. In certain circumstances, completion of education programs may be accepted in lieu of 1 year of the 5 years' experience required for applicants. |
| Experience requirements | <p>Applicants can meet the experience requirements in a number of ways:</p> <ul style="list-style-type: none"> • 5 years of experience immediately prior to the date the application is filed in the trade for which the license is being applied; • Engineer currently registered in the State of Ohio with 3 years of business experience in the construction industry trade for which they are applying; • Engineer not currently registered in the State of Ohio with at least 5 years of business experience in the construction industry trade for which they are applying; • 5 years of experience in the trade for which the license is being applied, with 3 of the 5 years obtained by performing construction work on commercial or residential projects in the licensed trade for which the individual is applying; • 5 years of experience as an Ohio government inspector in the trade for which the individual is applying; or • 5 years' experience immediately prior to the filing of the application as the full-time owner, partner, or employee of a licensed commercial contracting company in the trade for which the individual is applying |

| 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>) | The Board engaged in the request for proposal process to select the administrator of its licensing exams, and the proposal from PSI Services LLC (“PSI”) was the one that was chosen. So, PSI developed and administers the current licensing exams, pursuant to a contract it has with the Board. PSI charges \$69.00 per exam per specialty trade. No, the Board does not receive any proceeds of the fees PSI collects for its exams. |
| Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>) | Each year, licensees must complete 10 hours of continuing education courses that have been approved by any of the specialty sections of the Board. *Licensees that are members of the compliant contractor program are entitled to a 2-hour reduction in their yearly continuing education requirement. |
| Initial fee | \$50.00 (\$25.00 fee for application to take licensing exam and \$25.00 licensing fee) |
| Duration | 1 year* *Licensees that are members of the compliant contractor program have the option to renew their licenses on a triennial basis, rather than an annual basis. |
| Renewal fee (<i>If different from initial fee, please explain why.</i>) | \$60.00 (annual renewal); \$180.00 (triennial renewal). Licensing and renewal fees have not been changed since 2001 and are some of the lowest fees for master contractor licenses in the country. The difference between the initial licensing fees and the renewal fee accounts for the increased and ongoing administrative functions that are involved in oversight of licensees (e.g., complaints, continuing education, discipline, etc.) as compared to the workload that occurs in handling initial licensing applications. Regardless of the difference, the licensing fees in their current amounts do not offset the administrative costs incurred by the Board. |
| Does the Board recognize uniform licensure requirements or allow for reciprocity? | Yes, the Board allows for reciprocity via two paths: 1) via S.B. 131 (under R.C. 4740.06(C)) and 2) via R.C. 4740.08, when the Board has a reciprocity agreement with another jurisdiction. |

| If the regulation is a registration, certification, or license requirement, please complete the following: | |
|--|---|
| | Currently, the Board has reciprocity agreements for plumbing contractor licenses with three (3) different jurisdictions: West Virginia, South Carolina, and Tennessee. |
| 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 national registrations, certifications, or licenses. |
| Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Board? | <p>Yes, the Board does not require an individual to obtain a plumbing contractor license when they perform plumbing work in the following circumstances:</p> <ul style="list-style-type: none"> • Construction projects involving residential buildings or structures • Where an individual is a “tradesperson” under R.C. 4740.01(E) that performs plumbing work under the supervision of a licensed plumbing contractor that employs them and assumes responsibility for the means, method, or manner of the work • Where minor repair/maintenance work is being performed, for which a building permit or approval under the Ohio Building Code is not required |
| Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual? | Yes, the Board does have some discretion in determining whether to license an individual. R.C. 4740.06(B)(3) sets forth three (3) ways a prospective licensee can meet the minimum experience requirements, with the third option being that they “have other experience acceptable to the appropriate specialty section of the board.” The Board also has discretion in refusing to issue a license to an applicant because of a conviction of or plea of guilty to an offense that the Board determines is disqualifying, so long as said discretion is exercised in accordance with R.C. 9.79. |
| 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.

R.C. 4740.05(A)(2) requires each specialty section of the Board to adopt rules about criteria to be used in deciding whether to issue, renew, suspend, revoke, or refuse to issue or renew a license. R.C. 4740.06(B) requires each specialty section of the Board to investigate alleged violations of Chapter 4740 of the Revised Code and the rules adopted pursuant to it, as well as determine by rule a procedure to conduct investigations and hearings on the alleged violations. R.C. 4740.10 sets forth the grounds for when an applicant shall be refused a license, the circumstances for when disciplinary action may be taken against an applicant or licensee, and what disciplinary actions are available for the Board to take (i.e., suspend, revoke, or refuse to issue any license; require additional continuing education hours; issue a fine). R.C. 4740.16 establishes specific requirements for the Board when handling investigations, notices, hearings, and civil penalties involving violations of R.C. 4740.13 (contractor operating without a license). Finally, R.C. 4740.99 states that anyone who violates R.C. 4740.13(A) by operating as a contractor without a license or claiming to be a contractor without a license is guilty of a minor misdemeanor on the first violation and a fourth-degree misdemeanor on subsequent violations.

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 estimates the previous fiscal year's revenue from plumbing contractor licensing fees (not including any late fees) to be roughly \$260,820.00. As some contractors renew annually and others triennially, the estimate may not be representative of the average annual revenue received by the Board for plumbing contractors. In accordance with R.C. 4740.03(B)(2)(d) and R.C. 4740.11, revenue of the Board is deposited into the Division of Industrial Compliance's operating fund and is used toward the operating expenses of the Division and the Board in its administration of their duties.

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 the occupation. No, federal law does not require the state to regulate the occupation.

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

The Board's regulation of the occupation seeks to prevent numerous significant harms to the public's health, safety, and welfare, with the primary harms being damages, injuries, or death caused by individuals that lack sufficient education, training, and experience to safely and competently perform the specialty trade.

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. No, it is not likely that the public could be protected or served in an alternate or less restrictive manner. Chapter 4740 only applies in those limited circumstances where the state legislature determined the specific type of work done in a specific type of setting requires at least one responsible contractor with a higher degree of training and experience to ensure that the specialized work is performed in a safe and competent manner. The regulations do not apply to any work done for residential projects or to any work done in commercial projects that is not in one of the five specialty trades. The regulations also do not limit who can perform work in one of the five specialty trades for a commercial project to just those persons licensed by the Board. Anyone can perform such work without a license, so long as they are employed and supervised by a licensed contractor that assumes responsibility for the means, method, and manner of the specialized work.

With regard to any potentially less restrictive methods of regulation, commercial work in the five specialty trades is of the type that its performance by an unqualified individual can cause significant harm (i.e., damages, injuries, and death) to the unqualified individual or any others in the surrounding area at the time the work is being performed. This means that while other feasible alternatives to licensing (e.g., inspections, insurance) may be necessary to protect against other harms to the public, they are inadequate and incapable of preventing the very real and dangerous harms that come with the performance of the work itself (e.g., electrocution).

So, in both the scope of jurisdiction and the licensing requirement itself, Chapter 4740 is construed and applied in the least restrictive manner that will still sufficiently protect the public's health, safety, and welfare from the harms the regulations seek to prevent.

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

Not at this time

Surrounding state comparison (LSC) (as of August 29, 2024)

| Plumbing Contractor | | | | | | |
|--|---|---|--|---|---|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Type of regulation (Name of regulation) | License (Plumbing contractor license) <i>(R.C. 4740.01 and 4740.02)</i> | License (Plumbing contractor license or Journeyman plumber license) <i>(Ind. Code 25-28.5-1-11)</i> | License (Master plumber license or Journeyman plumber license) <i>(Ky. Rev. Stat. 318.030)</i> | License (Plumbing contractor license, Master plumber license, Journey plumber license, or Apprentice plumber registration) <i>(Mich. Comp. Laws 339.6107)</i> | Licenses required in some areas by state, but the license is issued by local government (Master plumber license and registration) Journeyman have to register each year <i>(53 P.S. 15321)</i> | License (Plumbing contractor license, Master plumber license, Journeyman plumber license, or Plumber-in-training license) <i>(W. Va. Code 30-42-3; W. Va. Code R. 42-32-3 and 42-32-5)</i> |
| Education or training | N/A | N/A | Approved training course may be substituted for one year of | N/A | Requirements vary according to | N/A |

| Plumbing Contractor | | | | | | |
|---------------------|--|--|--|---|---|---------------|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | | | plumbing experience <i>(815 Ky. Admin. Regs. 20:030)</i> | | the local jurisdiction | |
| Experience | Must be at least 18 years of age U.S. citizen or legal alien One of the following: (1) five years of experience as a plumber immediately before application date, (2) registered engineer with three years of business experience in the construction industry, or (3) other experience determined to be acceptable by the OCILB | Must be at least 18 years of age Complete a four-year apprenticeship program or four years of experience in the plumbing trade <i>(Ind. Code 25-28.5-1-12)</i> | Master plumber: Must be at least 18 years of age U.S. citizen or legal alien Two years as a journeyman plumber or licensed and experienced as an engineer Journeyman plumber: Must be at least 18 years of age U.S. citizen or legal alien Two years of experience as an apprentice plumber | Plumbing contractor: Have a master plumber license or employ a master plumber Sole proprietor, partner in a partnership, officer of a corporation, or member of a limited liability company Master plumber: Must be at least 18 years of age Have a journey plumber license At least 4,000 hours of experience over | Four years for journeymen to become master plumbers <i>(53 P.S. 15322)</i> | N/A |

| Plumbing Contractor | | | | | | |
|----------------------|---|--|--|--|---|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | <i>(R.C. 4740.06; O.A.C. 4101:16-2-01)</i> | | <i>(Ky. Rev. Stat. 318.040 and 318.815; Ky. Admin. Regs. 20:030)</i> | not less than two years Journey plumber: Must be at least 18 years of age Registered as an apprentice plumber Must have at least 6,000 hours of experience over three years <i>(Mich. Comp. Laws 339.6111 and 339.6113)</i> | | |
| Exam | Yes <i>(R.C. 4740.06; O.A.C. 4101:16-2-03)</i> | Yes <i>(Ind. Code 25-28.5-1-12 and 28.5-1-15)</i> | Yes <i>(Ky. Rev. Stat. 318.040)</i> | Yes <i>(Mich. Comp. Laws 339.6109)</i> | Yes <i>(53 P.S. 15325)</i> | Yes, except for plumbers-in-training <i>(W. Va. Code 30-42-7; W. Va. Code R. 42-32-6.2)</i> |
| Continuing education | Ten hours per year Eight hours per year for | N/A | Six hours per year <i>(815 Ky. Admin. Regs. 2:010)</i> | Master or journey plumber: Complete a course on any | Requirements vary according to the local jurisdiction | N/A |

| Plumbing Contractor | | | | | | |
|-----------------------|--|---|--|--|---|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | participants in the compliant contractor program <i>(R.C. 4740.04 (G)(2); O.A.C. 4101:16-2-08 and 4101:16-1-08)</i> | | | change to the state construction code <i>(Mich. Comp. Laws 339.6113 and 339.6115)</i> | | |
| Initial licensure fee | \$25 for exam application and \$25 license fee <i>(O.A.C. 4101:16-2-09)</i> | Plumbing contractor: \$50 exam fee and \$50 fee for one year or \$100 fee for two years Journeyman plumber: \$30 exam fee and \$15 for one year or \$30 for two years <i>(860 Ind. Admin. Code 1-1-2.1)</i> | Master plumber: \$150 exam fee and \$250 license fee Journeyman plumber: \$50 exam fee and \$60 license fee <i>(815 Ky. Admin. Regs. 20:030)</i> | Plumbing contractor: \$100 exam fee and \$300 license fee Master plumber: \$100 exam fee and \$300 license fee Journey plumber: \$100 exam fee and \$40 license fee Apprentice plumber: \$15 registration fee <i>(Mich. Comp. Laws 339.6121)</i> | Journeyman registration: \$0.50 fee <i>(53 P.S. 15325)</i> | Plumbing contractor: \$90 per year <i>(W. V. Code 30-42-7)</i> Master plumber: \$75 per year Journeyman plumber: \$75 per year Plumber-in-training: \$25 per year <i>(W. Va. Code R. 42-32-9)</i> |

| Plumbing Contractor | | | | | | |
|---------------------|---|---|---|--|--|---|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| License duration | One year Participants in the compliant contractor program may renew every three years <i>(R.C. 4740.06(H); O.A.C. 4101:16-1-08)</i> | Two years <i>(Ind. Code 25-28.5-1-22)</i> | One year <i>(Ky. Rev. Stat. 318.054)</i> | Three years for plumbing contractors and master plumbers One year for journey and apprentice plumbers <i>(Mich. Comp. Laws 339.6121)</i> | License is permanent, but plumbers must reregister each year <i>(53 P.S. 15324)</i> | One year <i>(W. Va. Code 30-42-8; W. Va. Code R. 42-32-6.3 and 42-32-7.2)</i> |
| Renewal fee | \$60 per year <i>(O.A.C. 4101:16-2-09)</i> | Plumbing contractor: \$100 Journeyman plumber: \$30 <i>(860 Ind. Admin. Code 1-1-2.1)</i> | Master plumber: \$250 fee Journeyman plumber: \$60 fee <i>(815 Ky. Admin. Regs. 20:030)</i> | Plumbing contractor: \$300 for three years Master plumber: \$300 for three years Journey plumber: \$50 per year Apprentice plumber: \$20 per year <i>(Mich. Comp. Laws 339.6121)</i> | Master plumber: \$3 fee <i>(53 P.S. 15324)</i> | Plumbing contractor: \$90 per year <i>(W. Va. Code 30-42-7)</i> Master plumber: \$75 per year Journeyman plumber: \$75 per year Plumber-in-training: \$25 per year <i>(W. Va. Code R. 42-32-9)</i> |

Refrigeration contractor

Survey response (COM)

| Description | |
|---|-----|
| A license issued to individuals allowing them to perform refrigeration work for construction, improvement, renovation, repair, or maintenance projects of non-residential/commercial buildings | |
| Type <i>(License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)</i> | |
| License | |
| If the regulation is a registration, certification, or license requirement, please complete the following: | |
| Number issued annually | 713 |
| Number renewed annually | 110 |

| 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 slight overall decrease in active licenses during the preceding six years. |
| Education or training requirements | There is no education or training requirement. In certain circumstances, completion of education programs may be accepted in lieu of 1 year of the 5 years' experience required for applicants. |
| Experience requirements | <p>Applicants can meet the experience requirements in a number of ways:</p> <ul style="list-style-type: none"> • 5 years of experience immediately prior to the date the application is filed in the trade for which the license is being applied; • Engineer currently registered in the State of Ohio with 3 years of business experience in the construction industry trade for which they are applying; • Engineer not currently registered in the State of Ohio with at least 5 years of business experience in the construction industry trade for which they are applying; • 5 years of experience in the trade for which the license is being applied, with 3 of the 5 years obtained by performing construction work on commercial or residential projects in the licensed trade for which the individual is applying; • 5 years of experience as an Ohio government inspector in the trade for which the individual is applying; or ▪ 5 years' experience immediately prior to the filing of the application as the full-time owner, partner, or employee of a licensed commercial contracting company in the trade for which the individual is applying |

| 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>) | The Board engaged in the request for proposal process to select the administrator of its licensing exams, and the proposal from PSI Services LLC (“PSI”) was the one that was chosen. So, PSI developed and administers the current licensing exams, pursuant to a contract it has with the Board. PSI charges \$69.00 per exam per specialty trade. No, the Board does not receive any proceeds of the fees PSI collects for its exams. |
| Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>) | Each year, licensees must complete 10 hours of continuing education courses that have been approved by any of the specialty sections of the Board. *Licensees that are members of the compliant contractor program are entitled to a 2-hour reduction in their yearly continuing education requirement. |
| Initial fee | \$50.00 (\$25.00 fee for application to take licensing exam and \$25.00 licensing fee) |
| Duration | 1 year* *Licensees that are members of the compliant contractor program have the option to renew their licenses on a triennial basis, rather than an annual basis. |
| Renewal fee (<i>If different from initial fee, please explain why.</i>) | \$60.00 (annual renewal); \$180.00 (triennial renewal). Licensing and renewal fees have not been changed since 2001 and are some of the lowest fees for master contractor licenses in the country. The difference between the initial licensing fees and the renewal fee accounts for the increased and ongoing administrative functions that are involved in oversight of licensees (e.g., complaints, continuing education, discipline, etc.) as compared to the workload that occurs in handling initial licensing applications. Regardless of the difference, the licensing fees in their current amounts do not offset the administrative costs incurred by the Board. |
| Does the Board recognize uniform licensure requirements or allow for reciprocity? | Yes, the Board allows for reciprocity via two paths: 1) via S.B. 131 (under R.C. 4740.06(C)) and 2) via R.C. 4740.08, when the Board has a reciprocity agreement with another jurisdiction. |

| If the regulation is a registration, certification, or license requirement, please complete the following: | |
|--|---|
| | Currently, the Board has reciprocity agreements for refrigeration contractor licenses with three (3) different jurisdictions: Kentucky, Louisiana, and Tennessee. |
| 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 national registrations, certifications, or licenses. |
| Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Board? | <p>Yes, the Board does not require an individual to obtain a refrigeration contractor license when they perform refrigeration work in the following circumstances:</p> <ul style="list-style-type: none"> • Construction projects involving residential buildings or structures • Where an individual is a “tradesperson” under R.C. 4740.01(E) that performs refrigeration work under the supervision of a licensed refrigeration contractor that employs them and assumes responsibility for the means, method, or manner of the work • Where minor repair/maintenance work is being performed, for which a building permit or approval under the Ohio Building Code is not required |
| Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual? | Yes, the Board does have some discretion in determining whether to license an individual. R.C. 4740.06(B)(3) sets forth three (3) ways a prospective licensee can meet the minimum experience requirements, with the third option being that they “have other experience acceptable to the appropriate specialty section of the board.” The Board also has discretion in refusing to issue a license to an applicant because of a conviction of or plea of guilty to an offense that the Board determines is disqualifying, so long as said discretion is exercised in accordance with R.C. 9.79. |
| 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.

R.C. 4740.05(A)(2) requires each specialty section of the Board to adopt rules about criteria to be used in deciding whether to issue, renew, suspend, revoke, or refuse to issue or renew a license. R.C. 4740.06(B) requires each specialty section of the Board to investigate alleged violations of Chapter 4740 of the Revised Code and the rules adopted pursuant to it, as well as determine by rule a procedure to conduct investigations and hearings on the alleged violations. R.C. 4740.10 sets forth the grounds for when an applicant shall be refused a license, the circumstances for when disciplinary action may be taken against an applicant or licensee, and what disciplinary actions are available for the Board to take (i.e., suspend, revoke, or refuse to issue any license; require additional continuing education hours; issue a fine). R.C. 4740.16 establishes specific requirements for the Board when handling investigations, notices, hearings, and civil penalties involving violations of R.C. 4740.13 (contractor operating without a license). Finally, R.C. 4740.99 states that anyone who violates R.C. 4740.13(A) by operating as a contractor without a license or claiming to be a contractor without a license is guilty of a minor misdemeanor on the first violation and a fourth-degree misdemeanor on subsequent violations.

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 estimates the previous fiscal year's revenue from refrigeration contractor licensing fees (not including any late fees) to be roughly \$49,380.00. As some contractors renew annually and others triennially, the estimate may not be representative of the average annual revenue received by the Board for refrigeration contractors. In accordance with R.C. 4740.03(B)(2)(d) and R.C. 4740.11, revenue of the Board is deposited into the Division of Industrial Compliance's operating fund and is used toward the operating expenses of the Division and the Board in its administration of their duties.

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 the occupation. No, federal law does not require the state to regulate the occupation.

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

The Board's regulation of the occupation seeks to prevent numerous significant harms to the public's health, safety, and welfare, with the primary harms being damages, injuries, or death caused by individuals that lack sufficient education, training, and experience to safely and competently perform the specialty trade.

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. No, it is not likely that the public could be protected or served in an alternate or less restrictive manner. Chapter 4740 only applies in those limited circumstances where the state legislature determined the specific type of work done in a specific type of setting requires at least one responsible contractor with a higher degree of training and experience to ensure that the specialized work is performed in a safe and competent manner. The regulations do not apply to any work done for residential projects or to any work done in commercial projects that is not in one of the five specialty trades. The regulations also do not limit who can perform work in one of the five specialty trades for a commercial project to just those persons licensed by the Board. Anyone can perform such work without a license, so long as they are employed and supervised by a licensed contractor that assumes responsibility for the means, method, and manner of the specialized work.

With regard to any potentially less restrictive methods of regulation, commercial work in the five specialty trades is of the type that its performance by an unqualified individual can cause significant harm (i.e., damages, injuries, and death) to the unqualified individual or any others in the surrounding area at the time the work is being performed. This means that while other feasible alternatives to licensing (e.g., inspections, insurance) may be necessary to protect against other harms to the public, they are inadequate and incapable of preventing the very real and dangerous harms that come with the performance of the work itself (e.g., electrocution).

So, in both the scope of jurisdiction and the licensing requirement itself, Chapter 4740 is construed and applied in the least restrictive manner that will still sufficiently protect the public's health, safety, and welfare from the harms the regulations seek to prevent.

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

Not at this time

Surrounding state comparison (LSC) (as of August 29, 2024)

| Refrigeration Contractor | | | | | | |
|--|---|---|--|---|---|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Type of regulation (Name of regulation) | License (License) <i>(R.C. 4740.01 and 4740.02)</i> | No state license but local license requirements apply | See HVAC contractor license requirements | License (Mechanical contractor's license) <i>(Mich. Comp. Laws 339.5807)</i> | No state license but local license requirements apply | See HVAC contractor license requirements |
| Education or training | N/A | N/A | N/A | Applicant may be credited for one year or 2,000 hours of experience for completing a two-year HVAC training program <i>(Mich. Comp. Laws 339.5807)</i> | N/A | N/A |

| Refrigeration Contractor | | | | | | |
|--------------------------|--|---------|----------|--|--------------|---------------|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Experience | <p>Must be at least 18 years of age</p> <p>One of the following: (1) five years of experience as a plumber immediately before application date, (2) registered engineer with three years of business experience in the construction industry, or (3) other experience determined to be acceptable by the OCILB</p> <p><i>(R.C. 4740.06; O.A.C. 4101:16-2-01)</i></p> | N/A | N/A | <p>At least three years or 6,000 hours of experience in applicable work classification or an equivalent of that experience</p> <p><i>(Mich. Comp. Laws 339.5807)</i></p> | N/A | N/A |

| Refrigeration Contractor | | | | | | |
|--------------------------|--|---------|----------|---|--------------|---------------|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Exam | Yes (R.C. 4740.06) | N/A | N/A | Yes (Mich. Comp. Laws 339.5807) | N/A | N/A |
| Continuing education | Ten hours every year Eight hours per year for participants in the compliant contractor program (R.C. 4740.06(H); O.A.C. 4101:16-2-08 and 4101:16-1-08) | N/A | N/A | N/A | N/A | N/A |
| Initial licensure fee | \$25 fee for exam application and \$25 license fee (O.A.C. 4101:16-2-09) | N/A | N/A | \$100 per year plus exam fee (Mich. Comp. Laws 339.5813) | N/A | N/A |
| License duration | One year Participants in the compliant contractor program may | N/A | N/A | Up to three years (Mich. Comp. Laws 339.5813) | N/A | N/A |

| Refrigeration Contractor | | | | | | |
|--------------------------|---|---------|----------|--|--------------|---------------|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | renew every three years <i>(R.C. 4740.06; O.A.C. 4101:16-1-08)</i> | | | | | |
| Renewal fee | \$60 per year <i>(O.A.C. 4101:16-2-09)</i> | N/A | N/A | \$100 per year <i>(Mich. Comp. Laws 339.5813)</i> | N/A | N/A |

**OHIO HOME INSPECTOR BOARD
DEPARTMENT OF COMMERCE**

Table of Contents

General information (COM) 1

Home inspector..... 4

General information (COM)

Duties

The duties of the Ohio Home Inspector Board are set out in Ohio Revised Code Section 4764.05.

<https://codes.ohio.gov/ohio-revised-code/section-4764.05>

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

The Ohio home inspector board consists of seven members. The governor shall appoint five members who are licensed home inspectors. The president of the senate and the speaker of the house of representatives each shall appoint one member who represents the public and has no financial interest in the home inspection industry. Not more than four members of the board shall be members of the same political party.

Barant Pastorek - Term Exp. 4/5/25

Todd R Radloff - Term Exp. 4/5/27

Peter Pitts - Term Exp. 4/5/27

Tim Stanford - Term Exp. 3/9/28

Rodney Berning- Term Exp. 4/5/2024 [Vice Chair]

John Cordell- Term Exp. 4/5/2024¹ [Chair]

1 Vacancy

¹ A member shall continue in office subsequent to the expiration of the term until the member's successor takes office.

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

As of State Fiscal Year 2024, The Home Inspectors Fund (Fund 5VC0) budget and revenue was combined with the Real Estate Operating Fund (Fund 5490).

The Real Estate Operating Fund (Fund 5490) FY2025 operating budget is \$8,031,650 and is expected to decrease to \$7,210,686 in the upcoming biennium budget request.

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

The licensing program was enacted in 2019 and the licensing program is continuing to develop. Ohio home inspector licenses were first offered to practitioners on August 1, 2019. We anticipate that the workload of the Division and the Board will continue to grow as new licensees apply and, if there are more consumer complaints filed with the Division.

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 has four staff members who each serve this Board. The staff members ensure Ohio home inspector licensees and applicants are properly trained and educated to complete home inspections. This is necessary for the stability of our economy for home inspectors to have the required skills and knowledge as their services directly affect real property transactions throughout the state.

1. A Division attorney provides administrative support to the Board, supervision for the day-to-day operations of the licensing program, reviews intake of consumer complaints, and makes recommendation to the Superintendent of the Division of Real Estate & Professional Licensing (Superintendent) regarding the disposition of those complaints.

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?)*

2. A Division licensing examiner provides day-to-day processing of initial license applications and the renewal of license applications for home inspectors, which serves the role of ensuring applicants and licensees are properly trained and qualified to provide such services in compliance with Ohio law (Ohio Revised Code Chapter 4764).

3. A program administrator reviews qualifying and continuing education offerings to ensure the providers are offering home inspector education that increase an applicant's or licensee's skill, knowledge, and competency in the profession.

4. A Division investigator reviews and investigates consumer complaints involving home inspector licensees and other individuals engaged in the profession in an unlicensed capacity for the purpose of promoting consistent and legal home inspection practices. All these positions directly benefit consumers of these services and anyone who is involved with a real property transaction.

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

Complaints are submitted to the Division for review and processing. The investigator assigned reviews the allegations and makes findings of fact with respect to the allegations and facts that were discovered during the process. If reasonable evidence of a violation is found the superintendent shall notice the licensee with a notice of hearing pursuant to 119. After a hearing before a hearing officer, the Board reviews the report issued by the hearing officer and determines, what, if any discipline to impose. Please see RC 4764.13

Home inspector

Survey response (COM)

| Description | |
|---|--|
| <p>The Ohio Home Inspector Board ("Board") was created through the enactment of Senate Bill 255 of the 132nd General Assembly. The Board is responsible for regulating the licensure and performance of home inspectors in Ohio, while Home Inspector Law is administered by the Division of Real Estate & Professional Licensing ("Division").</p> | |
| Type (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.) | |
| <p>The Division issues a Home Inspector License.</p> | |
| If the regulation is a registration, certification, or license requirement, please complete the following: | |
| Number issued annually | 2022: 230 2023: 128 2024 (thus far): 129 |
| Number renewed annually | Home Inspectors renew triennially, thus the number per year will vary. Upcoming renewals: |

| If the regulation is a registration, certification, or license requirement, please complete the following: | |
|--|--|
| | <ul style="list-style-type: none"> • 2025: 793 • 2026: 261 • 2027: 241 (this could be greater based upon the number of remaining renewals in 2024) |
| Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years? | The program has not been in existence for six years, however, we can report that we have issued 129 new licenses thus far in 2024. |
| Education or training requirements | At least 80 hours of approved home inspector qualifying education. |
| Experience requirements | <p>There are 2 experience options:</p> <ul style="list-style-type: none"> • An applicant needs to complete 10 parallel inspections with an Ohio licensed home inspector. <p>OR</p> <ul style="list-style-type: none"> • An applicant needs to complete a curriculum of experience and a peer review. <ul style="list-style-type: none"> ○ The curriculum of experience rule states applicants may obtain a curriculum of experience under the supervision of an Ohio licensed home inspector OR may obtain a curriculum of experience through an approved interactive experience under the direction of a Board approved instructor. |
| 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>An applicant will need to successfully complete the National Home Inspector Examination within two years prior to applying for an Ohio home inspector license.</p> <p>The exam is currently administered by PSI, the cost is \$225, payable directly to the testing vendor.</p> <p>The board does not receive any proceeds of the fees collected by the testing vendor.</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>The continuing education requirements are found in R.C. 4764.08 and OAC 1301:17-1-10. Pursuant to 1301:17-1-10 (C) Acceptable home inspector continuing education must fall within the following topics:</p> <ul style="list-style-type: none"> (1) Inspection safety; (2) Report writing; (3) Canons of ethics; (4) Standard of practice; (5) Systems and components as defined in the Ohio home inspector board's standards of practice; (6) Environmental issues; (7) A meeting of the Ohio home inspector board; (8) Use of technology as applied to the practice of home inspection; (9) Personal safety for the home inspector and the consumer; and (10) Continuing education course offerings approved by the Ohio home inspector board. <p>Continuing Education Providers seek approval to teach continuing education courses pursuant to the provisions set out in OAC 1301:17-1-11.</p> |
| Initial fee | The original application fee for a Home Inspector license applicant is \$250. |
| Duration | A home inspector license issued or renewed expires three years after the date of issuance or renewal. |
| Renewal fee <i>(If different from initial fee, please explain why.)</i> | <p>If submitting on or before your license expiration date: \$250 renewal fee</p> <p>If submitting after and within 3 months of your license expiration date: \$375 renewal 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? | The board follows newly enacted Chapter 4796 with respect to the issuance of licenses to out of state licensees. Ohio Revised Code Section 4764.10 pertains to licensees from other jurisdictions. |
| Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation? | Many other states issue home inspector licenses but not a national license, there are private organizations that issue certifications. The Division would review and consider a private certification in accordance with RC 4796 and RC 4764.10 (B)(2) which states "The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as a home inspector in a state that does not issue that license." |
| Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Board? | <p>Ohio Revised Code Section 4764.03 sets out the exceptions and states:</p> <p>Section 4764.02 of the Revised Code does not apply to any person described as follows if the person is acting within the scope of practice of the person's respective profession:</p> <p>(A) A person who is employed by or whose services otherwise are retained by this state or a political subdivision of this state for the purpose of enforcing building codes;</p> <p>(B) A person holding a valid certificate to practice architecture issued under Chapter 4703. of the Revised Code;</p> <p>(C) A person registered as a professional engineer under Chapter 4733. of the Revised Code;</p> <p>(D) A heating, ventilating, and air conditioning contractor, refrigeration contractor, electrical contractor, plumbing contractor, or hydronics contractor who is licensed under Chapter 4740. or section 3781.102 of the Revised Code or who is licensed or registered under section 715.27 of the Revised Code;</p> <p>(E) A real estate broker, real estate salesperson, foreign real estate dealer, or foreign real estate salesperson who is licensed under Chapter 4735. of the Revised Code;</p> <p>(F) A real estate appraiser who is licensed under Chapter 4763. of the Revised Code;</p> <p>(G) A public insurance adjuster who holds a valid certificate of authority issued under Chapter 3951. of the Revised Code or an employee or representative of an insurer licensed to transact</p> |

| If the regulation is a registration, certification, or license requirement, please complete the following: | |
|---|---|
| | business in this state under Title XXXIX of the Revised Code who conducts an inspection of any property or structure for purposes related to the business of insurance; (H) A commercial applicator of pesticide who is licensed under Chapter 921. of the Revised Code. |
| Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual? | Ohio Revised Code Section 4764.14 states that the superintendent of real estate and professional licensing may, except as provided in (B) refuse to issue or renew a license. The superintendent, must act in accordance with Ohio Revised Code Section 9.79 |
| 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. |
|---|
| The board may order discipline that it deems appropriate in accordance with RC 4764.13. |

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?

During Fiscal Year 2024, \$70,040 was deposited into the Real Estate Operating Fund (Fund 5490) from license fees and renewal

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

There are no federal rules or laws directly affecting the Division's regulation of Ohio home inspector licensees.

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

The purpose of the corresponding laws and rules are to ensure Ohio home inspector licensees and applicants are properly trained and educated to complete home inspections. Our primary goal is to give potential home buyers, making arguably the biggest purchase of their lives, confidence that any inspector they plan to hire is knowledgeable, properly trained, and adheres to a consistent standard of practice and ethics that is in the public interest.

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

The regulations are effective in preventing the harm by requiring licensure and providing a means of redress by an aggrieved consumer.

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

The Division seeks to change existing law found in RC 4764.08 to require completion of 42 hours of continuing education over a three year renewal period rather than 14 hours each year.

Surrounding state comparison (LSC) (as of September 5, 2024)

| Home Inspector License | | | | | | |
|--|--|--|---|---------------------|--|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Type of regulation (Name of regulation) | License (License) (R.C. 4764.02) | License (Home inspector license) (Ind. Code 25-20.2-5-1) | License (Home inspector license) (Ky. Rev. Stat. 198B.712(1)) | No clear equivalent | License (License) (68 Pa. Cons. Stat. 7502(a)(3) and 7506) | License (Certification) (W. Va. Code R. 103-7-2) |

| Home Inspector License | | | | | | |
|------------------------|--|---|--|----------|---|---|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Education or training | Curriculum approved by the Ohio Home Inspector Board in addition to a high school diploma or GED <i>(R.C. 4764.07 (D)(5) and (8))</i> | Completion of an Indiana Home Inspectors Licensing Board-approved training program in addition to a high school diploma or GED <i>(Ind. Code Ann. 25-20.2-5-2(a)(1) and (3))</i> | Completion of a Kentucky Board of Home Inspectors-approved course in addition to a high school diploma or GED <i>(Ky. Rev. Stat. 198B.712(3))</i> | N/A | N/A | High school or its equivalent Completion of at least 80 hours of instruction as determined by the State Fire Marshal, that directly relates to the performance of professional home inspections <i>(W. Va. Code R. 103-7-4.1)</i> |
| Experience | Completing ten inspections with a licensed home inspector or through a separate curriculum approved by the Board <i>(R.C. 4764.07 (D)(6))</i> | N/A <i>(Ind. Code Ann. 25-20.2-5-2)</i> | N/A <i>(See e.g., 831 Ky. Admin. Regs. 2:020)</i> | N/A | Must perform or participate in more than 100 home inspections to become a full member of a national home inspectors association <i>(68 Pa. Cons. Stat. 7502(a)(3))</i> | N/A |

| Home Inspector License | | | | | | |
|------------------------|--|--|---|----------|---|---|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Exam | Yes, the National Home Inspector Examination <i>(R.C. 4764.04 (D)(4))</i> | Yes, the National Home Inspector Examination <i>(Ind. Code Ann. 25-20.2-5-2(3); 878 Ind. Admin. Code 1-3-3)</i> | Yes, from a provider approved by the Kentucky Board of Home Inspectors <i>(Ky. Rev. Stat. 198B.712(3); 831 Ky. Admin. Regs. 2:020)</i> | N/A | Yes, an exam that is a recognized or accredited examination testing knowledge of the proper procedures for conducting a home inspection <i>(68 Pa. Cons. Stat. 7502(a)(3))</i> | Yes, the National Home Inspector Examination offered by the Examination Board of Professional Home Inspectors or other comparable examination, as determined or designated by the State Fire Marshal <i>(W. Va. Code R. 103-7-4.1)</i> |
| Continuing education | 14 hours per year <i>(R.C. 4764.08(A))</i> | 32 hours for renewal <i>(878 Ind. Admin. Code 1-5-1(a))</i> | 14 hours per year <i>(831 Ky. Admin. Regs. 2:040, section 11)</i> | N/A | Continuing professional education classes as an ongoing condition of membership in national organization <i>(68 Pa. Cons. Stat. 7502(a)(4))</i> | 16 continuing education units annually (an education unit is one hour for every 50 minutes of instruction) <i>(W. Va. Code R. 103-7-6.4)</i> |

| Home Inspector License | | | | | | |
|------------------------|--|--|---|----------|--------------|---|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Initial licensure fee | \$235 ² (O.A.C. 1301:17-1-03(A)) | \$50 (878 Ind. Admin. Code 1-3-1) | \$250 (831 Ky. Admin. Regs. 2:020, section 1(1)(g)) | N/A | N/A | \$125 (W. Va. Code R. 103-7-7.1) |
| License duration | Three years (R.C. 4764.09) | Two years (Ind. Code 25-20.2-6-1) | Two years (Ky. Rev. Stat. 198B.722) | N/A | N/A | One year (W. Va. Code R. 103-7-6) |
| Renewal fee | \$235 ³ (O.A.C. 1301:17-1-03(B)) | \$50 (878 Ind. Admin. Code 1-3-1 and 1-5-1) | \$200 per year (831 Ky. Admin. Regs. 2:020, section 5) | N/A | N/A | \$100 (W. Va. Code R. 103-7-6.6, 103-7-7.2, and 103-7-7.4) |

² Note, however, that the application form sets the fee at \$250 (Ohio Department of Commerce, Division of Real Estate and Professional Licensing, [Home Inspector License Application \(PDF\)](#)).

³ Note, however, that the application form sets the fee at \$250 (Ohio Department of Commerce, Division of Real Estate and Professional Licensing, [Renewal Application \(PDF\)](#)).

OHIO DEPARTMENT OF NATURAL RESOURCES

Table of Contents

| | |
|---|-----|
| General information (DNR) | 1 |
| Aquaculture..... | 3 |
| Bait dealer | 10 |
| Blaster | 16 |
| Captive white-tailed deer propagator | 32 |
| Certified prescribed fire manager | 41 |
| Commercial bird shooting preserve | 51 |
| Commercial fishing | 58 |
| Commercial nuisance wild animal control operator | 68 |
| Commercial nuisance wild animal control operator – employee | 79 |
| Commercial propagator | 86 |
| Commercial raptor propagator | 96 |
| Fire boss | 105 |
| Fishing guide | 115 |
| Fish transportation..... | 126 |
| Fish wholesaler | 132 |
| Foreperson of various mines | 141 |
| Fur dealer | 192 |
| Ginseng dealer | 198 |
| Mine electrician | 204 |
| Mine medical responder | 215 |

| | |
|--|-----|
| Noncommercial propagator..... | 224 |
| Ohio hunter education instructor..... | 231 |
| Ohio trapper education instructor..... | 239 |
| Shot firer | 247 |
| White amur | 252 |
| Wild animal hunting preserve..... | 258 |

General information (DNR)

Duties

The Ohio Department of Natural Resources is charged with the protection and conservation of Ohio's diverse natural landscape. We oversee and operate the state's 150 Wildlife Areas, 147 State Nature Preserves, 76 State Parks, and 24 State Forests. We regulate the oil and gas industry, as well as surface and underground mining operations across the state. We preserve the state's valuable water resources and dam inventory, protect Ohio's Lake Erie and Ohio River coastlines, study the state's geologic history and protect and rehabilitate the state's abundant wildlife populations.

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

ODNR is an administrative department as established in section 121.02(F) of the Ohio Revised Code. Department operations are overseen by a director.

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

As of September 25, 2024, the Ohio Department of Natural Resources (ODNR) has an operating budget of \$675,561,567 in FY 2025. Of this amount, \$360,574,876 (53%) is from dedicated purpose funding, \$165,168,083 (24%) is General Revenue Funding, \$119,207,208 (18%) is federal funding, and \$30,611,400 (5%) comes from various other streams including internal service activity funds, capital projects funds, and fiduciary and holding account funds.

The budget process for ODNR begins with the preparation of a biennial budget request in accordance with the guidance provided by the Office of Budget and Management (OBM). The budget request is then reviewed by OBM and the Governor's Office. After funding decisions are made, ODNR's budget is incorporated into the Executive Biennial Budget request which is submitted to the Legislature. The House and the Senate review the Executive Budget and make changes as appropriate and pass the final biennial budget by June 30th of each odd numbered year. After the budget is passed by the Legislature, ODNR annually allots the funded amounts across payroll, contracts, maintenance, equipment, and subsidy, for each of our divisions and programs. The budget for each division and program is monitored over the course of

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

the fiscal year and adjustments are made as needed to ensure the programs have the needed funding and the budget remains in balance. If additional federal or dedicated purpose funding becomes available during the biennium, ODNR will seek Controlling Board Approval to increase appropriation in those funds.

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

The Department's workload in relation to occupational regulation and the issuance of licenses and certifications has remained stable in recent years.

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

ODNR is a diverse and expansive state agency, consisting of eleven divisions. The work of these divisions varies, as do the job types/classifications. ODNR employs people in more than 220 different classifications thus it is difficult to summarize their roles. As of September 2024, ODNR has 2567 employees: 1617 full-time, 126 part-time and 824 non-permanent employees. Each year from mid-November through March, the number of non-permanent employees decreases as these employees are primarily utilized between April – November. ODNR has an approved staff ceiling of 2701, with 134 positions available in the headcount. Currently, the Office of Human Resources has 99 active positions in process with 34 additional requests pending. Based on the current position request activity, we believe our staffing ceiling is appropriate for both current and anticipated workload.

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

The department’s oversight and disciplinary authority varies by license/certification type. For more information on disciplinary action the department is permitted to take, please see the “*Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation*” sections for each license/certification type below.

Aquaculture

Survey response (DNR)

Description

“Aquaculture” means a form of agriculture that involves the propagation and rearing of aquatic species in controlled environments under private control, including, but not limited to, for the purpose of sale for consumption as food. A permit may be issued upon application to any person who satisfies the chief that the person owns or leases an aquaculture production facility. Each permit shall be in such form as the chief prescribes. The permits shall be classified as either class A or class B. A class A permit shall be required for all class A aquaculture species that are designated by rule as a class A aquaculture species. Class B permits shall be issued on a case-by-case basis.

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

License.

| If the regulation is a registration, certification, or license requirement, please complete the following: | |
|---|--|
| Number issued annually | 1,119 (2019-2023 average). Aquaculture permits may be either class A or class B. The average number of permits issued annually for each class during this period was 1,068 and 51, respectively. |
| Number renewed annually | 541 (2019-2023 average). Licensees must apply annually pursuant to section 1533.632 of the Revised Code and section 1501:31-39-01(A)(3) of the Administrative Code. Aquaculture permits may be either class A or class B. The average number of renewal permits issued for each class during this period was 506 and 35, respectively. |
| Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years? | No. The number of licenses issued each year has remained consistent since 2019. |
| Education or training requirements | There are no education or training requirements. |
| Experience requirements | There are no experience requirements. |
| Examination requirements (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?</i>) | There are no examination requirements. |
| Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>) | There are no continuing education requirements. |
| Initial fee | \$50.00 – Class A aquaculture \$100.00 – Class B aquaculture |

| If the regulation is a registration, certification, or license requirement, please complete the following: | |
|--|---|
| Duration | Licenses are valid from the date of issuance through December 31 st of each year, except a permit issued after November 30 th is valid until December 31 st of the following year. |
| Renewal fee <i>(If different from initial fee, please explain why.)</i> | \$50.00 – Class A aquaculture \$100.00 – Class B aquaculture |
| Does the Department recognize uniform licensure requirements or allow for reciprocity? | No. This license pertains to the propagation and rearing of aquatic species in an aquaculture production facility located in Ohio. |
| 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 licenses. |
| Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department? | No. Individual possession of wild animals shall be obtained only in accordance with the Revised Code or Division rules. No person at any time of the year shall take in any manner or possess any number or quantity of wild animals, except wild animals that the Revised Code or Division rules permit to be taken, hunted, killed, or had in possession, and only at the time and place and in the manner that the Revised Code or Division of Wildlife rules prescribe. |
| Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual? | Yes. A permit may be issued upon application to any person who satisfies the chief that the person owns or leases an aquaculture production facility. Class B permits shall be issued on a case-by-case basis. In determining whether to issue a class B permit, the chief shall take into account the species for which the class B permit is requested, the location of the aquaculture production facility, and any other information determined by the chief to be necessary to protect the wildlife and natural resources of this state. If the agency were not to approve the license, the applicant would be entitled to contest the denial as outlined in Chapter 119 of the Ohio Revised 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.*)

A permit may be issued upon application to any person who satisfies the chief that the person owns or leases an aquaculture production facility.

“Aquaculture production facility” means a facility that has suitable infrastructure and equipment, as determined by the chief, and that is solely dedicated to the propagation and rearing of an aquaculture species.

“Suitable infrastructure” includes ponds, raceways, and tanks.

“Rearing unit” means any of the following when associated with an aquaculture facility:

“Cages” means an open or covered, enclosed structure constructed with netting, mesh or any porous material, allowing natural water interchange. These structures may be floating, suspended, or fixed to the substrate but still permitting water interchange from below.

“Enclosures and pens” means water areas confined by netting, mesh and other barriers allowing uncontrolled water interchange and distinguished by the fact that enclosures occupy the full water column between substrate and surface; pens and enclosures will generally enclose a relatively large volume of water.

“Hatcheries” means installations for housing facilities for breeding, nursing and rearing seed of fish, or invertebrates to fry, fingerlings or juvenile stages.

“Ponds and tanks” means artificial units of varying sizes constructed above or below ground level capable of holding and interchanging water.

“Raceways” means artificial units constructed above or below ground level capable of high rates of water interchange.

A holder of an aquaculture permit may receive a permit issued under section 1533.301 or 1533.40 of the Revised Code without payment of the fee for that permit if the conditions for the issuance of the permit have been met.

A class B aquaculture production facility must have a minimum of two levels of escapement prevention.

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

Ohio Revised Code Sections: 1531.02, 1531.08, 1531.10, 1533.632

Ohio Administrative Code Section: 1501:31-1-02, OAC 1501:31-39-01

No person shall knowingly sell any aquatic species under an aquaculture permit issued under this section that was not raised in an aquaculture production facility. In addition to any other penalties prescribed for violation of this division, the chief may revoke the permit of any person convicted of a violation of this division for any period of time the chief considers necessary.

A person who does not hold a current valid aquaculture permit shall not knowingly sell an aquaculture species while claiming to possess an aquaculture permit.

Pursuant to section 1533.632 of the Revised Code, the chief, in accordance with Chapter 119. of the Revised Code, shall adopt rules for the regulation of aquaculture.

Aquaculture permit holders are required to keep accurate daily records of all sales or purchases of aquaculture species. The required records must include the type of species bought or sold, the amount of species in gallons, numbers, or pounds, the date of sale or purchase, and the name and address of the buyer and seller. They must also be maintained for a minimum of two years and open for inspection by any Division of Wildlife employee at all reasonable hours.

A wild animal found to have been inadvertently imported into the state of Ohio at an aquaculture production facility will be destroyed or brought into conformity with Chapter 941. of the Revised Code and 901:1-17-01 of the Administrative Code.

A class B aquaculture production facility must have a minimum of two levels of escapement prevention. A class B aquaculture permit will not be used unless the applicant's facility has been inspected by a representative of the Division of Wildlife and is determined to be in compliance.

The chief may revoke a permit upon a determination that the person to whom the permit was issued has violated any rule adopted under this section. The permit shall be reissued upon a showing by the person that the person is in compliance with the rules adopted under this section.

A violation of the rules pertaining to aquaculture is a fourth-degree misdemeanor except for a violation of division (C) or (D) of section 1533.632 of the Revised Code if a felony of the fifth degree.

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

Aquaculture license fees annually contribute approximately \$58,500 to the Division of Wildlife. These fees are used to administer the program, including licensing, enforcement, and inspections.

The annual fee for a class B aquaculture permit is \$100.00. The fee accounts for the additional costs to the Division for the inspection of aquaculture facilities used to raise a given class B aquaculture species.

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

There is no federal law that requires the state to regulate aquaculture production facilities in Ohio.

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

The state has a vested interest in the regulation of wild animals, including fish and amphibians, for the purpose of protecting wild populations from illegal harvest, ensuring fish and amphibian health, and minimizing impacts to native wildlife by the local production of non-native species. Unregulated possession, importation, and distribution of aquatic species in Ohio would pose a significant risk for the introduction of invasive species and diseases that would impact Ohio's native wildlife and their habitats. This regulation is aimed to ensure the protection and preservation of the native wildlife and natural resources of this state.

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

The limited adverse regulatory impacts are offset by the long-term benefits of defining species available for aquaculture production and sale, prescribing the levels of escapement prevention, and requiring record-keeping. These measures limit the pathways for the introduction of injurious aquatic invasive species (IAIS) and disease. Record-keeping requirements allow the agency to track the movement of IAIS and aquatic species that may have been exposed to certain diseases. Further, the regulation establishes a level playing field for all industry participants and provides a viable source of organisms raised in captivity.

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

N/A

Surrounding state survey (LSC)

LSC staff determined that an aquaculture license is not an “occupational regulation” under the state’s general policy enacted by S.B. 255 of the 132nd General Assembly and is, therefore, beyond the scope of this report. (See, R.C. 103.27 and 4798.01.)

Bait dealer

Survey response (DNR)

| Description | |
|---|---|
| Each person, firm, partnership, association, or corporation that buys, sells, or deals in minnows, crayfish, or hellgrammites or collects the listed species for sale shall obtain, annually, from the chief of the Division of Wildlife a “bait dealer permit” and shall operate under such rules as the chief adopts. | |
| Type <i>(License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)</i> | |
| License. | |
| If the regulation is a registration, certification, or license requirement, please complete the following: | |
| Number issued annually | 2,029 (2019-2023 average) |
| Number renewed annually | 727 (2020-2023 average). Licensees must apply annually pursuant to section 1533.40 of the Revised 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? | Yes. There was an increase in active registrations from 2020 to 2021. The active registrations have remained consistent since then. |
| Education or training requirements | There are no education or training requirements. |
| Experience requirements | There are no experience requirements. |
| Examination requirements (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?</i>) | There are no examination requirements. |
| Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>) | There are no continuing education requirements. |
| Initial fee | \$40.00 or free. The holder of an aquaculture permit may receive a bait dealer permit issued under section 1533.40 of the Revised Code without payment of the fee. |
| Duration | Licenses are valid from the date of issuance until December 31 st . |
| Renewal fee (<i>If different from initial fee, please explain why.</i>) | \$40.00 or free. The holder of an aquaculture permit may receive a bait dealer permit issued under section 1533.40 of the Revised Code without payment of the fee. |

| If the regulation is a registration, certification, or license requirement, please complete the following: | |
|--|---|
| Does the Department recognize uniform licensure requirements or allow for reciprocity? | No. This license pertains to buying, selling, or dealing in minnows, crayfish, or hellgrammites in Ohio and to collecting the listed species for sale from the wild in Ohio. Nonresidents engaging in the collecting, seining, or picking of minnows, crayfish, or hellgrammites for bait are required to have a nonresident fishing license as prescribed in section 1533.32 of the Revised Code. |
| 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 licenses. |
| Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department? | No. Individual possession of wild animals shall be obtained only in accordance with the Revised Code or Division rules. No person at any time of the year shall take in any manner or possess any number or quantity of wild animals, except wild animals that the Revised Code or Division rules permit to be taken, hunted, killed, or had in possession, and only at the time and place and in the manner that the Revised Code or Division of Wildlife rules prescribe. |
| Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual? | No. A permit shall be issued upon application and the payment of a fee of forty dollars. |
| Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>) | A bait dealer permit holder is required to operate under the rules the chief adopts. Nonresidents engaging in the collecting, seining, or picking of minnows, crayfish, or hellgrammites for bait shall have a nonresident fishing license as prescribed in section 1533.32 of the Revised Code. |

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

Ohio Revised Code Sections: 1531.02, 1531.08, 1531.10, 1533.40

Ohio Administrative Code Section: OAC 1501:31-13-04

Pursuant to section 1533.40 of the Revised Code, each person, firm, partnership, association, or corporation that buys, sells, or deals in minnows, crayfish, or hellgrammites or collects the listed species for sale shall obtain, annually, from the chief of the Division of Wildlife a permit and shall operate under such rules as the chief adopts.

Bait dealer permit holders cannot possess minnows, listed baitfish, crayfish, or hellgrammites at any place, except at the address listed on that person's application for the permit, without having each receptacle containing minnows, fish, crayfish, and hellgrammites marked with that person's name, address, and permit number in letters and numerals at least one-half inch high in the English language.

In order to sell certain species of fish, a bait dealer permit holder is required to provide a receipt with the date and time of sale, the number of fish by species, and the name and address of the seller. A copy of the receipt must be retained for two years.

A bait dealer permit holder is required to keep accurate daily records of all transactions with a person permitted under section 1533.40 or section 1533.632 of the Revised Code that include all sales and purchases of minnows, fish, crayfish, hellgrammites, and other larval aquatic insects, the type of animal bought or sold, the amount of animals in gallons, numbers, or pounds, the date of sale or purchase, and the name and address of the buyer and seller. The records must be maintained for a minimum of two years.

These records shall be open for inspection by any wildlife officer at all reasonable hours. Provided further, such officers may enter and inspect any premises where minnows, fish, crayfish, and hellgrammites are bought, sold, or held under a permit issued under section 1533.40 of the Revised Code and any box, package, or receptacle and the contents for the purpose of determining whether any provision of Chapter 1531. or 1533. of the Revised Code or Division order is being violated.

It shall be unlawful for any person to sell as bait fish or use as bait any fish or minnow not already established in the waters of Ohio over which the Wildlife chief has control.

A violation of section 1533.40 of the Revised Code is a misdemeanor of the third degree. A violation of any of the rules pertaining to bait dealers is a misdemeanor of the fourth degree.

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

Bait dealer permit fees annually contribute approximately \$59,160 to the Division of Wildlife. These fees are used to administer the program, including licensing, enforcement, and inspections. Notably, the agency annually issues approximately 550 free bait dealer permits pursuant to 1533.632 of the Revised Code.

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

There is no federal law that requires the state to regulate the buying, selling, or dealing in minnows, crayfish, or hellgrammites or collecting the listed species for sale.

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

This regulation specifies the species of fish and other aquatic species that may be collected from the wild or raised in captivity and sold as bait. In addition, this rule specifies those records that must be kept by bait dealers to provide protection for wild populations as well as tracking for potential invasive species. The regulatory intent is to allow the collection and sale of certain aquatic species while protecting the resource from injurious aquatic invasive species and disease transmission. These regulations also support the perpetuity and profitability of the industry.

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

The limited adverse regulatory impacts to the industry are offset by the long-term benefits of defining species eligible for collection and sale and documenting their use, thereby establishing a level playing field for all industry participants and providing a viable source of organisms collected in the wild or raised in captivity. The licensing and record-keeping requirements limit pathways for the sale and movement of illegally taken animals and allow the agency to track the movement of injurious aquatic invasive species and aquatic species that may have been exposed to certain diseases. Further, there are restrictions on selling or using as bait any fish or minnow not already established in the waters of the state.

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

N/A

Surrounding state comparison (LSC)

LSC staff determined that a bait dealer license is not an “occupational regulation” under the state’s general policy enacted by S.B. 255 of the 132nd General Assembly and is, therefore, beyond the scope of this report. (See, R.C. 103.27 and 4798.01.)

Blaster

Survey response for surface mine blaster (DNR)

| Description | |
|---|--|
| A surface mine blaster conducts surface blasting operations in coal and industrial minerals mines, including surface blasting incident to underground mining and blasting on coal exploration operations. | |
| Type <i>(License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)</i> | |
| Government Certification | |
| If the regulation is a registration, certification, or license requirement, please complete the following: | |
| Number issued annually | Average about 12 per year. |
| Number renewed annually | Average about 50 renewals per year. (Currently, 151 certified blasters.) |

| 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 40 hours of classroom-type training covering explosives, blast designs, blasthole loading, initiation systems, ground vibration, airblast, flyrock, fumes, secondary blasting, federal and state regulations, blast records, blast schedules, preblast surveys, blast plan requirements, certification requirements, signs, warning signals and site control, and preventing and mitigating potential hazards. |
| Experience requirements | Applicant must have worked on a blasting crew for at least two years in mining, excavation, or an equivalent working environment, and received on-the-job training from a blaster certified or licensed in any state. |
| Examination requirements (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?</i>) | The exam is administered by the Division of Mineral Resources Management (DMRM) blasting specialists, under the authority of the DMRM chief. A fee of ten dollars is charged each time a candidate takes the exam. Part One of the exam covers general blasting principles, including: explosives (characteristics and selection of); initiation systems; blasthole loading; blast design; potential hazards; ground vibration, airblast and flyrock; and handling, transportation and storage of explosives. Part Two of the exam covers Ohio's blasting regulations as they pertain to coal and industrial minerals mining. |
| Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>) | During each renewal period, a certified blaster must receive a minimum of 24 hours of continuing education by attending blasting-related courses, seminars or conferences approved by the chief of DMRM or an authorized representative, with at least eight hours obtained from an organization or person other than the blaster's employer or its parent company or explosives supplier. Typical topics include safety in the handling, transportation and storage of explosives; designing and loading blasts that meet mining customers' needs while preventing injuries and minimizing the risk of off-site damage from flyrock, ground vibration and airblast; and applications of new technology. |

| If the regulation is a registration, certification, or license requirement, please complete the following: | |
|--|---|
| Initial fee | Zero |
| Duration | A surface mine blaster certification lasts three years before having to be renewed. |
| Renewal fee <i>(If different from initial fee, please explain why.)</i> | Zero |
| Does the Department recognize uniform licensure requirements or allow for reciprocity? | Per OAC 1501:13-9-10 (A)(3), "the chief may grant reciprocity to any blaster who holds a valid certification or license issued under any state or federal blaster certification or license program approved by the U.S. department of the interior's office of surface mining reclamation and enforcement. However, to obtain certification under this rule, the blaster must apply for and pass an examination on Ohio blasting regulations pertaining to coal and industrial minerals mines, and meet any other requirement deemed necessary by the chief." |
| Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation? | Similar certifications or licenses are administered by the federal Office of Surface Mining Reclamation and Enforcement (OSMRE) and numerous states with programs approved by OSMRE. Such certifications or licenses may be used in a reciprocal manner per OAC 1501:13-9-10 (A)(3), as explained in the response to the previous question about reciprocity. |
| Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department? | ODNR/DMRM only regulates mining-related blasting. It does not regulate construction or demolition blasting that is not affiliated with a regulated mining permit, or the use of explosives for seismic exploration or oil/gas well fracking. |
| Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual? | Yes, as granted in OAC 1501:13-9-10. |

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 Department respecting individuals engaged in the occupation.

The chief of the DMRM may suspend or revoke a blaster's certification for: noncompliance with any order of the chief, any order issued by a regulatory authority having jurisdiction over the use of explosives, or any order issued by a court of law, relative to the use of explosives; violation of any provision of state or federal explosives laws or regulations, a blasting-related permit condition, or any condition of certification; unlawful use in the workplace of, or current addiction to, alcohol, narcotics, or other dangerous drugs; providing false information or a misrepresentation on any application for certification or recertification; falsification of blast records; or conducting a blast where flyrock was cast beyond the permit boundary of any mine.

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

Around \$200.00 per year in fees are paid into the mining regulation and safety fund to support the operations of the division.

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

The federal Office of Surface Mining Reclamation and Enforcement (OSMRE) requires the state to regulate the certification of blasters who conduct surface blasting in coal mines, and the DMRM's regulations are subject to review and approval by OSMRE.

The federal Mine Safety and Health Administration (MSHA) has regulations that apply to the safe handling and storage of explosives exclusively on mine sites, but does not require a blaster to possess a personal license or certification. The federal Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) requires persons to have clearance in the form of a user permit to possess or use explosives in all settings (not just mines), but does not require a blaster to obtain a personal license or certification.

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

The goal is to prevent injury to persons, both on and off the regulated mining permit area, from flyrock, airblast and toxic fumes; and damage to off-site structures (e.g., dwellings, public and commercial buildings, and utilities) from flyrock, ground vibration and airblast.

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. Evidence of injury to persons is very rare. (As an example, there have been no reports of blasting-related injuries in the last 10 years.) Also, verified damage to off-site structures from ground vibration and airblast is almost non-existent, partly because the DMRM's vibration and airblast limits are very conservative, and certified blasters exercise due diligence in complying with those limits. The DMRM is not aware of other, less restrictive ways to prevent the potential adverse effects of mine blasting which, in fact, is considered to be an ultra-hazardous activity.

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

The ten-dollar fee to take the blaster certification exam is outdated, as it currently costs more money to collect and cash the check than it does to collect no fees at all. The Division has made changes in Administrative Code to allow the fee to be set “at the discretion of the Chief,” and would be interested in having that change codified in statute. Division staff is currently discussing what amount would be a reasonable fee for the administration of the certification and will set a more reasonable fee after conferring with industry and other stakeholders.

Survey response for surface mine blaster – limited (DNR)

Description

A surface mine blaster-limited conducts small-scale blasting on industrial minerals mining permits, but only when the blasting operations meet all of the following conditions:

- (a) The primary purpose is to split natural stone deposits into rectangular blocks, or “dimension stone,” for use in buildings, landscaping projects, break walls, or similar purposes;
- (b) Detonating cord is the primary explosive charge in all blastholes; small-diameter cartridges, if used, occupy no more than twenty percent of the blasthole length;
- (c) The blastholes do not exceed three inches in diameter, are spaced no greater than thirty-six inches apart in a single row for each fracture plane desired, and are connected on the surface with detonating cord and no delays between the holes; and
- (d) The weight of explosives per hole does not exceed five pounds, and the total weight of explosives per blast does not exceed two hundred pounds.

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

Limited certification.

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

| | |
|---|--|
| Number issued annually | Less than one. |
| Number renewed annually | About one per year, on average. (Currently, we have four Limited certified blasters.) |
| Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years? | No. |
| Education or training requirements | The same as described in the previous section for an “unlimited” surface mine blaster, but the Division of Mineral Resources Management (DMRM) chief may waive some of the required training hours and topics, making them relevant to the limited blasting conditions listed above. |
| Experience requirements | Worked on a blasting crew for at least two years in mining, excavation, or an equivalent working environment, and received on-the-job training from a blaster certified or licensed in any state. |

| 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 Department receive any proceeds of those fees? If so, how are the proceeds used?</i>) | The exam is administered by DMRM blasting specialists, under the authority of the DMRM chief. A fee of ten dollars is charged each time a candidate takes the exam. Part One of the exam covers general blasting principles, including: explosives (characteristics and selection of); initiation systems; blasthole loading; blast design; potential hazards; ground vibration, airblast and flyrock; and handling, transportation and storage of explosives. Part Two of the exam covers Ohio's blasting regulations as they pertain to industrial minerals mining. For this Limited type of certification, the exam covers only the topics that are relevant to the limited blasting conditions explained above. |
| Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>) | During each three-year renewal period, a Limited certified blaster must receive a minimum of eight hours of blasting-related training approved by the chief of DMRM or an authorized representative. Typical topics for such small-scale blasting include safety in the handling, transportation and storage of explosives. |
| Initial fee | Ten dollars is charged when a candidate takes the exam. |
| Duration | A Limited surface mine blaster certification lasts three years. |
| Renewal fee (<i>If different from initial fee, please explain why.</i>) | None. |
| Does the Department recognize uniform licensure requirements or allow for reciprocity? | Per OAC 1501:13-9-10 (A)(3), "the chief may grant reciprocity to any blaster who holds a valid certification or license issued under any state or federal blaster certification or license program approved by the U.S. department of the interior's office of surface mining reclamation and enforcement. However, to obtain certification under this rule, the blaster must apply for and pass an examination on Ohio blasting regulations pertaining to coal and industrial minerals mines, and meet any other requirement deemed necessary by the chief." |

| 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? | Pennsylvania offers a similar type of blaster licensure for dimension stone blasters, which could be used in a reciprocal fashion to obtain the limited surface mine blaster certification in Ohio. |
| Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department? | ODNR/DMRM only regulates mining-related blasting. It does not regulate construction or demolition blasting that is not affiliated with a regulated mining permit, or the use of explosives for seismic exploration or oil/gas well fracking. |
| Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual? | Yes, as granted in OAC 1501:13-9-10. |
| Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>) | None. |

| Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation. |
|---|
| The chief of the DMRM may suspend or revoke a blaster's certification for: noncompliance with any order of the chief, any order issued by a regulatory authority having jurisdiction over the use of explosives, or any order issued by a court of law, relative to the use of explosives; violation of any provision of state or federal explosives laws or regulations, a blasting-related permit condition, or any condition of certification; unlawful use in the workplace of, or current addiction to, alcohol, narcotics, or other dangerous drugs; providing false information or a misrepresentation on any application for certification or recertification; falsification of blast records; or conducting a blast where flyrock was cast beyond the permit boundary of any mine. |

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

Around \$10.00 per year in fees is paid into the mining regulation and safety fund to support the operations of the division.

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

The federal Mine Safety and Health Administration (MSHA) has regulations that apply to the safe handling and storage of explosives exclusively on mine sites, but does not require a blaster to possess a personal license or certification. The federal Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) requires persons to have clearance in the form of a user permit to possess or use explosives in all settings (not just mines), but does not require a blaster to obtain a personal license or certification.

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

Injury to persons, both on and off the regulated mining permit area, from flyrock, airblast and toxic fumes; and damage to off-site structures (e.g., dwellings, public and commercial buildings, and utilities) from flyrock, ground vibration and airblast.

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. Evidence of injury to persons is very rare. (As an example, there have been no reports of injuries in the last 10 years.) And verified damage to off-site structures from ground vibration and airblast is almost non-existent, partly because the DMRM's vibration and airblast limits are very conservative, and certified blasters exercise due diligence in complying with those limits. The DMRM is not aware of other, less restrictive ways to prevent the potential adverse effects of mine blasting which, in fact, is considered to be an ultra-hazardous activity.

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

The ten-dollar fee to take the blaster certification exam is outdated, as it currently costs more money to collect and cash the check than it costs to collect no fees at all. The Division has made changes in Administrative Code to allow the fee to be set "at the discretion of the Chief," and would be interested in having that change codified in statute. Division staff is currently discussing what amount would be a reasonable fee for the administration of the certification and will set a more reasonable fee after conferring with industry and other stakeholders.

Surrounding state comparison (LSC) (as of September 12, 2024)

| Blaster/Surface Mine Blaster | | | | | | |
|--|--|---|--|--|--|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Type of regulation (Name of regulation) | License (Surface mine blaster certificate; limited blaster certificate for small-scale blasting on industrial | License (Certified blaster) <i>(Ind. Code 14-34-12-1 and 14-34-12-2(4); 312 Ind. Admin. Code 25-1-21 and 25-9-3(a) and (b) to 25-9-8)</i> | License (Blaster license; limited blaster license) <i>(Ky. Rev. Stat. 351.315(1) and 351.325; 805 Ky. Admin. Regs.</i> | License (Blaster certification) <i>(Mich. Comp. Laws 324.63527(2)(o) (iv); Mich. Admin. Code R. 408.42705)</i> | License (Blaster license issued for specific classifications) Blaster licenses include classifications for the following | License (Certified blaster) <i>(W. Va. Code R. 38-2-25 and 38-3-6.8)</i> |

| Blaster/Surface Mine Blaster | | | | | | |
|------------------------------|--|---------|---------------------------|---|---|---------------|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | minerals mining permits) <i>(R.C. 1514.12(D), 1561.20, and 1561.23(A)(10); O.A.C. 1501:13-9-10(A)(1) and (4))</i> | | 4:010(1), (13), and (14)) | The federal Office of Surface Mining Reclamation and Enforcement (OSMRE) regulates surface and coal mining and reclamation in Michigan and therefore blaster certification Michigan adopts by reference the standards in federal OSHA regulations for “Blasting and Use of Explosives” in 29 C.F.R. 1926.901 <i>(Mich. Dept. of Labor and Economic Opportunity, Construction Standard, Part 27, Blasting and Use of Explosives; U.S. Dept. of Interior,</i> | blasting activities: (1) general (all classifications except demolition, mine opening blasting, and underground noncoal mining), (2) trenching and construction, (3) limited (law enforcement, research, seismic work, and industrial processes), (4) surface mining, (5) underground noncoal mining, (6) mine opening blasting, (7) industrial, (8) limited, and (9) demolition <i>(52 P.S. 1396.4b(b) and 3311; 25 Pa. Code 210.11 to 210.17; see Pa. Dept. of</i> | |

| Blaster/Surface Mine Blaster | | | | | | |
|------------------------------|---|---|--|---|--|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | | | | <u>OSMRE Blaster Certification</u> | <u>Environmental Protection, Blaster Licensing and Certification</u> | |
| Education or training | At least 40 hours of training courses covering several blasting-related topics, such as explosives and blast designs, taught under the supervision of the Ohio Department of Natural Resources, Chief of the Division of Mineral Resources Management, or through training courses the Chief determines are equivalent and received direction and on-the-job training from a blaster certified or | Indiana Department of Natural Resources-approved training in several blasting-related topics, such as explosives and blast designs (312 Ind. Admin. Code 25-1-21, 25-1-38, and 25-9-3 (c)) | At least two years of blasting experience under supervision of experienced blaster or one year of blasting experience and Kentucky Department for Natural Resources-approved formal training program (Ky. Rev. Stat. 351.315(1)(a) and (b)) | Qualified, by reason of training, knowledge, or experience in the field of transporting, storing, handling, and use of explosives, and have a working knowledge of state and local explosives laws and regulations (29 C.F.R. 1926.901(c) and (e)) | Completion of Department of Environmental Protection class on explosives and successfully passing the Department's blaster license exam General license: 16-hour Department-approved class on explosives Limited license: eight-hour Department-approved class on explosives (25 Pa. Code 210.14(a)(3) and (4)) | Completion of the West Virginia Surface Mine Blasters Self-Study Guide Course and a classroom review of the self-study guide course, the training program administered by the Secretary of Environmental Protection, Mining, and Reclamation Some first-time applicants may not be required to complete the classroom review All applicants for certification must attend a two-hour Blaster's |

| Blaster/Surface Mine Blaster | | | | | | |
|------------------------------|---|--|---|----------|--|---|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | <p>licensed in any state</p> <p>For limited blaster certificates, the Chief may waive some required training hours and topics, such that training is relevant to small-scale blasting described above</p> <p><i>(O.A.C. 1501:13-9-10(B) and (C)(1))</i></p> | | | | | <p>Responsibilities training session regarding responsibilities and the disciplinary provisions describing certification suspension, revocation, and reinstatement</p> <p><i>(W. Va. Code. R. 38-2-25.2 and 38-2-25.2a)</i></p> |
| Experience | <p>At least two years of practical experience on a blasting crew in mining, excavation, or an equivalent working environment in the judgment of Chief</p> | <p>At least one year of supervised blasting operations experience</p> <p><i>(312 Ind. Admin. Code 25-1-21)</i></p> | <p>Must be at least 21 years of age</p> <p>At least two years of supervised blasting operations experience or one year of blasting experience and Department-approved formal training program</p> | N/A | <p>Must be at least 21 years of age</p> <p>At least one year of field experience as a blaster learner in preparing blasts in classification for which a license is sought</p> <p><i>(25 Pa. Code 210.14(a)(1) and (2))</i></p> | <p>Must be at least 21 years of age</p> <p>One year of active blasting experience within the last three years and demonstrated working knowledge and skills regarding federal and West Virginia explosive laws and the</p> |

| Blaster/Surface Mine Blaster | | | | | | |
|------------------------------|--|--|---|--|---|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | <i>(R.C. 1561.20(A); O.A.C. 1501:13-9-10(C)(2))</i> | | <i>(Ky. Rev. Stat. 351.315(1)(a) and (b) and (5))</i> | | | storage, handling, transportation, and use of explosives <i>(W. Va. Code. R. 38-2-25.1.b)</i> |
| Exam | Yes <i>(R.C. 1561.13, 1561.20, and 1561.23(A)(10); O.A.C. 1501:13-9-10(C)(5))</i> | Yes <i>(312 Ind. Admin. Code 25-1-21 and 25-9-5)</i> | Yes <i>(Ky. Rev. Stat. 351.315(1)(a) and (b) and (6); 805 Ky. Admin. Regs. 4:010(1))</i> | Satisfactory evidence of competency in handling explosives <i>(29 C.F.R. 1926.901(d))</i> | Yes <i>(25 Pa. Code 210.16)</i> | Yes <i>(W. Va. Code. R. 38-2-25.1.b and 38-2-25.3b)</i> |
| Continuing education | For blaster certificates, at least 24 hours continuing education every three years that includes approved blasting-related courses, seminars, or conferences, eight hours of which are not from the blaster's employer or its parent company | 15 hours every three years <i>(312 Ind. Admin. Code 25-9-8(b)(3))</i> | Eight hours per year of Department-approved blaster's training during the preceding three years, no more than four hours of which may be from attending a conference unless otherwise | N/A | At least eight hours every three years of Department-approved blasting and safety courses <i>(25 Pa. Code 210.17(d))</i> | 12 hours every three years <i>(W. Va. Code. R. 38-2-25.6.a)</i> |

| Blaster/Surface Mine Blaster | | | | | | |
|------------------------------|--|---------|--|----------|--|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | or an explosives supplier For limited blaster certificates, at least eight hours every three years of approved blasting-related training <i>(O.A.C. 1501:13-9-10(D)(2)(b))</i> | | Department-approved For limited blaster licenses, at least four hours of Department-approved blaster's training during the preceding three years <i>(Ky. Rev. Stat. 351.315(4)(a) and (b))</i> | | | |
| Initial licensure fee | \$10 exam fee <i>(Ohio Dept. of Natural Resources, Application for Examination and Certification As a Surface Mine Blaster (PDF))</i> | N/A | \$25 plus exam fee not to exceed \$40 <i>(Ky. Rev. Stat. 351.315(2))</i> | N/A | \$50 application fee and \$50 materials fee <i>(25 Pa. Code 210.15; Pa. Dept. of Environmental Protection, Application for Examination and Blaster's License)</i> | \$50 application fee <i>(W. Va. Code. R. 38-2-25.1.c)</i> |

| Blaster/Surface Mine Blaster | | | | | | |
|------------------------------|--|---|--|----------|---|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| License duration | Three years (O.A.C. 1501:13-9-10(D)(1)) | Three years (312 Ind. Admin. Code 25-9-7(a)) | Three years (Ky. Rev. Stat. 351.315(4)) | N/A | Three years (25 Pa. Code 210.17(c) and (e)) | Three years (W. Va. Code. R. 38-2-25.6.b and 38-2-25.6.d) |
| Renewal fee | N/A | N/A | Not more than \$60 (Ky. Rev. Stat. 351.315(6); 805 Ky. Admin. Regs. 4:010(4)) | N/A | \$30 renewal application fee (25 Pa. Code 210.17(e)) | \$30 reapplication fee (W. Va. Code. R. 38-2-25.6.b) |

Captive white-tailed deer propagator

Survey response (DNR)

| Description |
|--|
| A “captive white-tailed deer propagation license” permits the licensee to propagate captive white-tailed deer, hold the animals in captivity, and sell the animals and carcasses. The fee for such a license is forty dollars. The license is valid until the license holder ceases to hold captive white-tailed deer or the license is revoked, whichever occurs earlier. |

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

License.

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

| | |
|---|--|
| Number issued annually | 12 (2018-2023 average) |
| Number renewed annually | Zero. Under section 1533.71(A)(1) of the Revised Code, the license is valid until the license holder ceases to hold captive white-tailed deer or the license is revoked, whichever occurs earlier. |
| Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years? | During the past six years (2018-2023), 73 new captive white-tailed deer permits were issued. Since these licenses only expire when the permit holder no longer holds captive white-tailed deer in captivity, newly issued licenses increase the total. However, the number of new licenses issued each year has remained consistent over the past six years, with a slight decrease in 2023. |
| Education or training requirements | There are no education or training requirements. |
| Experience requirements | There are no experience requirements. |

| 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 Department receive any proceeds of those fees? If so, how are the proceeds used?</i>) | There are no examination requirements. |
| Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>) | There are no continuing education requirements. |
| Initial fee | \$40.00 |
| Duration | This license does not expire unless the license holder ceases to hold captive white-tailed deer in captivity. |
| Renewal fee (<i>If different from initial fee, please explain why.</i>) | Not applicable. There are no renewals for this license. |
| Does the Department recognize uniform licensure requirements or allow for reciprocity? | No. This license pertains to holding and propagating white-tailed deer in captivity in an authorized enclosure in Ohio. The license requirements do not allow for reciprocity because this license only pertains to propagated white-tailed deer held in captivity and sold in Ohio. |
| Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation? | A United States Department of Agriculture dealer license may be required in addition to the captive white-tailed deer propagation license. A USDA dealer license is generally applicable to dealers or when there are a certain number of breeding pairs. While there are housing and care conditions, these requirements are not directly applicable to maintaining captive white-tailed deer in captivity. The USDA dealer license would not be a suitable substitute for the captive white-tailed deer propagation license. |

| 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 Department? | No. Individual possession of wild animals shall be obtained only in accordance with the Revised Code or Division of Wildlife rules. No person at any time of the year shall take in any manner or possess any number or quantity of wild animals, except wild animals that the Revised Code or division rules permit to be taken, hunted, killed, or had in possession, and only at the time and place and in the manner that the Revised Code or Division of Wildlife rules prescribe. |
| Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual? | No. If the applicant's authorized enclosure complies with all the applicable requirements, the chief of the Division of Wildlife shall review the application and shall issue or deny the license. If the chief denies the license, the chief shall return the application to the applicant with an explanation of the reasons for denial. The applicant may correct the deficiencies in the application and submit a revised application. If the applicant corrects the deficiencies, the chief shall issue the license. |
| Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>) | A person who wishes to obtain a captive white-tailed deer propagation license, prior to applying for the license, shall construct an authorized enclosure that is surrounded by a fence that is eight feet in height with a minimal deviation not to exceed four percent, is constructed in a manner that prevents ingress and egress of deer, and is constructed of materials that are approved by the chief of the Division of Wildlife in consultation with the animal and plant health inspection service in the United States Department of Agriculture, the Ohio Department of Agriculture, and representatives of the cervid industry in this state. The current minimum standard is woven wire mesh fencing. |

| Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation. |
|--|
| <p>Ohio Revised Code Sections: 1531.02, 1531.08, 1531.10, 1533.71, 1533.74</p> <p>Ohio Administrative Code Sections: 1501:31-15-02, 1501:31-19-04 After the initial inspection, the Division of Wildlife may only inspect a facility to which a captive white-tailed deer propagation license has been issued at reasonable times and when the inspection is in connection with a criminal investigation.</p> <p>Each holder of a captive white-tailed deer propagation license issued under section 1533.71 of the Revised Code shall maintain all records that are required in rules adopted under section 943.24 of the Revised Code. The records shall be kept permanently on the premises stated in the</p> |

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

license and shall be open for inspection by any authorized representative of the Department of Agriculture at all reasonable times and of the Division of Wildlife at all reasonable times in conjunction with an active criminal investigation.

The chief of the Division of Wildlife, with the approval of the director of Agriculture, may suspend or revoke a captive white-tailed deer propagation license issued to a person who also has been issued a valid license under section 943.03 or 943.031 of the Revised Code for the same facility if the person fails to comply with Chapter 943 and Chapter 1531 of the Revised Code, division rules, and rules adopted under section 943.24 of the Revised Code.

A violation of the rules pertaining to a captive white-tailed deer propagation license is a third-degree misdemeanor.

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

The fees for this license contribute approximately \$480.00 annually to the Division of Wildlife. These fees are used to administer the licensing program, including the initial inspection of the facility to be licensed.

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

There is no federal law that requires the state to regulate captive white-tailed deer propagation.

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

White-tailed deer are an important natural resource for the citizens of the state of Ohio. Captive white-tailed deer propagation licenses allow individuals the opportunity to propagate captive white-tailed deer. The regulation is intended to prevent co-mingling of captive white-tailed deer with native, wild white-tailed deer to prevent disease transmission. Chronic Wasting Disease (CWD) prevention/control is an important consideration of this regulation. This rule is necessary to prevent the escape of captive white-tailed deer and the possible spread of disease to Ohio's wild deer herd. The rule is aimed at limiting the potential spread of disease by establishing standards to properly contain captive white-tailed deer, requiring notification to the Division of Wildlife should one escape, and defining how to properly dispose of carcasses. This regulation protects the wild white-tailed deer herd and those deer held in captivity from the spread of disease. Healthy deer herds are important for the key contributions hunting makes to Ohio's economy, the management of wild white-tailed deer, and the protection of the private interests of the individuals who legally hold white-tailed deer in captivity.

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

While escapes from captive white-tailed deer facilities occur, timely notification aids the Division of Wildlife in limiting exposure to the wild deer herd. In 2014, the first confirmed case of CWD in Ohio was found in a captive deer at a shooting preserve in Holmes County. Since then, 24 additional deer from three other captive facilities in Holmes and Wayne counties tested positive for CWD. After detection, the regulatory framework between the Division of Wildlife and the Ohio Department of Agriculture allowed the agencies to identify the impacted facilities and constrain the spread of the disease.

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

No.

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

| Captive White-Tailed Deer Propagator | | | | | | |
|--|---|---|--|---|--|---|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Type of regulation (Name of regulation) | License (Captive white-tailed deer propagation license, dealer license, small dealer license, wild animal hunting preserve license) ¹ (R.C. 1533.71 (A)(3) and (B) and 1533.731(B)(1) and (F); O.A.C. 1501:31-19-04) | No clear equivalent (See Ind. Dept of Natural Resources (DNR), Indiana DNR Game Breeder's License Information, third paragraph (PDF)) | License ² (Permit to hold captive cervids) (Ky. Rev. Stat. 150.010 and 150.730; 301 Ky. Admin. Regs. 2:083) | License (Cervidae livestock facility registration) (Mich. Comp. Laws 287.955) | License (Cervidae livestock operation license, wildlife propagation permit) (3 Pa. Cons. Stat. 2380.2 and 34 Pa. Cons. Stat. 102 and 2930) | License (Captive cervid farming facility Class 1 license, captive cervid farming facility Class 2 license) (W. Va. Code 19-2H-2(b), 19-2H-3, and 19-2H-4) |
| 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 |

¹ A person may propagate captive deer with status or captive deer with certified chronic wasting disease status under a dealer license or small dealer license, but the person also must have a captive white-tailed deer propagation license (R.C. 943.20(A)).

² Regulations specify that no new noncommercial captive cervid permits may be issued after February 28, 2016. Those permit holders may hold captive cervids for the life of the animals and after which the permit is no longer valid. (301 Ky. Admin. Regs. 2:083, section 8(9).)

| Captive White-Tailed Deer Propagator | | | | | | |
|--------------------------------------|--|---------|---|---|---|---|
| | 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 | <p>\$40 for captive white-tailed deer propagation license</p> <p>\$25 for small dealer license</p> <p>\$50 to \$250 for dealer's license with fee depending on number of head</p> <p><i>(R.C. 934.04(B) and (C) and 1533.71(A)(3))</i></p> | N/A | <p>\$150 per facility for captive cervid permit</p> <p>\$75 per facility for noncommercial captive cervid permit</p> <p><i>(301 Ky. Admin. Regs. 5:022, sections 5(5) and 5(6))</i></p> | <p>\$750 for ranch and full registration</p> <p>\$450 for hobby and exhibition registrations</p> <p><i>(Mich. Comp. Laws 287.958(5))</i></p> <p>Other fees: \$250 application fee; \$250 initial inspection fee for 40 acres or less or \$500 initial inspection fee for more than 40 acres; \$100 second inspection fee, if needed</p> <p><i>(Mich. Comp. Laws 287.958(3) and (4))</i></p> | <p>\$150 for cervidae livestock operation license</p> <p>\$25 for one species plus \$10 for each additional species</p> <p>Total fees for a license are multiplied by the license duration selected by the applicant for wildlife propagation permit</p> <p><i>(3 Pa. Cons. Stat. 2380.3(b) and 34 Pa. Cons. Stat. 2903, 2904(a)(16), and 2930)</i></p> | <p>\$375 for Class 1 license</p> <p>\$750 for Class 2 license</p> <p><i>(W. Va. Code 19-2H-4)</i></p> |

| Captive White-Tailed Deer Propagator | | | | | | |
|--------------------------------------|--|---------|---|--|---|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| License duration | <p>Until licensee ceases to hold captive white-tailed deer or until the license is revoked, whichever is earlier for captive white-tailed deer propagation license</p> <p>One year for dealer and small dealer licenses (R.C. 943.03(A)(1), 943.031(B), and 1533.71(A)(3))</p> | N/A | <p>One year for captive cervid permit</p> <p>Three years for noncommercial captive cervid permit (301 Ky. Admin. Regs. 5:022, sections 5(5) and 5(6))</p> | <p>Three years (Mich. Comp. Laws 287.958(1))</p> | <p>Two years for cervidae livestock operation license</p> <p>One to three years selected by applicant for wildlife propagation permit (3 Pa. Cons. Stat. 2380.5(a) and 34 Pa. Cons. Stat. 2903)</p> | <p>One year (W. Va. Code 19-2H-6(b))</p> |
| Renewal fee | <p>N/A (captive white-tailed deer propagation license)</p> <p>\$25 plus \$25 more if renewal application is received after March 31 for</p> | N/A | <p>\$150 per facility for captive cervid permit</p> <p>\$75 per facility for noncommercial captive cervid permit (301 Ky. Admin. Regs. 5:022,</p> | <p>\$750 for ranch and full registration</p> <p>\$450 for hobby and exhibition registrations (Mich. Comp. Laws 287.958(5))</p> | <p>\$150 for cervidae livestock operation license</p> <p>\$25 for one species plus \$10 for each additional species</p> <p>Total fees for a license are multiplied by the</p> | <p>\$375 for Class 1 license</p> <p>\$750 for Class 2 license (W. Va. Code 19-2H-6(b))</p> |

| Captive White-Tailed Deer Propagator | | | | | | |
|--------------------------------------|--|---------|--------------------------------|----------|--|---------------|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | small dealer license \$50 to \$250 as described above plus \$100 late fee if renewal application is received after March 31 for dealer license <i>(R.C. 934.04(B) and (C))</i> | | <i>sections 5(5) and 5(6))</i> | | license duration selected by the applicant for wildlife propagation permit <i>(3 Pa. Cons. Stat. 2380.3(b) and 34 Pa. Cons. Stat. 102, 2903, 2904(a)(16), and 2930)</i> | |

Certified prescribed fire manager

Survey response (DNR)

| Description |
|---|
| <p>This certification is granted by the Division of Forestry within the Department of Natural Resources. Certification is the primary basis for granting an individual a waiver to R.C. 1503.18 (c). Rules and requirements are located in OAC 1501:3-13.</p> |

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

Government certification

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

| | |
|---|--|
| Number issued annually | 25 |
| Number renewed annually | 40 |
| Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years? | No |
| Education or training requirements | 30 hours of training in prescribed fire and wildland fire suppression. |
| Experience requirements | 10 days of experience on wildland fires |

| 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 Department receive any proceeds of those fees? If so, how are the proceeds used?</i>) | <p>Division of Forestry administers the exam at the completion of the Ohio Prescribed Fire Manager course provided by the division.</p> <p>No fees are charged for the exam. Eighty dollars (\$80) is currently charged for the course that the division provides, but an interested party can obtain alternative training if it meets the requirements in OAC.</p> |
| Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>) | There is no requirement for continuing education. |
| Initial fee | None. |
| Duration | Recertification requires documented experience in prescribed burning in the preceding 5-year period. |
| Renewal fee (<i>If different from initial fee, please explain why.</i>) | No fees charged |
| Does the Department recognize uniform licensure requirements or allow for reciprocity? | The department recognizes the equivalent national certification under the National Wildfire Coordinating Group (NWCG) or from other states with substantially similar requirements. |
| Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation? | Prescribed Fire Burn Boss Type 2 is a NWCG recognized national standard that is recognized by wildland fire agencies. The department recognizes this as equivalent. |

| 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 Department? | The Division of Forestry offers two additional pathways to having a fire waiver granted under R.C. 1503.18 (c). The first is a landowner burning their own property with written permission from their fire department. The second is a land clearing contractor with appropriate permits granted by Ohio EPA. |
| Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual? | Yes. OAC provides that the department may deny or withdraw a fire waiver if an individual is determined to have endangered public safety, violated waiver conditions, conducted a burn without receiving a required waiver, conducted a burn without obtaining any required permission from Ohio EPA or not met reporting requirements under the rule. |
| Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>) | In cases of denial or withdrawal of fire waivers the department is required to provide written explanation and requirements to obtain future waivers. |

| Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation. |
|---|
| <p>The department's authority with respect to discipline for this occupation is limited to the denial of granting written waivers to R.C. 1503.18 (c). Oversight is limited to monitoring the compliance of individuals to conditions set forth in fire waiver letters and education requirements for initial certification.</p> <p>Violation of R.C. 1503.18 is a third-degree misdemeanor. This can be enforced by peace officers within the department or from other agencies that have authority to enforce it.</p> |

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

No revenue is generated.

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).*)

Every prescribed burn has the potential to escape and become a wildfire. Wildfires can damage property and put human life at risk. As such, requirements for training and application are necessary to prevent these outcomes.

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

The department is unaware of any certified prescribed fire manager causing significant harm through a prescribed fire authorized under a fire waiver.

In Ohio there are over 500 wildfires annually, of which approximately 2/3rds are caused by planned fires that escaped and were not permitted under these rules. These cause significant damage and personal injuries.

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

This program has buy-in from key stakeholders. This includes government and non-profit land managing agencies, sister state agencies, and the Ohio Prescribed Fire Council. The Ohio Prescribed Fire Council is made up of prescribed fire practitioners and is consulted when any changes to the program are made. The department feels there are no changes currently needed.

Surrounding state comparison (LSC) (as of July 31, 2024)

| Certified Prescribed Fire Manager | | | | | | |
|--|---|---|--|--|---|---|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Type of regulation (Name of regulation) | License (Certified prescribed fire manager) (O.A.C. 1501:3-13-01) | No clear equivalent (The Department of Natural Resources must establish and equip a firefighting organization in | License (Certified Burn Boss) (Ky. Rev. Stat. 149.175; Ky. Prescribed Fire Council, Kentucky Prescribed Fire | License (Certified prescribed burn manager) (Mich. Admin. Code R. 281.424, 281.425, and 281.426) | License (Certified prescribed burn manager/boss) (32 P.S. 425.4(2) and 425.6; Pa. Prescribed Fire Council, Appendix | License (Certified prescribed fire manager) (W. Va. Code 20-3-5a) |

| Certified Prescribed Fire Manager | | | | | | |
|-----------------------------------|--|--|---|--|--|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | | the Division of Forestry for detecting, preventing, fighting, and controlling fires in state forest land.) <i>(Ind. Code 14-23-5-1)</i> | <u>Council Administrative Policy for Kentucky Certified Burn Bosses and Kentucky Prescribed Fire Crew Members (PDF)</u> | | <u>D: Certified Prescribed Burn Manager Program (1) (PDF)</u> | |
| Education or training | At least six hours of training in wildland fire suppression and at least 24 hours of training in prescribed fire management <i>(O.A.C. 1501:3-13-01(C)(1)(a) and (b))</i> | N/A | Completion of following: (1) National Wildfire Coordinating Group-prescribed burn boss qualifications, (2) Nature Conservancy's Workshop on Ecological Burning, including prerequisites, or (3) Kentucky Certified Burn Boss Workshop, including prerequisites | Completion of certified National Wildlife Coordinating Group training courses or equivalent as approved by Michigan Dept. of Natural Resources and Department-prescribed burn manager course <i>(Mich. Admin. Code R. 281.426 (2)(a)(i) and (ii))</i> | Completion of Certified Prescribed Burn Manager course <i>(32 P.S. 425.6; Pa. Prescribed Fire Council, <u>Certified Prescribed Burn Manager and Appendix D: Certified Prescribed Burn Manager Program (1.2U) (PDF)</u>)</i> | An employee of Division of Forestry, Division of Natural Resources, or any federal employee who has (1) completed prescribed fire course developed by Director of the Division of Natural Resources or equivalent or (2) demonstrated past relevant experience and completed a review course |

| Certified Prescribed Fire Manager | | | | | | |
|-----------------------------------|--|---------|--|--|--|---|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | | | <i>(Ky. Prescribed Fire Council, Kentucky Certified Burn Boss)</i> | | | <i>(W. Va. Code 20-3-5a(a) and (c))</i> |
| Experience | <p>Prior professional experience in at least ten wildfires on at least ten days, ten prescribed fires on at least ten days, or a combination of these</p> <p><i>(O.A.C. 1501:3-13-01(C)(1)(c))</i></p> | N/A | <p>Minimum 18 years of age</p> <p>Before training workshop: Participation on five prescribed burns or wildfires as proven by affidavit</p> <p>After training workshop: Completion of three apprentice burns under supervision of mentoring certified burn boss</p> <p><i>(Ky. Prescribed Fire Council, Kentucky Certified Burn Boss)</i></p> | <p>Proof of direct experience on five prescribed burns either by actively participating in the management of at least two prescribed burns as a prescribed burn manager trainee or written documentation detailing experience</p> <p><i>(Mich. Admin. Code R. 281.426 (2)(a)(iii))</i></p> | <p>Must participate on at least five burns as a crew member, one of which may be a wildfire assignment and two apprentice burns under guidance and evaluation of a qualified certified prescribed burn manager or burn boss within three years of course completion</p> <p><i>(Pa. Prescribed Fire Council, Appendix D: Certified Prescribed Burn Manager Program (1.3, 1.4, and 1.5) (PDF))</i></p> | <p>Must demonstrate past relevant experience if (2) described in "Education or Training" above is pursued for certification</p> <p><i>(W. Va. Code 20-3-5a(c)(3))</i></p> |

| Certified Prescribed Fire Manager | | | | | | |
|-----------------------------------|---|---------|----------|---|--|---|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Exam | N/A | N/A | N/A | N/A | N/A | Yes <i>(W. Va. Code 20-3-5a(c)(1) and (2))</i> |
| Continuing education | For recertification, completion of (1) over a five-year rotating schedule following initial certification (a) service as manager for at least two prescribed fires or (b) participation in an operational role for at least five prescribed fires or (2) maintained national qualification as a Prescribed Fire Burn Boss Type 2 as certified by a National Wildfire Coordinating | N/A | N/A | For certificate renewal, (1) at least eight hours of related prescribed fire training, as approved by Department or attendance at annual Michigan Prescribed Fire Council annual meeting and (2) proof of participation in certain prescribed burns or completion of Michigan prescribed burn manager course Failure to renew within one year of expiration requires | Eight hours of training relevant to prescribed fire every two years and service as lead for one burn in a three-year period <i>(Pa. Prescribed Fire Council, Appendix D: Certified Prescribed Burn Manager Program (2) (PDF))</i> | N/A |

| Certified Prescribed Fire Manager | | | | | | |
|-----------------------------------|--|---------|----------|---|---|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | Group member agency (O.A.C. 1501:3-13-01(C)(2)) | | | completion of requirements for original certification (Mich. Admin. Code R. 281.427 (1) and (2)) | | |
| Initial licensure fee | N/A | N/A | N/A | N/A | Department, by regulation, may collect a fee for training programs (32 P.S. 452.6) | Director may charge a reasonable fee (W. Va. Code 20-3-5a(b)) |
| License duration | Five years (O.A.C. 1501:3-13-01(C)(2)) | N/A | N/A | Five years (Mich. Admin. Code R. 281.426 (3)) | Indefinite, unless revoked (Pa. Prescribed Fire Council, Appendix D: Certified Prescribed Burn Manager Program (9) (PDF)) | Indefinite, unless revoked (W. Va. Code 20-3-5a(e)) |
| Renewal fee | N/A | N/A | N/A | N/A | N/A | N/A |

Commercial bird shooting preserve

Survey response (DNR)

| Description | |
|---|--|
| <p>A “commercial bird shooting preserve” is an area of land where game birds are released and hunted by shooting as authorized by a commercial bird shooting preserve license obtained under section 1533.72 of the Revised Code. Mallard or black ducks and other game birds upon which there is an open season in this state, which the chief of the Division of Wildlife may approve for such use, and that have been legally acquired or propagated under the authority of a propagating license issued under section 1533.71 of the Revised Code may be released and harvested by shooting within the confines of any licensed commercial bird shooting preserve between sunrise and sunset, without regard to sex, daily bag limit, or open season.</p> | |
| Type (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.) | |
| <p>License.</p> | |
| If the regulation is a registration, certification, or license requirement, please complete the following: | |
| Number issued annually | 66 (2019-2023 average) |
| Number renewed annually | 45 (2019-2023 average). License holders are required to apply annually pursuant to section 1533.72(D) of the Revised 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? | No. The number of licenses issued each year has remained consistent for the past six years. |
| Education or training requirements | There are no education or training requirements. |
| Experience requirements | There are no experience requirements. |
| Examination requirements (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?</i>) | There are no examination requirements. |
| Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>) | There are no continuing education requirements. |
| Initial fee | \$200.00 |
| Duration | Licenses are valid from the date of issuance until April 30th. |
| Renewal fee (<i>If different from initial fee, please explain why.</i>) | \$200.00 |

| If the regulation is a registration, certification, or license requirement, please complete the following: | |
|--|---|
| Does the Department recognize uniform licensure requirements or allow for reciprocity? | The agency does not allow reciprocity. This license is only applicable to commercial bird shooting preserves located in Ohio. Any person (resident or nonresident) may hunt game birds other than wild turkeys on a commercial bird shooting preserve without first obtaining a hunting license otherwise required by the Ohio Revised Code. |
| 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 licenses. |
| Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department? | No. Individual possession of wild animals shall be obtained only in accordance with the Revised Code or Division of Wildlife rules. No person at any time of the year shall take in any manner or possess any number or quantity of wild animals, except wild animals that the Revised Code or division rules permit to be taken, hunted, killed, or had in possession, and only at the time and place and in the manner that the Revised Code or Division of Wildlife rules prescribe. |
| Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual? | The chief of the Division of Wildlife, upon payment of the license fee, may issue to the applicant a commercial bird shooting preserve license if the operation of the preserve does not conflict with a prior reasonable public interest. If the agency were to determine that a conflict exists and did not approve the license, the applicant would be entitled to contest the denial as outlined in Chapter 119 of the Ohio Revised Code. |
| Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>) | Commercial shooting preserves must be at least 80 acres, but not more than 640 acres in size, and cannot be located within 1500 feet of any other such preserve. The preserve's boundaries must be marked with signs placed no more than 200' apart. The holder of a commercial bird shooting preserve license shall raise, or purchase, and release on the licensed commercial bird shooting preserve at least five hundred pheasants annually. With the approval of the chief of the Division of Wildlife, the license holder may raise, or purchase, and release, in lieu of pheasants, a like number of other game birds. |

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

Ohio Revised Code Sections: 1531.02, 1531.08, 1531.10, 1533.72, 1533.73, 1533.74

Ohio Administrative Code Section: 1501:31-31-02

In accordance with Chapter 119 of the Revised Code, the chief of the Division of Wildlife may suspend or revoke a commercial bird shooting preserve license if he or she finds that the license holder has violated or is violating Chapter 1533 or Chapter 1531 of the Revised Code or any division rule.

Operating a commercial bird shooting preserve without a license is a third-degree misdemeanor, and violating other commercial bird shooting preserve rules is a fourth-degree misdemeanor.

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

The fees for this license contribute approximately \$13,200.00 annually to the Division of Wildlife. These fees are primarily used to administer the licensing program, including an initial inspection of the preserve to ensure it meets the requirements of sections 1533.72 and 1533.73 of the Ohio Revised Code.

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

No federal laws require the state to regulate commercial bird shooting preserves.

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

These regulations are necessary because licensed commercial bird shooting preserves may operate outside the statewide hunting seasons and bag limits established for the protection of game birds. These regulations ensure that game birds taken from commercial bird shooting preserves are identified as such and that the hunting activity takes place on land clearly delineated as a commercial bird shooting preserve. These regulations allow game birds to be released without attaching bands as long as the birds are tagged or banded before transportation from the preserve.

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

This regulation protects wild game bird populations while allowing limited hunting and dog training in the closed season. Hen pheasants may be taken, which allows all propagated birds to be utilized regardless of sex. Game birds do not have to be banded before release. However, game birds must be banded before transportation. The transportation band also meets the requirements of a food tag under 1533.74 of the Ohio Revised Code. Transportation bands allow officers to quickly ascertain whether game birds possessed in the closed season were taken legally from a commercial bird shooting preserve.

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

No.

Surrounding state comparison (LSC) (as of August 1, 2024)

| Commercial Bird Shooting Preserve | | | | | | |
|--|---|---|---|---|---|---|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Type of regulation (Name of regulation) | License (Commercial bird shooting preserve license) (R.C. 1533.72(A)) | License (Shooting preserve license) (Ind. Code 14-22-31-1 and 14-22-31-7; 312 Ind. Admin. Code 9-10-22) | License (Shooting area permit) (Ky. Rev. Stat. 150.240(2); 301 Ky. Admin. Regs. 2:041, section 4(1)(a)) | License (Game bird hunting preserve) (Mich. Comp. Laws 324.41701) | License (Regulated hunting grounds permit) (34 Pa. Cons. Stat. 2901, 2904, and 2928) | License (Commercial shooting preserve) (W. Va. Code 20-2-54(1)) |
| 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 | \$200 (R.C. 1533.72(B)) | \$100 (Ind. Code 14-22-31-2) | \$150 (301 Ky. Admin. Regs. 5:022, section 2(3)) | \$105 for preserves of 320 acres or less; \$180 for preserves of more than 320 to 640 acres | \$100 for first 100 acres; \$25 for each additional 100 acres; total fees for a license are then multiplied by the license duration | \$50 for first 300 acres of the preserve area plus \$25 for each additional 300 acres or part thereof |

| Commercial Bird Shooting Preserve | | | | | | |
|-----------------------------------|--|---|--|--|--|---|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | | | | <i>(Mich. Comp. Laws 324.41702 and 324.41703)</i> | selected by the applicant <i>(34 Pa. Cons. Stat. 2903 and 2904(a)(10)(i))</i> | <i>(W. Va. Code 20-2-54(10))</i> |
| License duration | One year <i>(R.C. 1533.72(B) and (D))</i> | One year <i>(Ind. Code 14-22-31-5)</i> | One year <i>(301 Ky. Admin. Regs. 2:041, section 4(3)(b))</i> | Three years <i>(Mich. Comp. Laws 324.41702)</i> | One to three years (selected by applicant) <i>(34 Pa. Cons. Stat. 2903)</i> | One fiscal year <i>(W. Va. Code 20-2-54(10))</i> |
| Renewal fee | \$200 <i>(R.C. 1533.72(B))</i> | \$100 <i>(Ind. Code 14-22-31-2)</i> | \$150 <i>(301 Ky. Admin. Regs. 5:022, section 2(3))</i> | \$105 for preserves of 80 to 320 acres or less; \$180 for preserves of more than 320 to 640 acres <i>(Mich. Comp. Laws 324.41702 and 324.41703)</i> | \$100 for first 100 acres; \$25 for each additional 100 acres; total fees for a license are then multiplied by the license duration selected by the applicant <i>(34 Pa. Cons. Stat. 2903 and 2904(a)(10)(i))</i> | \$50 for first 300 acres of the preserve area plus \$25 for each additional 300 acres or part thereof <i>(W. Va. Code 20-2-54(10))</i> |

Commercial fishing

Survey response (DNR)

| Description | |
|--|------------------------|
| <p>A “commercial fishing license” is issued to those entities licensed to use or operate, for the purpose of taking fish, a boat, net, or device other than a minnow net or hook and line with bait or lure, wherein such activity is permitted to occur, and subsequently profit from the sale, trade, or consideration of those fish. Only those fish species defined as “commercial fish” in Division of Wildlife rule OAC 1501:31-1-02 may be taken by commercial fishers and only in accordance with the Ohio Revised Code and other division rules. Licenses are issued for four types of gear: trap nets, seines, carp aprons, and trotlines.</p> | |
| Type (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.) | |
| License. | |
| If the regulation is a registration, certification, or license requirement, please complete the following: | |
| Number issued annually | 40 (2018-2023 average) |
| Number renewed annually | 33 (2018-2023 average) |

| 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 have not been significant fluctuations in the number of licensed commercial fishers in the preceding six years. |
| Education or training requirements | There are no education or training requirements. |
| Experience requirements | Ohio Revised Code 1533.342 requires two years of commercial fishing gear experience or being the holder of a commercial fishing license for other gear. |
| Examination requirements (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?</i>) | There are no examination requirements. |
| Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>) | There are no continuing education requirements. |
| Initial fee | <p>Commercial fishing license applicants are assessed as follows per Ohio Revised Code 1533.342:</p> <p>Trap and fyke nets, for the first twenty nets or any portion thereof, \$800.00; and for each additional group of ten such nets or any portion thereof, \$400.00.</p> <p>For each seine of 150 rods or less in length other than an inland fishing district seine, \$400.00.</p> <p>For each seine over 150 rods in length other than an inland fishing district seine, \$600.00.</p> <p>For each inland fishing district seine, \$100.00.</p> <p>For each carp apron, \$100.00.</p> |

| If the regulation is a registration, certification, or license requirement, please complete the following: | |
|--|---|
| | <p>For one trotline with seventy hooks or less attached thereto, \$20.00.</p> <p>For each trotline, or trotlines, with a total of more than seventy hooks attached thereto, \$100.00.</p> |
| Duration | A commercial fishing license is valid for the calendar year for the specified gear's open season. |
| Renewal fee <i>(If different from initial fee, please explain why.)</i> | Renewal fees are equivalent to initial fees. However, royalty fees on the prior year's catches are assessed for the following fish species: catfish - \$.02/pound, white bass - \$.02/pound, and yellow perch - \$.05/pound. |
| Does the Department recognize uniform licensure requirements or allow for reciprocity? | Commercial fishing gear owned or used by a nonresident may be licensed in this state only if a reciprocal agreement is in effect, as provided for in section 1533.352 of the Revised Code. No current reciprocal agreements are in place. |
| 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 licenses. |
| Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department? | <p>No. Individual possession of wild animals shall be obtained only in accordance with the Revised Code or Division of Wildlife rules. No person at any time of the year shall take in any manner or possess any number or quantity of wild animals, except wild animals that the Revised Code or division rules permit to be taken, hunted, killed, or had in possession, and only at the time and place and in the manner that the Revised Code or Division of Wildlife rules prescribe.</p> <p>However, there are two exemptions for nets otherwise regulated through commercial fishing rules:</p> <p>Nets, traps, or other devices for catching fish in the possession of the owner of a private artificial fish pond or privately owned lake for use only in that pond or lake.</p> <p>Nets, gill nets, traps, or other devices in the possession of bona fide manufacturers or dealers when the nets, gill nets, traps, or other devices are kept in the regular places of business of</p> |

| If the regulation is a registration, certification, or license requirement, please complete the following: | |
|--|---|
| | those manufacturers or dealers, or are in course of transportation, or other devices in the possession of common carriers for transportation. |
| Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual? | <p>No. Notwithstanding trap net and seine licenses, which are restricted to limited entry by 1501:31-3-03 of the Administrative Code, the agency shall issue a commercial fishing license to those who satisfy all requirements.</p> <p>As it applies to trap net and seine licenses, only those persons previously issued a commercial fishing license by the chief of the Division of Wildlife or their authorized agent, or a commercial fishing license transferred by the chief or their authorized agent, or a license in reserve in the prior fishing season will be issued a commercial fishing license by the chief or their authorized agent, provided that they have made proper application and paid the required fees on or before the first day of the current season for the type of commercial gear sought to be licensed.</p> |
| Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>) | <p>Applicants must:</p> <p>Be over eighteen years of age.</p> <p>Have no prior conviction of or plea of guilty on or after October 10, 2007, to a disqualifying offense as determined in accordance with section 9.79 of the Revised Code.</p> <p>Have ninety days of Ohio residency immediately preceding application.</p> <p>Post a refundable \$1000.00 performance bond or cash deposit in a like amount.</p> <p>As it applies to trap net and seine licenses, only those persons previously issued a commercial fishing license by the chief of the Division of Wildlife or their authorized agent, or a commercial fishing license transferred by the chief or their authorized agent, or a license in reserve in the prior fishing season will be issued a commercial fishing license by the chief or their authorized agent, provided that they have made proper application and paid the required fees on or before the first day of the current season for the type of commercial gear sought to be licensed.</p> |

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

Ohio Revised Code Sections: 1531.02, 1531.08, 1531.10, 1533.34, 1533.341, 1533.342, 1533.343, 1533.35, 1533.351, 1533.352, 1533.36, 1533.41, 1533.42, 1533.43, 1533.431, 1533.44, 1533.45, 1533.46, 1533.48, 1533.49, 1533.50, 1533.52, 1533.55, 1533.62

Ohio Administrative Code Sections: 1501:31-3-01, 1501:31-3-02, 1501:31-3-03, 1501:31-3-04, 1501:31-3-05, 1501:31-3-06, 1501:31-3-07, 1501:31-3-08, 1501:31-3-09, 1501:31-3-10, 1501:31-3-12, 1501:31-3-13, 1501:31-3-14, 1501:31-3-15

Since March 1, 2008, no commercial fishing licensee may use or engage in fishing with commercial gear unless the licensee uses vessel and catch monitoring devices following requirements and procedures established by the chief of the Division of Wildlife. It is unlawful for a licensed commercial fyke net or trap net fishermen to engage in setting, pulling, or maintaining commercial fishing gear without having the approved vessel monitoring system and electronic catch reporting system turned on and fully operational on the vessel from the time it leaves port until its return to any port.

The taking of fish and other activities of commercial fishers are highly regulated in the state. This fishery is managed through a cooperative framework whereby all the states bordering upon and owning a portion of Lake Erie and Ontario, Canada, work in concert using the best available science to ensure the sustainability of yellow perch stocks in Lake Erie. Commercial fishers are allocated a quota of yellow perch that they cannot exceed.

If a person is convicted of or pleads guilty to a felony related to commercial fishing activities for a violation of state or federal law, all commercial fishing licenses issued under section 1533.35 of the Revised Code and all permits to handle commercial fish or other fish at wholesale issued to that person under section 1533.631 of the Revised Code are permanently revoked by operation of law.

If a commercial fishing licensee, such a licensee's authorized representative, a person that has been issued a permit under section 1533.631 of the Revised Code to handle commercial fish or other fish at wholesale, or such a permittee's authorized representative is convicted of or pleads guilty to a violation of section 1533.341, 1533.343, 1533.41, 1533.42, 1533.62, 1533.63, 1533.631, or 1533.64 of the Revised Code or any Division of Wildlife rule pertaining to those sections, the licensee's license or the permittee's permit, as applicable, shall be suspended for a period of thirty fishing season days.

If a person is convicted of or pleads guilty to a second violation of a section of the Revised Code that is listed in division (B)(1) of 1533.641 of the Revised Code or any division rule pertaining to those sections within ten years after being convicted of or pleading guilty to the first violation, the applicable license holder's license or permit holder's permit shall be suspended for a period of sixty fishing season days.

If a person is convicted of or pleads guilty to a third violation of a section of the Revised Code that is listed in division (B)(1) of 1533.641 of the Revised Code or any division rule pertaining to those sections within ten years after being convicted of or pleading guilty to the first violation, the applicable license holder's license or permit holder's permit shall be permanently revoked.

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

During any period of suspension of a license or permit, no person shall use or engage in fishing with commercial gear, or in handling commercial fish or other fish at wholesale with equipment, owned, used, or controlled at the time of conviction or plea by the license holder or the license holder's authorized representative or by the permit holder or the permit holder's authorized representative, as applicable.

A person whose license has been suspended by operation of law pursuant to a violation of Chapter 1531 of the Revised Code, Chapter 1533 of the Revised Code, or Division of Wildlife rule is not eligible to apply for or receive a new commercial fishing license issued under section 1533.35 of the Revised Code or a permit to handle commercial fish or other fish at wholesale issued under section 1533.631 of the Revised Code during the period of the suspension.

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

In 2023, \$19,720.00 in licensing fees and \$45,427.72 in royalty fees were collected. The fees are used to administer the commercial fishing licensing program, law enforcement and monitoring, and associated fisheries management efforts supporting the industry.

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

There are no federal laws that require the state to regulate the occupation.

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

This regulation protects the fish stocks in Lake Erie from overharvest. Robust and sustainable fish stocks are important for the key contributions fishing makes to Ohio's economy. Proper Lake Erie fisheries management ensures that both commercial and sport fishing activities can continue without adversely impacting the fishery or economy. This regulation seeks to prevent the overharvest of commercial fish that would be detrimental to the fishery, sport fishing, and Ohio's economy.

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

Ohio is a participating member of the internationally recognized Great Lakes Fisheries Commission (GLFC) and its various committees with an interest in Lake Erie fisheries management. The GLFC is comprised of all the states, tribes, and Canadian provinces with territorial interest in the Great Lakes and has been successfully managing fish species within the Great Lakes since 1955 (<https://glfc.org>). The GLFC annually establishes total allowable catches (TACs) for individual fish species in each of the Great Lakes based on fisheries science and studies conducted by the cooperating members. Each territorial jurisdiction is granted its portion of the (TAC) based on the percentage of its share of the lake. Ohio's TACs for Lake Erie are further distributed as quotas for sport fishing and commercial fishing. Using historical data and other law-supported parameters, commercial fishing quotas are allocated to specific commercial fishing licenses. Ohio commercial fishing regulations and licensing ensure Ohio does not exceed TACs, thereby protecting the fishery from overharvest. Notably, Ohio's jurisdiction of Lake Erie annually contributes approximately \$1 billion to the economy, primarily due to sport or recreational fishing.

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

No.

Surrounding state comparison (LSC) (as of August 1, 2024)

| Commercial Fishing | | | | | | |
|--|--|--|---|---|---|---|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Type of regulation (Name of regulation) | License (Commercial fishing license) <i>(R.C. 1533.342, 1533.343, and 1533.35)</i> | License (Inland water commercial fishing license) <i>(Ind. Code 14-22-13-1; 312 Ind. Admin. Code 9-8-1, 9-8-2 and 9-8-6)</i> (Ohio River commercial fishing license) <i>(Ind. Code 14-22-13-7)</i> | License (Commercial fishing license) <i>(Ky. Rev. Stat. 150.175(3) and (4) and 150.450)</i> | License (Commercial fishing license) <i>(Mich. Comp. Laws 324.47328 to 324.47332)</i> | License (Commercial fishing license) <i>(58 Pa. Code 69.22 and 69.28)</i> | License (Commercial license to take fish or mussels from Ohio River) <i>(W. Va. Code 20-2-59)</i> |
| Education or training | N/A | N/A | N/A | N/A | N/A | N/A |
| Experience | Must be at least 18 years of age Two years commercial fishing gear experience or holder of an Ohio commercial | N/A | N/A | N/A | Must be at least 18 years of age <i>(58 Pa. Code 69.22(e))</i> | N/A |

| Commercial Fishing | | | | | | |
|-----------------------|--|---|--|---|--|---|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | license of another gear (R.C. 1533.342(C)) | | | | | |
| 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 | Varies based on the type of equipment used (R.C. 1533.35) | Varies based on the body of water being fished and the type of equipment used \$20 (inland commercial fishing license and four commercial gear tags \$4 (a bundle of four gear tags for dip-net, hoop-net, basket trap, basket net, trap-net, seine, or fyke net) \$125 (Ohio River commercial fishing license and | \$150 (resident fee with ten fishing gear tags); \$600 (nonresident fee with ten gear tags) (301 Ky. Admin. Regs. 5:022, section 1(2); Ky. Dept. of Fish & Wildlife Resources, Commercial Fishing) | \$50-\$200 (resident fee based on overall length of boat(s), if a boat is used) \$250-\$1,000 (nonresident fee based on overall length of boat(s), if a boat is used) (Mich. Comp. Laws 324.47329(2) and 324.47330) | \$50-\$80 (resident fee based on type of equipment used) \$100-\$160 (nonresident fee based on type of equipment used) (30 Pa. Cons. Stat. 2903) | \$25 (West Virginia resident fee) \$100 (Ohio resident fee) (W. Va. Code 20-2-59) |

| Commercial Fishing | | | | | | |
|--------------------|---|---|--|--|--|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | | ten gear tags; for each block of ten gear tags, \$15) <i>(Ind. Code 14-22-13-1(b) and 14-22-13-2(b))</i> | | | | |
| License duration | One year <i>(R.C. 1533.35(A))</i> | One year <i>(Ind. Code 14-22-13-9)</i> | One year <i>(301 Ky. Admin. Regs. 5:022, section 1)</i> | One year, expires on December 31 of year issued <i>(Mich. Comp. Laws 324.47332)</i> | One year, expires on December 31 of year issued <i>(58 Pa. Code 69.27)</i> | Expires on January 1 following the date of issue <i>(W. Va. Code 20-2-59)</i> |
| Renewal fee | Varies based on the type of equipment used <i>(R.C. 1533.35)</i> | Varies based on the body of water being fished and the type of equipment used <i>(Ind. Code 14-22-13-1(b) and 14-22-13-2(b))</i> | \$150 (resident fee with ten fishing gear tags); \$600 (nonresident fee with ten gear tags) <i>(301 Ky. Admin. Regs. 5:022, section 1(2))</i> | \$50-\$200 (resident fee based on overall length of boat(s), if a boat is used) \$250-\$1,000 (nonresident fee based on overall length of boat(s), if a boat is used) <i>(Mich. Comp. Laws 324.47329(2) and 324.47330)</i> | \$50-\$80 (resident fee based on type of equipment used) \$100-\$160 (nonresident fee based on type of equipment used) <i>(30 Pa. Cons. Stat. 2903)</i> Licensee ineligible to renew if unable to show proof of minimum days of | \$25 (West Virginia resident fee) \$100 (Ohio resident fee) <i>(W. Va. Code 20-2-59)</i> |

| Commercial Fishing | | | | | | |
|--------------------|------|---------|----------|----------|---|---------------|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | | | | | commercial fishing with licensed gear <i>(58 Pa. Code 69.2(e))</i> | |

Commercial nuisance wild animal control operator

Survey response (DNR)

| Description |
|--|
| <p>A “commercial nuisance wild animal control operator” is an individual or business that provides nuisance wild animal removal or control services for hire to the owner, the operator, or the owner’s or operator’s authorized agent of property or a structure. No person shall provide nuisance wild animal removal or control services for hire without obtaining a commercial nuisance wild animal control operator license from the Division of Wildlife.</p> <p>A commercial nuisance wild animal control operator and any individual who is employed by an operator who is engaged in activities that are part of or related to the removal or control of nuisance wild animals, including setting or maintaining traps, shall obtain a certification of completion of a course of instruction for nuisance wild animal control. The certification must be renewed every three years.</p> <p>An individual who is providing nuisance wild animal removal or control services for hire under a commercial nuisance wild animal control operator license is exempt from obtaining a hunting license under section 1533.10 of the Revised Code, a fur taker permit under section 1533.111 of the Revised Code, or a fishing license under section 1533.32 of the Revised Code for the purposes of performing those services.</p> |

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

License.

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

| | |
|---|---|
| Number issued annually | Licenses: 830 (2018-2023 average) |
| Number renewed annually | 505 (2018-2023 average). Licensees are required to apply annually pursuant to section 1531.40(A)(2) of the Revised Code. |
| Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years? | Yes. As the number of new licenses has decreased slightly, the number of renewals has increased over the past six years, resulting in an increase in the total number of active licenses over the past six years. For unknown reasons, there was a significant increase in active licenses from 2020 to 2023. |
| Education or training requirements | There are no education or training requirements other than successful completion of the exam described below. |
| Experience requirements | There are no experience requirements. |

| 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 Department receive any proceeds of those fees? If so, how are the proceeds used?</i>) | <p>A commercial nuisance wild animal control operator and any individual who is employed by an operator that is engaged in activities that are part of or related to the removal or control of nuisance wild animals, including setting or maintaining traps, shall obtain a certification of completion of a course of instruction that complies with rules adopted under division (F) of 1531.40 of the Revised Code. This certification must be renewed every three years. The course includes public safety and health, animal life history, the use of nuisance wild animal removal and control devices, and the laws and rules governing those activities. To receive a certification of completion, the operator must pass an examination.</p> <p>The examination is administered through an online portal offered through Classmarker. The examination is free and consists of 100 questions. There is no limit to the number of attempts.</p> |
| Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>) | There are no continuing education requirements other than successful completion of the exam every three years. |
| Initial fee | \$40.00 |
| Duration | The license is valid from the date of issuance through the last day of February and must be renewed annually. |
| Renewal fee (<i>If different from initial fee, please explain why.</i>) | \$40.00 |
| Does the Department recognize uniform licensure requirements or allow for reciprocity? | <p>No. There is no reciprocity for the license. This license pertains to the control of nuisance wild animals in Ohio and exempts those operating under the license from obtaining a hunting license under section 1533.10 of the Revised Code, a fur taker permit under section 1533.111 of the Revised Code, or a fishing license under section 1533.32 of the Revised Code for the purposes of performing those services.</p> <p>However, the agency does recognize reciprocity for the certification. Under section 1531.40 of the Revised Code, the chief shall issue a license to provide nuisance wild animal removal or control services in accordance with Chapter 4796. of the Revised Code to an applicant if the</p> |

| If the regulation is a registration, certification, or license requirement, please complete the following: | |
|--|--|
| | applicant holds a license in another state, or the applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as an individual who provides nuisance wild animal removal or control services in a state that does not issue that license. |
| 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 licenses. |
| Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department? | <p>No. Individual possession of wild animals shall be obtained only in accordance with the Revised Code or Division rules. No person at any time of the year shall take in any manner or possess any number or quantity of wild animals, except wild animals that the Revised Code or Division rules permit to be taken, hunted, killed, or had in possession, and only at the time and place and in the manner that the Revised Code or Division of Wildlife rules prescribe.</p> <p>Those who provide nuisance wild animal control but do not receive compensation are not required to obtain a license or certification.</p> <p>An individual who is providing nuisance wild animal removal or control services for hire under a license issued under this section is exempt from obtaining a hunting license under section 1533.10 of the Revised Code, a fur taker permit under section 1533.111 of the Revised Code, or a fishing license under section 1533.32 of the Revised Code for the purposes of performing those services.</p> <p>An individual who is employed by the state, a county, or a municipal corporation and who performs nuisance wild animal removal or control services on land that is owned by the state, county, or municipal corporation, as applicable, as part of the individual's employment is exempt from obtaining a license under this section.</p> <p>Employees of a licensed commercial nuisance wild animal control operator who are under the on-site supervision of a certified operator or employee are exempt from certification. On-site supervision means staying within a distance from the person that enables uninterrupted, unaided visual and auditory communications.</p> |

| If the regulation is a registration, certification, or license requirement, please complete the following: | |
|--|---|
| Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual? | No. |
| Other information (Significant attributes or prerequisites to licensure not addressed in this chart.) | <p>An individual who is providing nuisance wild animal removal or control services for hire under a license issued under section 1531.40 of the Revised Code is exempt from obtaining a hunting license under section 1533.10 of the Revised Code, a fur taker permit under section 1533.111 of the Revised Code, or a fishing license under section 1533.32 of the Revised Code for the purposes of performing those services.</p> <p>An individual who is employed by the state, a county, or a municipal corporation and who performs nuisance wild animal removal or control services on land that is owned by the state, county, or municipal corporation, as applicable, as part of the individual's employment is exempt from obtaining a license under this section.</p> <p>If an individual who is licensed under this section uses a pesticide in the removal or control of a nuisance wild animal, the individual shall obtain the appropriate license under Chapter 921. of the Revised Code.</p> |
| Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation. | |
| <p>Ohio Revised Code Sections: 1531.02, 1531.08, 1531.10, 1531.40</p> <p>Ohio Administrative Code Section: 1501:31-15-03</p> <p>Except as provided in division (H) of section 1531.40 of the Revised Code, the chief shall adopt rules under section 1531.10 of the Revised Code establishing all the following:</p> <p>Appropriate methods for trapping, capturing, removing, relocating, and controlling nuisance wild animals by operators.</p> <p>Procedures for issuing, denying, suspending, and revoking a license.</p> <p>Requirements governing the certification course. The rules shall specify the minimum contents of such a course, including public safety and health, animal life history, the use of nuisance wild animal removal and control devices, and the laws and rules governing those activities. The</p> | |

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

rules also shall specify who may conduct such a course. The rules shall require that, in order for an operator to receive a certification of completion, the operator shall pass an examination.

Any other requirements and procedures necessary to administer and enforce this section.

In accordance with Chapter 119. of the Revised Code and with rules adopted under this section, the chief may suspend or revoke a license issued under this section if the chief finds that the holder of the license is violating or has violated this chapter, Chapter 1533. of the Revised Code, or rules adopted under those chapters.

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

Nuisance wild animal control operator license fees annually contribute approximately \$33,200 to the Division of Wildlife. The fees are used to administer the license program and certification examinations.

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

No federal law requires the state to regulate commercial nuisance wild animal control.

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

The examination certification, licensing, and rules for nuisance wild animal control aim to ensure that nuisance wild animal control is conducted in a controlled and uniform manner to protect wild animals in Ohio. The regulations provide a level playing field for participants and reasonable restrictions for taking wildlife that balance the needs of those experiencing human-wildlife coexistence issues with protecting these wild animals. For example, restricted periods for bat exclusion from structures seek to protect these sensitive populations after widespread population declines associated with White Nose Syndrome. However, there are exemptions in place for testing related to zoonotic exposure.

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

The regulations associated with nuisance wild animal control provide a level playing field for participants while also providing reasonable restrictions for the taking of wildlife that balances the needs of those experiencing human-wildlife coexistence issues with protecting these wild animals.

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

N/A

Surrounding state comparison (LSC) (as of August 5, 2024)

| Commercial Nuisance Wild Animal Control Operator | | | | | | |
|--|---|--|--|---|---|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Type of regulation (Name of regulation) | License (Commercial nuisance wild animal control operator) <i>(R.C. 1531.40 (B)(1); O.A.C. 1501:31-15-03(A), (I), (L), and (M))</i> | License (Nuisance wild animal control permit—commercial) <i>(312 Ind. Admin. Code 9-10-11)</i> | License (Nuisance wildlife control operator permit) <i>(Ky. Rev. Stat. 150.235 and 150.275; 301 Ky. Admin. Regs. 3:120)</i> | License (Damage and nuisance animal control permit) <i>(Mich. Dept. of Natural Resources, Wildlife Conservation Order, Chapter V, Special Permit Regulations (PDF))</i> | License (Nuisance wildlife control operator permit) <i>(34 Pa. Cons. Stat. 2901; 58 Pa. Code 147.721)</i> | License (Wildlife damage control agent) <i>(W. Va. Code 20-2-50a; W. Va. Code R. 58-41-3.1.b and 58-41-7.1)</i> |
| Education or training | Education courses that are conducted in accordance with Ohio Department of Natural Resources Chief of the Division of Wildlife policies and procedures <i>(R.C. 1531.40 (C)(1) and (F)(3)); O.A.C. 1501:31-15-03 (J)(3) and (L))</i> | N/A | National Wildlife Control Training Program course and if using a gun, the Kentucky Hunter Education Program or other course meeting standards set by the International Hunter Education Association <i>(301 Ky. Admin. Regs. 3:120,</i> | Department-sponsored training specifically required for a damage and nuisance animal control permit to handle and transport geese or handle or destroy Canada goose eggs and nests <i>(Mich. Dept. of Natural Resources,</i> | N/A | Yes (online course at a cost of \$200 for first two attempts, \$100 for subsequent attempts) <i>(W. Va. Code R. 58-41-6; W. Va. Dept. of Natural Resources, How to Become a Licensed Wildlife Damage Control Agent)</i> |

| Commercial Nuisance Wild Animal Control Operator | | | | | | |
|--|-------------------------------------|--|--|---|--|---|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | | | <i>sections 2(3) and 5(2))</i> | <u>Wildlife Conservation Order Chapter V, section 5.51b (PDF)</u> | | |
| Experience | N/A | N/A | Must be at least 18 years of age <i>(301 Ky. Admin. Regs. 3:120, section 2(3)(a))</i> | N/A | Must be at least 18 years of age <i>(34 Pa. Cons. Stat. 2901(a))</i> No (but experience and qualifications must be listed on application) <i>(58 Pa. Code 147.723(b))</i> | Must be at least 18 years of age <i>(W. Va. Code R. 58-41-3.1.a.1)</i> |
| Exam | Yes <i>(R.C. 1531.40 (F)(3))</i> | Yes <i>(312 Ind. Admin. Code 9-10-11(d)(1))</i> | Yes <i>(301 Ky. Admin. Regs. 3:120, section 2(3)(c))</i> | N/A | Yes (plus a \$25 nonrefundable exam fee for new agents or agents whose permits lapse for two or more years) <i>(58 Pa. Code 147.722,</i> | Yes <i>(W. Va. Code R. 58-41-3.2)</i> |

| Commercial Nuisance Wild Animal Control Operator | | | | | | |
|--|---|--|---|---|---|---|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | | | | | 147.723(a) and (d), and 147.724) | |
| Continuing education | Renewal of certification required every three years through exam of knowledge of Division of Wildlife presented continuing education material (R.C. 1531.40 (C)(1) and (F)(3); O.A.C. 1501:31-15-03(J)(9) and (L)) | 16 hours of continuing education as approved by Division of Fish and Wildlife every four years or required to pass exam again (312 Ind. Admin. Code 9-10-11(d) (2)) | N/A | N/A | N/A | Agents tested at five-year intervals for license renewal (W. Va. Code R. 58-41-3.4-3.2.a) |
| Initial licensure fee | \$40 (R.C. 1531.40 (B)(2)) | \$25 application fee (Ind. Dept. of Natural Resources, Permits & Commercial Licenses) | \$100 (301 Ky. Admin. Regs. 5:022, section 2(6)) | \$200 to \$500 fee for a nuisance control business, animal control agency, or non-profit nuisance animal control organization (Mich. Dept. of Natural Resources, | \$50 per year (plus \$25 examination fee) (34 Pa. Cons. Stat. 2903, 2904(a)(17), and 2905; 58 Pa. Code 147.723(a)) | \$50 for individual agents who charge a fee for service; \$50 plus \$10 per agent for entity having multiple agents (W. Va. Code R. 58-41-4) |

| Commercial Nuisance Wild Animal Control Operator | | | | | | |
|--|-----------------------------------|---|--|---|--|---|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | | | | <u>Wildlife Conservation Order Chapter V, section 5.110(5), (6), and (12) (PDF)</u> | | |
| License duration | One year (R.C. 1531.40 (B)(2)) | One year (312 Ind. Admin. Code 9-10-11(k) and (l)) | One year (301 Ky. Admin. Regs. 3:120, section 2(5)) | Three years; one year for Canada goose permit valid March 11 to August 31; one year for common merganser control permit (Mich. Dept. of Natural Resources, <u>Wildlife Conservation Order Chapter V, section 5.52(1), 5.52b, and 5.52d (PDF)</u>) | One, two, or three years as selected by applicant (if permit lapses for more than two years, must reapply as a new applicant) (34 Pa. Cons. Stat. 2903; 58 Pa. Code 147.723(d)) | One year (W. Va. Code R. 58-41-3.4) |
| Renewal fee | \$40 (R.C. 1531.40 (B)(2)) | N/A | \$100 (301 Ky. Admin. Regs. 5:022, section 2(6)) | \$200 to \$500 fee for a nuisance control business, animal control agency, or nonprofit nuisance animal | \$50 per year (34 Pa. Cons. Stat. 2904(a)(17)) | \$50 for individual agents who charge a fee for service; \$50 plus \$10 per agent for entity having multiple agents |

| Commercial Nuisance Wild Animal Control Operator | | | | | | |
|--|------|---------|----------|---|--------------|--------------------------|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | | | | control organization (Mich. Dept. of Natural Resources, Wildlife Conservation Order Chapter V, section 5.110(5), (6), and (12) (PDF)) | | (W. Va. Code R. 58-41-4) |

Commercial nuisance wild animal control operator – employee

Survey response (DNR)

| Description |
|--|
| <p>A “commercial nuisance wild animal control operator” is an individual or business that provides nuisance wild animal removal or control services for hire to the owner, the operator, or the owner’s or operator’s authorized agent of property or a structure. No person shall provide nuisance wild animal removal or control services for hire without obtaining a commercial nuisance wild animal control operator license from the Division of Wildlife.</p> <p>A commercial nuisance wild animal control operator and any individual who is employed by an operator who is engaged in activities that are part of or related to the removal or control of nuisance wild animals, including setting or maintaining traps, shall obtain a certification of completion of a course of instruction for nuisance wild animal control. The certification must be renewed every three years.</p> <p>An individual who is providing nuisance wild animal removal or control services for hire under a commercial nuisance wild animal control operator license is exempt from obtaining a hunting license under section 1533.10 of the Revised Code, a fur taker permit under section 1533.111 of the Revised Code, or a fishing license under section 1533.32 of the Revised Code for the purposes of performing those services.</p> |

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

Certification.

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

| | |
|---|---|
| Number issued annually | Certifications: 479 (2019-2023 average) |
| Number renewed annually | Certifications must be renewed every three years pursuant to section 1531.40(C)(1). The agency does not distinguish new certifications from those renewing their certification. |
| Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years? | Yes. Over the past five years, active certifications have increased. The number of completed certifications significantly increased from 2019 through 2021. The number of completed certifications remained more consistent from 2021 through 2023. |
| Education or training requirements | There are no education or training requirements other than successful completion of the exam described below. |
| Experience requirements | There are no experience requirements. |

| 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 Department receive any proceeds of those fees? If so, how are the proceeds used?</i>) | <p>A commercial nuisance wild animal control operator and any individual who is employed by an operator that is engaged in activities that are part of or related to the removal or control of nuisance wild animals, including setting or maintaining traps, shall obtain a certification of completion of a course of instruction that complies with rules adopted under division (F) of 1531.40 of the Revised Code. This certification must be renewed every three years. The course includes public safety and health, animal life history, the use of nuisance wild animal removal and control devices, and the laws and rules governing those activities. To receive a certification of completion, the operator must pass an examination.</p> <p>The examination is administered through an online portal offered through Classmarker. The examination is free and consists of 100 questions. There is no limit to the number of attempts.</p> |
| Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>) | There are no continuing education requirements other than successful completion of the exam every three years. |
| Initial fee | There is no fee for certification. |
| Duration | A certification is valid for three years from the date of completion. |
| Renewal fee (<i>If different from initial fee, please explain why.</i>) | There is no fee for certification. |
| Does the Department recognize uniform licensure requirements or allow for reciprocity? | Under section 1531.40 of the Revised Code, the chief shall issue a license to provide nuisance wild animal removal or control services in accordance with Chapter 4796. of the Revised Code to an applicant if the applicant holds a license in another state, or the applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as an individual who provides nuisance wild animal removal or control services in a state that does not issue that license. |

| 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>There are no similar national licenses.</p> |
| <p>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department?</p> | <p>No. Individual possession of wild animals shall be obtained only in accordance with the Revised Code or Division rules. No person at any time of the year shall take in any manner or possess any number or quantity of wild animals, except wild animals that the Revised Code or Division rules permit to be taken, hunted, killed, or had in possession, and only at the time and place and in the manner that the Revised Code or Division of Wildlife rules prescribe.</p> <p>Those who provide nuisance wild animal control but do not receive compensation are not required to obtain a license or certification.</p> <p>An individual who is providing nuisance wild animal removal or control services for hire under a license issued under this section is exempt from obtaining a hunting license under section 1533.10 of the Revised Code, a fur taker permit under section 1533.111 of the Revised Code, or a fishing license under section 1533.32 of the Revised Code for the purposes of performing those services.</p> <p>An individual who is employed by the state, a county, or a municipal corporation and who performs nuisance wild animal removal or control services on land that is owned by the state, county, or municipal corporation, as applicable, as part of the individual's employment is exempt from obtaining a license under this section.</p> <p>Those who provide nuisance wild animal control but do not receive compensation are not required to obtain a license or certification.</p> <p>Employees of a licensed commercial nuisance wild animal control operator who are under the on-site supervision of a certified operator or employee are exempt from certification. On-site supervision means staying within a distance from the person that enables uninterrupted, unaided visual and auditory communications.</p> |

| If the regulation is a registration, certification, or license requirement, please complete the following: | |
|--|---|
| Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual? | No. Upon successfully passing an examination, the operator will receive a certification. There is no limit to the number of attempts. |
| Other information (Significant attributes or prerequisites to licensure not addressed in this chart.) | <p>An individual who is providing nuisance wild animal removal or control services for hire under a license issued under section 1531.40 of the Revised Code is exempt from obtaining a hunting license under section 1533.10 of the Revised Code, a fur taker permit under section 1533.111 of the Revised Code, or a fishing license under section 1533.32 of the Revised Code for the purposes of performing those services.</p> <p>An individual who is employed by the state, a county, or a municipal corporation and who performs nuisance wild animal removal or control services on land that is owned by the state, county, or municipal corporation, as applicable, as part of the individual's employment is exempt from obtaining a license under this section.</p> <p>If an individual who is licensed under this section uses a pesticide in the removal or control of a nuisance wild animal, the individual shall obtain the appropriate license under Chapter 921. of the Revised Code.</p> |
| Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation. | |
| <p>Ohio Revised Code Sections: 1531.02, 1531.08, 1531.10, 1531.40</p> <p>Ohio Administrative Code Section: 1501:31-15-03</p> <p>Except as provided in division (H) of section 1531.40 of the Revised Code, the chief shall adopt rules under section 1531.10 of the Revised Code establishing all the following:</p> <p>Appropriate methods for trapping, capturing, removing, relocating, and controlling nuisance wild animals by operators.</p> <p>Procedures for issuing, denying, suspending, and revoking a license.</p> <p>Requirements governing the certification course. The rules shall specify the minimum contents of such a course, including public safety and health, animal life history, the use of nuisance wild animal removal and control devices, and the laws and rules governing those activities. The</p> | |

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

rules also shall specify who may conduct such a course. The rules shall require that, in order for an operator to receive a certification of completion, the operator shall pass an examination.

Any other requirements and procedures necessary to administer and enforce this section.

An operator that holds a license issued under 1531.40 of the Revised Code is responsible for the acts of each of the operator's employees in the removal or control of a nuisance wild animal.

In accordance with Chapter 119. of the Revised Code and with rules adopted under this section, the chief may suspend or revoke a license issued under this section if the chief finds that the holder of the license is violating or has violated this chapter, Chapter 1533. of the Revised Code, or rules adopted under those chapters.

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

There is no revenue derived from certification.

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

No federal law requires the state to regulate commercial nuisance wild animal control.

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

The examination certification, licensing, and rules for nuisance wild animal control aim to ensure that nuisance wild animal control is conducted in a controlled and uniform manner to protect wild animals in Ohio. The regulations provide a level playing field for participants and reasonable restrictions for taking wildlife that balance the needs of those experiencing human-wildlife coexistence issues with protecting these wild animals. For example, restricted periods for bat exclusion from structures seek to protect these sensitive populations after widespread population declines associated with White Nose Syndrome. However, there are exemptions in place for testing related to zoonotic exposure.

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

The regulations associated with nuisance wild animal control provide a level playing field for participants while also providing reasonable restrictions for the taking of wildlife that balances the needs of those experiencing human-wildlife coexistence issues with protecting these wild animals.

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

N/A

Surrounding state comparison (LSC) (as of October 17, 2024)

Ohio has a certification for the employees of a licensed commercial nuisance wild animal control operator. The employees must complete a certification course with examination, as established by the Chief of the Division of Wildlife. The certification is valid for three years. Additionally, a certified employee must complete a course of continuing education with a required examination once

every three years. There is no initial licensure fee or renewal fee.³ The other states – Indiana, Kentucky, Michigan, Pennsylvania, and West Virginia – have no clear equivalent to this certification requirement.

Commercial propagator

Survey response (DNR)

Description

A “commercial propagating license” permits the licensee to propagate game birds, game quadrupeds (except captive white-tailed deer), reptiles, amphibians, or fur-bearing animals in the wholly enclosed preserve the location of which is stated in the license and the application, and to sell the propagated game birds, game quadrupeds (except captive white-tailed deer), reptiles, amphibians, or fur-bearing animals and ship them from the state alive at any time. A commercial propagating license permits the licensee to kill such animals and sell the carcasses for food subject to sections 1533.71 to 1533.79 of the Revised Code.

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

License.

³ R.C. 1531.40(C); O.A.C. 1501:31-15-03.

| If the regulation is a registration, certification, or license requirement, please complete the following: | |
|---|---|
| Number issued annually | 393 (2018-2023 average) |
| Number renewed annually | 249 (2018-2023 average). Licensees must apply annually pursuant to section 1533.71(F) of the Revised Code. |
| Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years? | The new applications have remained consistent over the past six years. However, the renewals have increased steadily over that period, resulting in an overall increase in active licenses over the past six years. |
| Education or training requirements | There are no education or training requirements. |
| Experience requirements | There are no experience requirements. |
| Examination requirements (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?</i>) | There are no examination requirements. |
| Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>) | There are no continuing education requirements. |
| Initial fee | \$40.00 |
| Duration | Licenses are valid from the date of issuance until March 15th. |

| 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> | \$40.00 |
| Does the Department recognize uniform licensure requirements or allow for reciprocity? | No. This license pertains to holding and propagating certain wild animals in captivity in Ohio. The license requirements do not allow for reciprocity because this license only pertains to propagated wild animals held in captivity or sold in Ohio. |
| Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation? | A United States Department of Agriculture dealer license may be required in addition to the commercial propagating license. A dealer license is only applicable for warm-blooded animals, not reptiles and amphibians. While there are housing and care conditions, these requirements are not directly applicable to the record-keeping and licensing requirements intended to protect native wildlife from exploitation. The dealer license would not be a suitable substitute for a commercial propagating license. |
| Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department? | <p>Although still regulated by the agency, a juvenile may collect certain species of reptiles and amphibians from the wild and hold up to four individuals or twenty-five eggs, tadpoles, or larvae of each species of reptile or amphibian without obtaining a license otherwise required by 1533.71 of the Ohio Revised Code.</p> <p>Otherwise, individual possession of wild animals shall be obtained only in accordance with the Revised Code or Division of Wildlife rules. No person at any time of the year shall take in any manner or possess any number or quantity of wild animals, except wild animals that the Revised Code or division rules permit to be taken, hunted, killed, or had in possession, and only at the time and place and in the manner that the Revised Code or Division of Wildlife rules prescribe.</p> |
| Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual? | When the application is made in good faith and upon payment of the fee for each license, the Division of Wildlife may issue a commercial propagating license to the applicant. If the agency were not to approve the license, the applicant would be entitled to contest the denial as outlined in Chapter 119 of the Ohio Revised 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.*)

A commercial propagating license allows the license holder to propagate game birds, game quadrupeds (except captive white-tailed deer), reptiles, amphibians, or fur-bearing animals in the wholly enclosed preserve.

A “wholly enclosed preserve” means an area of land that is surrounded by a fence that is at least six feet in height, unless otherwise specified in division rule, and is constructed of a woven wire mesh, or another enclosure that the Division of Wildlife may approve, where game birds, game quadrupeds, reptiles, amphibians, or fur-bearing animals are raised and may be sold under the authority of a commercial propagating license or captive white-tailed deer propagation license obtained under section 1533.71 of the Revised Code.

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

Ohio Revised Code Sections: 1531.02, 1531.08, 1531.10, 1533.71, 1533.74

Ohio Administrative Code Section: 1501:31-15-02, OAC 1501:31-25-04

Each holder of a noncommercial or commercial propagating license issued under section 1533.71 of the Revised Code shall keep the license prominently displayed at the place of business specified in the license and shall keep accurate written records that shall include the total number of game birds, game quadrupeds, or fur-bearing animals possessed on the date of application for the license, the number subsequently propagated or acquired by purchase or gift, the number that escaped, the number that were released, the number that died, and the name and address of each person or corporation from whom or to whom game birds, game quadrupeds or fur-bearing animals were received as a gift or given as a gift or purchased or sold alive or sold for food, and the date of each transaction. These records shall be kept permanently on the premises stated in the license and shall be open for inspection by any authorized representative of the Division of Wildlife at all reasonable times.

Records for the possession and sale of reptiles and amphibians must be maintained for five years. The agency can inspect the reptiles and amphibians possessed and the corresponding records.

A violation of the rules pertaining to a commercial propagating license is a third-degree misdemeanor. A violation of the agency rules for reptiles and amphibians is a misdemeanor of the fourth-degree.

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

Commercial propagating license fees annually contribute approximately \$15,720 to the Division of Wildlife. These fees are used to administer the program, including licensing and inspections.

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

There is no federal law that requires the state to regulate the commercial propagation of game birds, game quadrupeds, reptiles, amphibians, or fur-bearing animals.

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

The regulation seeks to protect native wildlife populations from commercial exploitation, genetic contamination, and disease transmission.

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

The limited adverse regulatory impacts are offset by the long-term benefits of defining species eligible for collection and sale and documenting their use. The regulation establishes a level playing field for all industry participants and provides a viable source of organisms collected in the wild or raised in captivity. The regulation also provides an avenue to hold live wild animals in captivity and to possess such animals during the closed season. The licensing and record-keeping requirements limit pathways for the sale and movement of illegally taken animals and allow the agency to track the movement of animals that may have been exposed to certain diseases. Further, there are certain restrictions for releasing or introducing captively raised species into the wild.

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

No.

Surrounding state comparison (LSC) (as of August 6, 2024)

| Commercial Propagating | | | | | | |
|--|---|---|--|--|---|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Type of regulation (Name of regulation) | License (Commercial propagating license) <i>(R.C. 1533.71 (A)(1))</i> | License (Game breeder's license for game birds, game mammals, and fur-bearing mammals; reptile | License (Commercial fish propagation farm permit; commercial captive wildlife permit) | License (Game propagation license; game fish propagation license) <i>(Mich. Comp. Laws 324.1301(f)(xxx),</i> | License (Propagating permit for game bird, wild bird, game animal, and wild animal) <i>(34 Pa. Cons. Stat. 2903, 2904(a)(16),</i> | License (Propagation of wild animals and birds, fish, frogs, turtles, and other forms of aquatic life for |

| Commercial Propagating | | | | | | |
|------------------------|------|--|---|--|--|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | | captive breeding license for snakes) (Registration required for breeding marten, mink, and chinchilla, and domesticated rabbits, except cottontail) <i>(Ind. Code 14-22-20-1 to 14-22-20-4; 312 Ind. Admin. Code 9-5-9 and 9-10-4)</i> | <i>(Ky. Rev. Stat. 150.183, 150.280, and 150.290)</i> | 324.42702, 324.45902, and 324.45904) (Aquaculture facility registration) <i>(Mich. Comp. Laws 286.872 and 286.876)</i> | <i>and 2930; 58 Pa. Code 147.201(b))</i> (Registration for artificial propagation for fish, registration for artificial propagation for reptiles and amphibians) <i>(3 Pa. Cons. Stat. 4220, 4221, and 4223; 58 Pa. Code 79.8)</i> | commercial purposes license) <i>(W. Va. Code 20-2-47 and 20-2-48)</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 | Must be at least 18 years of age <i>(34 Pa. Cons. Stat. 2901)</i> | 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 |

| Commercial Propagating | | | | | | |
|------------------------|--------------------------------------|--|---|--|--|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Initial licensure fee | \$40 <i>(R.C. 1533.71 (A)(1))</i> | \$15 <i>(Ind. Code 14-22-20-1; 312 Ind. Admin. Code 9-5-9 section 9(c))</i> | \$50 (commercial fish propagation farm permit) \$150 (commercial captive wildlife permit) <i>(301 Ky. Admin. Regs. 5:022, sections 2(8) and 2(9))</i> | \$45-\$150 (\$45 for game numbering up to 500 or \$45 for propagation area of 40 acres or less, if impracticable to count game, plus an additional \$15 for each additional number of game that is 500 or less or \$15 for each additional 40 acres or less, if impracticable to count game) \$5 (game fish) <i>(Mich. Comp. Laws 324.42704 and 324.45903)</i> \$100 (aquaculture facility registration) <i>(Mich. Comp. Laws 286.877(9)(a))</i> | \$25 (propagating permit for one species; \$10 for each additional species with the total fee multiplied by the license duration selected by the applicant) <i>(34 Pa. Cons. Stat. 2903 and 2904 (a)(16))</i> \$150 (artificial propagation registration) <i>(3 Pa. Cons. Stat. 4220)</i> | \$10 <i>(W. Va. Code 20-2-47 and 20-2-48)</i> |

| Commercial Propagating | | | | | | |
|------------------------|--|--|---|--|---|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| License duration | One year <i>(R.C. 1533.71 (A)(1))</i> | One year <i>(312 Ind. Admin. Code 9-5-9 section 9(c) and 9-10-4 section 4(o))</i> | One year <i>(301 Ky. Admin. Regs. 5:022, section 2)</i> | Three years (game propagation license) One year (game fish propagation license) <i>(Mich. Comp. Laws 324.1301(f)(xxx), 324.42702(4), and 324.45902)</i> One year (aquaculture facility registration) <i>(Mich. Comp. Laws 286.877(10))</i> | One to three years as selected by applicant (propagating permit) <i>(34 Pa. Cons. Stat. 2903)</i> Five years (artificial propagation registration) <i>(3 Pa. Cons. Stat. 4220)</i> | One year <i>(W. Va. Code 20-2-47 and 20-2-48)</i> |
| Renewal fee | \$40 <i>(R.C. 1533.71 (A)(1))</i> | \$15 <i>(Ind. Code 14-22-20-1; 312 Ind. Admin. Code 9-5-9 section 9(c))</i> | \$50 (commercial fish propagation farm permit) \$150 (commercial captive wildlife permit) <i>(301 Ky. Admin. Regs. 5:022, sections 2(8) and 2(9))</i> | \$45-\$150 (\$45 for game numbering up to 500 or \$45 for propagation area of 40 acres or less, if impracticable to count game, plus an additional \$15 for each additional | \$25 (propagating permit for one species; \$10 for each additional species with the total fee then multiplied by the license duration selected by the applicant) | \$10 <i>(W. Va. Code 20-2-47 and 20-2-48)</i> |

| Commercial Propagating | | | | | | |
|------------------------|------|---------|----------|---|---|---------------|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | | | | number of game that is 500 or less or \$15 for each additional 40 acres or less, if impracticable to count game) \$5 (game fish) <i>(Mich. Comp. Laws 324.42704 and 324.45903)</i> \$75 (aquaculture facility registration) <i>(Mich. Comp. Laws 286.877(9)(b))</i> | <i>(34 Pa. Cons. Stat. 2903 and 2904 (a)(16))</i> \$150 (artificial propagation registration) <i>(3 Pa. Cons. Stat. 4220)</i> | |

Commercial raptor propagator

Survey response (DNR)

| Description | |
|---|------------------|
| <p>A “commercial raptor propagation permit” authorizes the permit holder to propagate, sell, offer for sale, trade, and barter raptors, raptor eggs, and raptor semen produced in captivity. It is unlawful to place raptors in a breeding situation, attempt to breed raptors naturally or by artificial insemination, sell, offer for sale, trade, or barter raptors, raptor eggs, or raptor semen without first obtaining a raptor propagation permit from the Division of Wildlife and United States Fish and Wildlife Service.</p> | |
| Type (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.) | |
| <p>License.</p> | |
| If the regulation is a registration, certification, or license requirement, please complete the following: | |
| Number issued annually | 1-3 (on average) |
| Number renewed annually | 1-3 (on average) |

| 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 raptor propagation permit may only be issued to a licensed falconer. Licensed falconers have different education and training requirements, ranging from apprentice class to general class to master class. |
| Experience requirements | A federal permit is required for raptor propagation in addition to the state permit. The federal permit requires two years of experience handling raptors. |
| Examination requirements (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?</i>) | A raptor propagating permit is only issued to the holder of a falconry permit. A falconry permit will not be issued unless the applicant correctly answers at least eighty percent of the questions on a supervised examination provided by the Division of Wildlife and approved by the U.S. Fish and Wildlife Service. The examination may relate to basic biology, care, and handling of raptors, regulations, and other appropriate subject matter. A person who fails to pass the examination is not eligible to submit another application for six months following the examination; |
| Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>) | There are no continuing education requirements. |
| Initial fee | \$50.00 for each year. |
| Duration | Permits may be issued for a period not exceeding three years and expire at midnight on the date specified on the permit. Under section 1533.051 of the Revised Code, the duration of the permit must be consistent with the applicable federal requirements. |
| Renewal fee (<i>If different from initial fee, please explain why.</i>) | \$50.00 for each year. |

| If the regulation is a registration, certification, or license requirement, please complete the following: | |
|--|--|
| Does the Department recognize uniform licensure requirements or allow for reciprocity? | The chief of the Division of Wildlife shall issue a commercial raptor propagation permit in accordance with Chapter 4796 of the Revised Code to an applicant if the applicant holds a license or permit in another state, or the applicant has satisfactory work experience, a government certification, or a private certification as described as a person who propagates raptors in a state that does not issue that license or permit. |
| Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation? | <p>Yes. A federal raptor propagation permit is also required under 50 C.F.R. 21.85. The federal permit could not feasibly be used as a substitute because, under the federal framework, the states are entrusted with administering the functional provisions of the program. A state may have a falconry program only if it administers the program and the state's program is not less restrictive than the corresponding federal rules.</p> <p>Relying on the federal permit would also require the addition of specific exemptions to be included in the Revised Code to rely on the federal permit in lieu of the current state-issued raptor propagation permit. The current legal framework only allows the possession of raptors under certain conditions, including a raptor propagation license.</p> |
| Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department? | <p>No. Individual possession of wild animals shall be obtained only in accordance with the Revised Code or Division of Wildlife rules. No person at any time of the year shall take in any manner or possess any number or quantity of wild animals, except wild animals that the Revised Code or division rules permit to be taken, hunted, killed, or had in possession, and only at the time and place and in the manner that the Revised Code or Division of Wildlife rules prescribe.</p> <p>A raptor propagation permit is not required for the propagation of raptors by the state, any agency of the state, the United States, any agency or instrumentality thereof, or any zoological park.</p> |
| Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual? | Upon receipt of an application and applicable fees and after an inspection of the facilities by authorized Division of Wildlife personnel, the chief of the Division of Wildlife may issue a permit authorizing raptor propagation in accordance with 50 C.F.R. 21.85. If the agency were not to approve a raptor propagation permit application, the applicant would be entitled to contest the denial as outlined in Chapter 119 of the Ohio Revised 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.*)

Raptors held under a propagation permit will be held in an approved facility with a total of at least one hundred twenty square feet of floor space and a minimum height of six feet. Provided further, raptor propagation facilities will meet or exceed federal guidelines unless otherwise approved by the chief of the Division of Wildlife in writing.

A raptor propagating permit is only issued to the holder of a falconry permit. There are three classes of Ohio falconry permits:

Apprentice class falconry permit holders will be at least sixteen years of age and have a qualifying sponsor.

General class falconry permit holders will be at least eighteen years of age, have at least two years of experience in falconry while holding an apprentice class falconry permit, and be able to demonstrate that they have achieved a generally accepted standard of proficiency in falconry.

Master class falconry permit holders will have at least five years of experience in falconry at the general class level or its equivalent.

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

Ohio Revised Code Sections: 1531.02, 1531.08, 1531.10, 1533.051

Ohio Administrative Code Section: 1501:31-37-02

The chief of the Division of Wildlife may authorize commercial raptor propagation by rules adopted pursuant to section 1531.08 of the Revised Code. The rules shall be consistent with federal regulations governing raptor propagation.

No person shall propagate raptors without a permit issued by the chief. The duration of the permit shall be consistent with applicable federal requirements.

The chief shall set the fees for permits in amounts sufficient to cover the division's expenses in exercising its authority over raptor propagation. The fees may vary according to the type of permit.

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

Commercial raptor propagation license fees annually contribute approximately \$50 to \$150 to the Division of Wildlife. These fees are used to administer the program, including licensing and inspections.

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

50 C.F.R. 21 authorizes but does not require the state to have a program.

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

The regulation seeks to protect native wildlife populations from commercial exploitation, genetic contamination, and disease transmission.

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

The limited adverse regulatory impacts are offset by the long-term benefits of defining species eligible for propagation and sale and documenting their use. The regulation establishes a level playing field for all industry participants and provides a viable source of organisms collected in the wild or raised in captivity. The licensing and record-keeping requirements limit pathways for the sale and movement of illegally taken animals and provides the agency the ability to track the movement of animals that may have been exposed to certain diseases while also ensuring the highest probability of quality care for the animals being held under the authority of the permit.

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

No.

Surrounding state comparison (LSC) (as of August 12, 2024)

| Commercial Raptor Propagator | | | | | | |
|--|---|--|---|--|---|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Type of regulation (Name of regulation) | License (Commercial raptor propagation permit; raptor propagation permit from U.S. | License No clear requirement (but requires raptor propagation permit from U.S. Fish and Wildlife Service) | License (Kentucky captive wildlife permit; wildlife transportation permit; raptor propagation permit from U.S. | License No clear requirement (but requires raptor propagation permit from U.S. Fish and Wildlife Service) | License (Raptor propagation permit; raptor propagation permit from U.S. Fish and Wildlife Service) | License No clear requirement (but requires raptor propagation permit from U.S. Fish and Wildlife Service) |

| Commercial Raptor Propagator | | | | | | |
|------------------------------|---|---|--|---|---|---|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | Fish and Wildlife Service) <i>(R.C. 1533.051; O.A.C. 1501:31-37-02(B); 50 C.F.R. 21.85; see 16 U.S.C. 703; 50 C.F.R. 21.85; U.S. Fish & Wildlife Service, 3-200-12: Migratory Bird – Raptor Propagation)</i> | <i>(312 Ind. Admin. Code 9-4-2(q) and 9-10-13.1(nn); 50 C.F.R. 21.85)</i> See federal requirements as described in Ohio column | Fish and Wildlife Service) <i>(Ky. Rev. Stat. 150.180, 150.183, 150.280(1), and 150.290; 301 Ky. Admin. Regs. 2:081; 50 C.F.R. 21.85)</i> See federal requirements as described in Ohio column | <i>(Mich. Comp. Laws 324.40114(4)(h) and 324.36505(6); 50 C.F.R. 21.85)</i> See federal requirements as described in Ohio column | <i>(58 Pa. Code 147.204(a) to (c); 50 C.F.R. 21.85)</i> See federal requirements as described in Ohio column | Service in order to propagate) <i>(W.Va. Code R. 58-65-13 (13.3); 50 C.F.R. 21.82(f)(7) and 21.85)</i> See federal requirements as described in Ohio column |
| Education or training | N/A | N/A | N/A | N/A | N/A | N/A |
| Experience | Must be at least 18 years of age At least two full years of experience handling raptors <i>(50 C.F.R. 21.85 (w))</i> | See federal requirements as described in Ohio column | See federal requirements as described in Ohio column <i>(301 Ky. Admin. Regs. 2:081, section 5(2)(d))</i> | See federal requirements as described in Ohio column | See federal requirements as described in Ohio column <i>(58 Pa. Code 147.204(a) to (c))</i> | See federal requirements as described in Ohio column |
| Exam | N/A | N/A | N/A | N/A | N/A | N/A |

| Commercial Raptor Propagator | | | | | | |
|------------------------------|--|--|---|--|---|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Continuing education | N/A | N/A | N/A | N/A | N/A | N/A |
| Initial licensure fee | <p>\$50 for each year permit is issued (<i>O.A.C. 1501:31-37-02(B)(1)</i>)</p> <p>\$100 fee for federal permit application (<i>50 C.F.R. 13.11(d)(4)</i>)</p> | See federal requirements as described in Ohio column | <p>\$150 for captive wildlife permit; \$250 for wildlife transportation permit (<i>301 Ky. Admin. Regs. 5:022, sections 2(8) and 2(11)</i>)</p> <p>See federal requirements as described in Ohio column</p> | See federal requirements as described in Ohio column | <p>\$100 for state permit (<i>58 Pa. Code 147.204(d)</i>)</p> <p>See federal requirements as described in Ohio column</p> | See federal requirements as described in Ohio column |
| License duration | <p>Up to three years (<i>O.A.C. 1501:31-37-02(B)(1)</i>)</p> <p>Up to five years unless state permit is for a longer period, or unless U.S. Fish and Wildlife Service amends, suspends, or</p> | See federal requirements as described in Ohio column | <p>One year (<i>301 Ky. Admin. Regs. 5:022, section 2(8)</i>)</p> <p>See federal requirements as described in Ohio column</p> | See federal requirements as described in Ohio column | <p>One year (<i>58 Pa. Code 147.204(d) and (e)</i>)</p> <p>See federal requirements as described in Ohio column</p> | See federal requirements as described in Ohio column |

| Commercial Raptor Propagator | | | | | | |
|------------------------------|--|--|--|--|---|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | revokes the permit <i>(50 C.F.R. 21.85(y))</i> | | | | | |
| Renewal fee | \$50 for each year permit is issued <i>(O.A.C. 1501:31-37-02(B)(1))</i> \$100 fee for federal permit application <i>(50 C.F.R. 13.11(d)(4))</i> | See federal requirements as described in Ohio column | \$150 for captive wildlife permit; \$250 for wildlife transportation permit <i>(301 Ky. Admin. Regs. 5:022, sections 2(8) and 2(11))</i> See federal requirements as described in Ohio column | See federal requirements as described in Ohio column | \$100 for state permit <i>(58 Pa. Code 147.204(d) and (g))</i> See federal requirements as described in Ohio column | See federal requirements as described in Ohio column |

Fire boss

Survey response (DNR)

| Description | |
|---|-----|
| This certification is no longer offered as these duties are now combined with the Foreperson gaseous mine certificate. | |
| Type <i>(License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)</i> | |
| 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 |

| 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? | 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 Department 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 |
| 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 Department 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 Department? | N/A |
| Is the Department 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 Department respecting individuals engaged in the occupation. | |
| N/A | |

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

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 Department would like to see implemented?

This certification is no longer offered as these duties are now combined with the Foreperson- Gaseous Mine certificate. The Fire Boss certificate can be removed from statute.

Surrounding state comparison (LSC) (as of September 19, 2024)

| Fire Boss | | | | | | |
|--|--|---|--|---------------------|---|---|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Type of regulation (Name of regulation) | License (Fire boss certificate) <i>(R.C. 1561.13(D), 1561.22, and 1561.23)</i> | License (Mine examiner certificate) <i>(Ind. Code 22-10-3-10, 22-10-3-11.1, and 22-10-3-12)</i> | License (Mine foreman certificate, assistant mine foreman certificate, either may act as fire | No clear equivalent | License (Mine examiner certificate of qualification, mine foreman and assistant mine foreman may act | License (Mine foreman-fire boss certification, assistant mine foremen-fire boss certification) |

| Fire Boss | | | | | | |
|-----------------------|---|--|--|----------|--|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | | | boss or mine examiner) <i>(Ky. Rev. Stat. 351.010(1)(j) and 351.120(1) and (4))</i> | | as a mine examiner) <i>(52 P.S. 70-201, 70-205, 690-201(3), and 690-202 and 71 P.S. 240.7A)</i> | <i>(W. Va. Code 22A-2-7 and 22A-7-5)</i> |
| Education or training | Knowledge of the dangers and nature of noxious and explosive gases gained by practical experience <i>(R.C. 1561.22(A))</i> | Knowledge of the nature and properties of poisonous, noxious, and explosive gases; methods for their detection and control and practical aspects of coal mining especially regarding ventilation and roof control; and the legal responsibilities of a mine examiner <i>(Ind. Code 22-10-3-10(c))</i> | See “ Mine Forepersons ” table, below | N/A | For an anthracite mine, demonstrated knowledge of anthracite mining techniques and use of mine gas detection equipment <i>(See Pa. Dept. of Environmental Protection, Certifications and Forms, 2023 Anthracite Mine Official Training and Examination Notice (PDF))</i> For a bituminous mine, mine examiner must | See “ Mine Forepersons ” table, below |

| Fire Boss | | | | | | |
|------------|--|--|--|----------|--|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | | | | | <p>give satisfactory evidence of ability to perform mine examiner duties and Department-approved training in determining presence of explosive and noxious gases and in use of gas detection devices and at least a 75% average in mine examiners exam and after being certified, at least two weeks of training before assuming duties</p> <p><i>(52 P.S. 690-202 (b)(4) and (7))</i></p> | |
| Experience | At least three years of practical experience in underground workings of gaseous mine or equivalent | Either (1) at least three years of underground coal mine experience or (2) two years of experience and a degree in | See “ Mine Forepersons ” table, below | N/A | For an anthracite mine, at least 25 years of age with five years of practical experience as a miner | See “ Mine Forepersons ” table, below |

| Fire Boss | | | | | | |
|-----------|---|--|---|----------|--|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | (R.C. 1561.22(A)) | engineering or an associate's in applied science degree in coal mining technology (Ind. Code 22-10-3-10(c)) | | | For a bituminous mine, have either (1) three years of experience in underground mine, one of which in a working section or (2) two years of experience, one of which is in a working section and a bachelor's degree in mining engineering or an associate's degree in mining technology (52 P.S. 690-202 (a)(1) and (2)) | |
| Exam | Yes (R.C. 1561.13(D), 1561.22(A), and 1561.23) | Yes (Ind. Code 22-10-3-10(a)) | Yes (Ky. Rev. Stat. 351.120(1)); see "Mine Forepersons" table, below) | N/A | Yes (52 P.S. 70-201 and 70-205; 71 P.S. 240.7A) | Yes (W. Va. Code 22A-7-5, 22A-1-27, and 22A-1-29; see "Mine Forepersons" table, below) |

| Fire Boss | | | | | | |
|-----------------------|--|--|--|----------|--|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Continuing education | N/A | No, unless mining examiner is placed on probation for any of a list of offenses and required to continue or renew professional education under a Mining Board-approved practitioner until satisfactory degree of skill is attained <i>(Ind. Code 22-10-3-11.1(e)(5)(C))</i> | See “ Mine Forepersons ” table, below | N/A | N/A | See “ Mine Forepersons ” table, below |
| Initial licensure fee | None, other than \$10 exam fee <i>(R.C. 1561.22(A))</i> | None, other than \$25 exam fee, but Board may set a different fee by rule <i>(Ind. Code 22-10-3-10(h))</i> | See “ Mine Forepersons ” table, below | N/A | \$5 fee (in addition to \$50 application fee for anthracite mine examiner), \$2 payable before exam and \$3 after successful completion of exam and before | See “ Mine Forepersons ” table, below |

| Fire Boss | | | | | | |
|-----------|------|---------|----------|----------|--|---------------|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | | | | | receiving certificate \$25 fee (in addition to \$100 application fee, for bituminous mine examiner) <i>(52 P.S. 70-205; 71 P.S. 240.7A; see also Pa. Anthracite Coal Mine Act, Section 205; Pa. Dept. of Environmental Protection, Bureau of Mine Safety, Application for Anthracite Mine Official Certification (PDF) and Application for Bituminous Mine Official Certification (PDF)</i> | |

| Fire Boss | | | | | | |
|------------------|------|---------|--|----------|--------------|---------------|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| License duration | N/A | N/A | See “ Mine Forepersons ” table, below | N/A | N/A | N/A |
| Renewal fee | N/A | N/A | N/A | N/A | N/A | N/A |

Fishing guide

Survey response (DNR)

| Description |
|---|
| A “fishing guide license” permits a person to, for consideration or hire, operate a boat, rent, lease, or otherwise furnish angling devices, ice fishing shanties or shelters of any kind, or other fishing equipment, and accompany, guide, direct, or assist any other person in order for the other person to engage in fishing in the Lake Erie fishing district. |
| Type (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.) |
| License. |

| If the regulation is a registration, certification, or license requirement, please complete the following: | |
|---|---|
| Number issued annually | 883 (2019-2023 average) |
| Number renewed annually | 662 (2019-2023 average). Licensees must apply annually pursuant to section 1533.51(D) of the Revised Code. |
| Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years? | The number of Lake Erie fishing guides has increased over the past six years. This increase coincides with walleye abundance following strong recruitment across the last decade. With exceptional fishing, the number of guides has increased. |
| Education or training requirements | Under 1501:31-3-11 of the Administrative Code, Ohio fishing guide license applicants who wish to operate a vessel for hire with passengers are required to provide a valid United States Coast Guard Merchant Mariner Credential. Applicants who will not have clients on their vessels for hire are not required to provide this credential. |
| Experience requirements | There is no state experience requirement; the United States Coast Guard Merchant Mariner Credential has an experience requirement. |
| Examination requirements (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?</i>) | There is no state examination requirement; the United States Coast Guard Merchant Mariner Credential has an examination. |
| Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>) | There are no continuing education requirements. |
| Initial fee | \$50.00 |

| If the regulation is a registration, certification, or license requirement, please complete the following: | |
|--|---|
| Duration | Fishing guide licenses are valid from the date of issuance and expire on April 15th. |
| Renewal fee <i>(If different from initial fee, please explain why.)</i> | \$50.00 |
| Does the Department recognize uniform licensure requirements or allow for reciprocity? | Per section 1533.51(C) of the Revised Code, the chief of the Division of Wildlife shall issue a fishing guide license in accordance with Chapter 4796 of the Revised Code to an applicant if the applicant holds a license in another state, or has satisfactory work experience, a government certification, or a private certification as described in that chapter as a fishing guide in a state that does not issue that license. |
| Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation? | There is not a similar license that could be used as a substitute. |
| Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department? | Elements of the occupation may be practiced in areas of the state not included in the Lake Erie fishing district as defined under 1533.02 of the Revised Code. |
| Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual? | When the application is made in good faith, the Division of Wildlife will issue a Lake Erie fishing guide license to the applicant upon meeting all requirements and paying the fee for each license. If the agency were not to approve a Lake Erie fishing guide license, the applicant would be entitled to contest the denial as outlined in Chapter 119 of the Ohio Revised Code. |
| Other information <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i> | There are no other significant attributes or prerequisites to licensure. |

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

Ohio Revised Code Sections: 1531.02, 1531.08, 1531.10, 1533.71, 1533.74

Ohio Administrative Code Sections: 1501:31-15-02, 1501:31-19-04

No person shall be or serve as a fishing guide in the Lake Erie fishing district without a license from the chief of the Division of Wildlife. With the approval of the Wildlife Council, the chief may establish the qualifications for such a license and the terms, conditions, and restrictions thereof. Such qualifications, when applicable, shall include that the applicant possesses a power boat operator's license from a department, agency, commission, or instrumentality of the United States.

No person shall fail to comply with any provision of 1533.51 of the Revised Code or division rule adopted pursuant to it.

It shall be unlawful for any person to operate a boat for consideration or hire as a fishing guide in the Lake Erie fishing district without properly displaying a fishing guide decal furnished by the Division of Wildlife.

A violation of 1533.51 of the Revised Code is a misdemeanor of the first degree.

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

The fees for this license contribute approximately \$44,150.00 annually to the Ohio Department of Natural Resources Division of Wildlife. The fees collected are used to administer the licensing program and fund the enforcement/monitoring efforts and associated fisheries management efforts supporting the industry.

All money derived from fishing guide licenses issued pursuant to section 1533.51 of the Revised Code shall be appropriated exclusively for the use of the Department of Natural Resources for the following purposes as prescribed under 1533.33 of the Revised Code:

For the purchase, protection, propagation, preservation, and stocking of fish.

For the construction of fish chutes and dams.

For the securing of more public fishing waters, including leasing, purchasing, or otherwise acquiring stream banks, bottoms, and marginal strips, headwaters and other lakes, ponds, quarries, gravel pits, and other suitable public fishing grounds with marginal strips as provided in section 1531.06 of the Revised Code.

For the improvement of streams, lakes, and ponds, including food, cover, breeding conditions, erosion, and reforestation.

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

For the cooperation with other agencies as provided in section 1501.02 of the Revised Code, to assist in stabilizing water levels and in controlling ditching, dredging, straightening, debrushing, the removal of aquatic vegetation in streams, and to assist in other proper land and water use problems to control stream, lake, and pond turbidities.

For other practical fish management work, including biological investigations and printing the summarized fishing laws, the fish and game lawbook, conservation bulletins, and practical fish management leaflets, pamphlets, and books.

For promoting educational and research activities, other methods of fish propagation and fish culture, and other proper conservation activities.

For use as provided in sections 1531.05, 1531.12, 1531.13, 1531.27, 1531.28, and 1533.67 of the Revised Code.

No funds derived from fishing guide licenses shall be spent for other than fishing purposes as defined in this section. Not more than twenty-five percent of such moneys shall be used for the payment of administration or other overhead expenses of the Division of Wildlife and the Wildlife Council, and the remaining seventy-five percent shall be used exclusively for the purchase, protection, propagation, preservation, stocking of fish, and for the purposes listed in this section.

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

Ohio fishing guide license applicants who wish to operate a vessel for hire with passengers are required to possess a valid United States Coast Guard Merchant Mariner Credential. No federal law requires the Division of Wildlife to regulate this occupation.

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

Lake Erie is a large body of water known to be hazardous in inclement weather. This regulation seeks to establish qualifications that provide a minimum level of safety for occupants on vessels for hire. These requirements and licensure legitimize participants and increase consumer confidence for those seeking to hire a guide. In turn, Ohio fishing guides can list their services publicly with the Division of Wildlife.

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

This regulation has been effective because applicants for an Ohio fishing guide license whose intent is to take clients on their vessel for hire where a United States Coast Guard merchant mariner credential is required must submit a copy of their valid United States Coast Guard merchant mariner credential along with their application. This credential is already federally required and provided for in the Revised Code. Providing a copy of their credential with their application for an Ohio fishing guide license is less restrictive than meeting another standard developed by the agency.

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

No.

Surrounding state comparison (LSC) (as of August 19, 2024)

| Fishing Guide | | | | | | |
|--|--|---|--|--|---|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Type of regulation (Name of regulation) | License (Fishing guide license in Lake Erie fishing district) (R.C. 1533.51; O.A.C. 1501:31-3-11(C)) | License (Fishing guide license) (Ind. Code 14-22-15-1; 312 Ind. Admin. Code 9-7-17) | License (Commercial guide license) (Ky. Rev. Stat. 150.175(11); 301 Ky. Admin. Regs. 2:030, section 2(1)) | License (Sport fishing guide license) (Mich. Comp. Laws 324.48714a) | License (Fishing guide permit) (30 Pa. Cons. Stat. 2715 and 2907.3; 58 Pa. Code 51.130) | License (Outfitter and guide license) (W. Va. Code 20-2-23(a) and (b) and 20-2-26; W. Va. Code R. 58-11-2 and 58-11-3 (3.5); see also W. Va. Dept. of Natural Resources, General Outfitter and Guide License) |
| Education or training | Must have a valid U.S. Coast Guard merchant mariner credential (O.A.C. 1501:31-3-11(G)); see 46 C.F.R. Part 10) | Must have a valid U.S. Coast Guard license Boat must be regulated and inspected by U.S. Coast Guard (312 Ind. Admin. Code 5-14-1) | Must have valid and current certification in cardiopulmonary resuscitation (CPR) and first aid Must have proof of boater education course completion for a commercial guide | Must have a valid first aid and CPR certification, valid Michigan driver license, and must be eligible to purchase a fish-species specific license for which the applicant will be a guide | Must have a valid U.S. Coast Guard issued boat operator's license or a boating safety education certificate issued by the Pennsylvania Fish and Boat Commission or another state in | Must have current, standard first aid training certificate by American Red Cross or equivalent If using motorized boats, must have a boater |

| Fishing Guide | | | | | | |
|---------------|------|---------|--|---|---|---|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | | | <p>license for fishing in a boat</p> <p>A valid U.S. Coast Guard captain's license or six-pack endorsement (certain vessels limited by law to six or fewer passengers for hire) if applicants guide on a Coast Guard regulated waterway may be used in lieu of boater education course, CPR and first aid requirements</p> <p><i>(301 Ky. Admin. Regs. 2:030, sections 2(5)(c) and 2(6))</i></p> | <p>If guiding activities occur with a watercraft, must have a valid Department-issued state pilot's license or valid U.S. Coast Guard captain's license</p> <p><i>(Mich. Comp. Laws 324.48714a (2)(a), (b), (d), and (e))</i></p> | <p>accordance with National Association of State Boating Law Administrators</p> <p>Have and maintain current certification in basic CPR and first aid</p> <p>Have fishing licenses, stamps, and permits required for waters in which they fish</p> <p><i>(58 Pa. Code 51.124, 51.126, and 51.127)</i></p> | <p>education certificate</p> <p>Must be a financially responsible U.S. citizen and must possess and inventory materials and equipment to provide for fishermen, and other services and conveniences as licensee advertises</p> <p>Director of the Division of Natural Resources must investigate all outfitter and guide applicants to determine their qualifications prior to issuing a license</p> <p><i>(W. Va. Code 20-2-24 and 20-7-</i></p> |

| Fishing Guide | | | | | | |
|----------------------|--|---|--|--|---|---|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | | | | | | <i>12b; W. Va. Code R. 58-11-3 (3.7))</i> |
| Experience | <p>Minimum 90 days service in the last three years on vessels of appropriate tonnage and 360 days deck service (U.S. Coast Guard merchant mariner credential license requirement)</p> <p><i>(See Maritime Institute, U.S. Coast Guard Requirements for National OUPV or Master up to 100 Tons)</i></p> | <p>Minimum 90 days service in the last three years on vessels of appropriate tonnage and 360 days deck service (U.S. Coast Guard merchant mariner credential license requirement)</p> <p><i>(See U.S. Coast Guard requirements as described in Ohio column)</i></p> | <p>Must be at least 18 years of age</p> <p>Must possess a valid fishing license and trout permit, if applicable</p> <p><i>(301 Ky. Admin. Regs. 2:030, section 2(3))</i></p> | <p>See U.S. Coast Guard requirements as described in Ohio column</p> | <p>Must be at least 16 years of age</p> <p><i>(58 Pa. Code 51.122(a))</i></p> <p>Minimum 90 days service in the last three years on vessels of appropriate tonnage and 360 days deck service (U.S. Coast Guard merchant mariner credential license requirement)</p> <p><i>(See U.S. Coast Guard requirements as described in Ohio column)</i></p> | 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 |

| Fishing Guide | | | | | | |
|-----------------------|-------------------------------|--|---|--|---|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Initial licensure fee | \$50 (R.C. 1533.51(E)) | \$125 (statute says minimum of \$100 fee, which may be adjusted) <i>(Ind. Code 14-22-15-2 and 14-22-15-10; see also Ind. Dept. of Natural Resources, Permits & Commercial Licenses)</i> | \$150 for residents \$400 for nonresidents <i>(See Ky. Dept. of Fish and Wildlife Resources, Commercial License & Fees)</i> | \$150 for residents \$300 for nonresidents No fee required for licensed charter boats or those who operate and possess a U.S. Coast Guard captain's license <i>(Mich. Comp. Laws 324.48714b); see also Mich. Dept. of Natural Resources, Inland fishing guides)</i> | \$100 for residents \$400 for nonresidents <i>(30 Pa. Cons. Stat. 2715 (a.1)(2) and (3))</i> | \$10 <i>(W. Va. Code 20-2-26)</i> |
| License duration | One year (R.C. 1533.51(D)) | One year <i>(Ind. Code 14-22-15-3)</i> | One year <i>(301 Ky. Admin. Regs. 2:030, section 2(2))</i> | Three years <i>(Mich. Comp. Laws 324.48714a(5))</i> | One year <i>(58 Pa. Code 51.122)</i> Commission has authority to issue multi-year permits, but rules specify one-year permits | One year <i>(W. Va. Code 20-2-26; W. Va. Code R. 58-11-3 (3.6))</i> |

| Fishing Guide | | | | | | |
|---------------|---------------------------|--|---|---|---|-----------------------------------|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | | | | | (30 Pa. Cons. Stat. 2717) | |
| Renewal fee | \$50 (R.C. 1533.51(E)) | \$125 (statute says minimum of \$100 fee, which may be adjusted) (Ind. Code 14-22-15-2 and 14-22-15-10; see also Ind. Dept. of Natural Resources, Permits & Commercial Licenses) | \$150 for residents \$400 for nonresidents (See Ky. Dept. of Fish and Wildlife Resources, Commercial License & Fees) | \$150 for residents \$300 for nonresidents No fee required for licensed charter boats or who operate and possess a U.S. Coast Guard captain's license (Mich. Comp. Laws 324.48714b; see also Mich. Dept. of Natural Resources, Inland fishing guides) | \$100 for residents \$400 for nonresidents (30 Pa. Cons. Stat. 2715 (a.1)(2) and (3)) | \$10 (W. Va. Code 20-2-26) |

Fish transportation

Survey response (DNR)

| Description |
|--|
| <p>A “transportation permit” allows a person to transport more than 500 pounds of fish that are for sale, sold, or purchased in one vehicle. The chief of the Division of Wildlife shall issue an annual permit granting the applicant the privilege to transport such fish, upon filing of an application on a form prescribed by the chief and payment of a fee of sixty-five dollars. No such permit is required for any of the following:</p> <p>Fish transported from a point outside this state to another point outside this state if the fish are not unloaded in this state. A fish is not to be considered unloaded for purposes of this section if it remains under the control of a common carrier.</p> <p>Fish being transported by a person holding a valid license under section 1533.34 of the Revised Code from the place of taking to the person’s usual place of processing or temporary storage as designated by the person in the application for the license under that section.</p> <p>Fish being transported from a premises designated in a valid permit issued under section 1533.631 of the Revised Code to a premises where fish are to be sold at retail, sold for immediate consumption, or consumed if inspection of the designated premises as required by that section has not been denied during the preceding thirty days.</p> <p>Any quantity of fish the total weight of which does not exceed five hundred pounds in one vehicle.</p> <p>Minnows for which a permit is required under section 1533.40 of the Revised Code.</p> |
| Type (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.) |
| License. |

| If the regulation is a registration, certification, or license requirement, please complete the following: | |
|---|---|
| Number issued annually | 234 (2019-2023 average) |
| Number renewed annually | 66 (2019-2023 average) License holders are required to apply annually pursuant to section 1533.301 of the Revised Code. |
| Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years? | Yes. There was an increase in active registrations from 2020 to 2021. The active registrations have remained consistent since then. |
| Education or training requirements | There are no education or training requirements. |
| Experience requirements | There are no experience requirements. |
| Examination requirements (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?</i>) | There are no examination requirements. |
| Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>) | There are no continuing education requirements. |
| Initial fee | \$65.00 or free. The holder of an aquaculture permit may receive a fish transportation permit without payment of the fee. |
| Duration | A fish transportation permit is valid for the calendar year for which it is issued. |

| 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> | \$65.00 or free. The holder of an aquaculture permit may receive a fish transportation permit without payment of the fee. |
| Does the Department recognize uniform licensure requirements or allow for reciprocity? | No. However, a transportation permit is not required for fish transported from a point outside this state to another point outside this state if the fish are not unloaded in this state. A fish is not considered unloaded if it remains under the control of a common carrier. |
| 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 licenses. |
| Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department? | <p>No. Individual possession of wild animals shall be obtained only in accordance with the Revised Code or Division rules. No person at any time of the year shall take in any manner or possess any number or quantity of wild animals, except wild animals that the Revised Code or Division rules permit to be taken, hunted, killed, or had in possession, and only at the time and place and in the manner that the Revised Code or Division of Wildlife rules prescribe.</p> <p>A transportation permit is not required for fish transported from a point outside this state to another point outside this state if the fish are not unloaded in this state. A fish is not considered unloaded if it remains under the control of a common carrier.</p> |
| Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual? | No. The chief of the Division of Wildlife shall issue an annual permit granting the applicant the privilege to transport fish that are for sale, sold, or purchased upon filing of an application on a form prescribed by the chief and payment of a fee of sixty-five dollars. |
| Other information <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i> | The word "fish" in the English language, at least eight inches high and maintained in a clear, conspicuous, and legible condition at all times, shall appear on both sides of the vehicle body of all vehicles transporting freshwater fish in this state when the fish are for sale or sold, except those fish exempt from a transportation permit in divisions (A), (B), and (E) of section 1533.301 of the Revised Code. |

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

Ohio Revised Code Sections: 1531.02, 1531.08, 1531.10, 1533.301, 1533.63

Ohio Administrative Code Sections: 1501:31-1-02, 1501:31-3-02

No person shall fail to comply with any provision of section 1533.301 of the Revised Code or a Division rule adopted pursuant thereto.

A driver or other person in charge of a vehicle transporting fish that are for sale, sold, or purchased, upon demand by any law enforcement officer authorized by section 1531.13 of the Revised Code to enforce laws and Division rules, shall stop and open the vehicle and allow inspection of the load, and any box, package, or receptacle, and the contents thereof, for the purpose of determining whether chapter 1533. or a Division rule is being violated.

If a fish for which a permit is required under section 1533.301 of the Revised Code is transported in this state from a consignor who does not have a valid permit at the time of transportation, or if such a fish is transported in this state from a consignor who has a valid permit at the time of transportation, but the fish is part of the contents of a box, package, or receptacle that was or could be the basis for conviction of a violation of chapter 1533. or a Division rule, the fish may be seized by any law enforcement officer authorized by section 1531.13 of the Revised Code to enforce laws and Division rules, and the fish shall escheat to the state unless a court of this state makes a specific finding that the consignor at the time of seizure had a valid permit under this section and that the fish are lawful under the requirements of chapter 1533. or the Revised Code or a Division rule relating thereto. No civil action may be brought in any court in the state for the value or agreed price of fish that have escheated to the state under this section.

A fish for which a permit is required under section 1533.301 of the Revised Code may be transported only if each box, package, or other receptacle bears a label showing the total weight in pounds, the species of the fish, the name of the consignor and consignee, the initial point of billing, the destination, and a statement that each species of fish by weight in the box, package, or other receptacle that are undersized under section 1533.63 of the Revised Code or Division rule is ten percent or less or is in excess of ten percent, whichever the fact may be.

A fish transportation permit may be suspended by the chief for a period not to exceed five days upon conviction of the permittee of a violation of this chapter or Chapter 1531. of the Revised Code or a Division rule if the permittee has been convicted of another such violation during the preceding twelve-month period. If the permittee has had two or more such convictions during the twelve-month period preceding such a conviction, the permittee's permit may be suspended as provided herein for a period not to exceed twenty days.

In addition to other penalties provided in the Revised Code, the permit of any person who is convicted of two violations of section 1533.301 of the Revised Code that occurred within a twelve-month period is suspended upon the second such conviction by operation of law for a period of five fishing season days immediately following that conviction. The permit of any person who is convicted of three or more violations of

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

section 1533.301 of the Revised Code that occurred within a twelve-month period is suspended upon the third or subsequent conviction by operation of law for a period of twenty fishing season days immediately following that conviction.

Each person who holds a fish transportation permit shall keep accurate written records in the English language of all sales and purchases of freshwater fish. The records shall include the name and address of the buyer and seller, the type of fish, the amount of fish in pounds, and the date of sale or purchase. Records for trout, bullhead, herring, whitefish, sauger, walleye, yellow perch, white bass, sturgeon, and channel catfish shall be kept on forms provided by the chief. In lieu of keeping the written records concerning sales of freshwater fish as required under section 1533.63 of the Revised Code, a permit holder, upon applying to and receiving the approval of the chief, may keep the sales information required under section 1533.63 of the Revised Code on normal business records, including, but not limited to, receipts and invoices. All records shall be maintained for at least one year and shall be open to inspection to all Division of Wildlife officers at all reasonable hours.

A violation of section 1533.301 or the Revised Code is a misdemeanor of the third degree.

A violation of section 1533.63 of the Revised Code is a misdemeanor of the first degree.

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

Fish transportation permit fees annually contribute approximately \$7,020 to the Division of Wildlife. These fees are used to administer the program, including licensing, enforcement, and inspections. Notably, the agency annually issues approximately 127 free fish transportation permits pursuant to 1533.632 of the Revised Code.

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

There are no federal laws that require the state to regulate the occupation.

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

This regulation provides for tracking of certain fish that are for sale, sold, or purchased, inspection of vehicles and containers transporting such fish, and record-keeping requirements to monitor for compliance. This regulation specifies those records that must be kept, labeling of containers, and signage on vehicles. The regulation allows wildlife officers to identify vehicles transporting fish, the types and kinds of fish being transported, and the movement of these fish. This regulation is aimed to protect Ohio fisheries, ensure compliance with commercial fishing rules, and protect Ohio's natural resources from injurious aquatic invasive species.

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

The regulation allows wildlife officers to identify vehicles transporting fish, the types and kinds of fish being transported, and the movement of these fish.

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

Surrounding state comparison (LSC)

LSC staff determined that a fish transportation license is not an “occupational regulation” under the state’s general policy enacted by S.B. 255 of the 132nd General Assembly and is, therefore, beyond the scope of this report. (See, R.C. 103.27 and 4798.01.)

Fish wholesaler

Survey response (EPA)

Description

A “wholesale permit” allows a person to handle commercial fish or other fish that may be bought or sold under the Revised Code or Division rule at wholesale. No person or a person’s agent shall handle at wholesale any freshwater fish or part thereof unless a permit has been issued for the calendar year in which the fish is handled at wholesale for the premises at which the fish is handled.

A fish is handled at wholesale when it is on a premises within the state and is being held, stored, handled, or processed for the purpose of sale to a person who resells the fish.

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

License.

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

| | |
|---|---|
| Number issued annually | 83 (2019-2023 average) |
| Number renewed annually | 45 (2019-2023 average). License holders are required to apply annually pursuant to section 1533.631 of the Revised Code. |
| Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years? | Yes. There was a notable increase in active registrations between 2020 and 2021. The number of active registrations has remained consistent since 2021. |
| Education or training requirements | There are no education or training requirements. |
| Experience requirements | There are no experience requirements. |

| 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 Department receive any proceeds of those fees? If so, how are the proceeds used?</i>) | There are no examination requirements. |
| Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>) | There are no continuing education requirements. |
| Initial fee | \$65.00 |
| Duration | A commercial fish wholesale permit is valid for the calendar year for which it is issued. |
| Renewal fee (<i>If different from initial fee, please explain why.</i>) | \$65.00 |
| Does the Department recognize uniform licensure requirements or allow for reciprocity? | No. This license only applies to handling fish at wholesale on a premises located in Ohio. |
| 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 licenses. |

| 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 Department? | <p>No. Individual possession of wild animals shall be obtained only in accordance with the Revised Code or Division rules. No person at any time of the year shall take in any manner or possess any number or quantity of wild animals, except wild animals that the Revised Code or Division rules permit to be taken, hunted, killed, or had in possession, and only at the time and place and in the manner that the Revised Code or Division of Wildlife rules prescribe.</p> <p>Handling saltwater commercial fish at wholesale does not require a wholesale permit.</p> |
| Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual? | <p>No. The chief shall issue an annual permit granting the applicant the privilege to handle fish at wholesale at one or more designated premises upon satisfaction of the pre-application qualifications, filing of an application on a form prescribed by the chief, and payment of a fee of sixty-five dollars.</p> |
| Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>) | <p>Applicants must:</p> <p>Be over eighteen years of age.</p> <p>Have no prior conviction of or plea of guilty on or after October 10, 2007, to a disqualifying offense as determined in accordance with section 9.79 of the Revised Code.</p> <p>Have ninety days of Ohio residency immediately preceding application.</p> |
| Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation. | |
| <p>Ohio Revised Code Sections: 1531.02, 1531.08, 1531.10, 1533.641, 1533.63, 1533.631</p> <p>Ohio Administrative Code Sections: 1501:31-1-02, 1501:31-3-02</p> <p>The permit required by section 1533.631 of the Revised Code issued subject to the right of entry and inspection of the designated premises of the permittee by any law enforcement officer authorized by section 1531.13 of the Revised Code to enforce the laws and rules of the Division of Wildlife. Such an officer may enter and inspect the designated premises and any box, package, or receptacle, and the contents thereof, for the purpose of determining whether any provision of this chapter or Chapter 1531. of the Revised Code or Division rule is being violated.</p> | |

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

No person holding a permit under this section shall remove a label required by section 1533.301 of the Revised Code unless the box, package, or receptacle bearing the label has been opened or unless the label is replaced with another label that meets the requirements of that section.

No person shall fail to comply with any provision of section 1533.631 of the Revised Code or Division rule adopted pursuant to it.

Each person who holds a fish wholesale permit shall keep accurate written records in the English language of all sales and purchases of freshwater fish. The records shall include the name and address of the buyer and seller, the type of fish, the amount of fish in pounds, and the date of sale or purchase. Records for trout, bullhead, herring, whitefish, sauger, walleye, yellow perch, white bass, sturgeon, and channel catfish shall be kept on forms provided by the chief. In lieu of keeping the written records concerning sales of freshwater fish as required under section 1533.63 of the Revised Code, a permit holder, upon applying to and receiving the approval of the chief, may keep the sales information required under section 1533.63 of the Revised Code on normal business records, including, but not limited to, receipts and invoices. All records shall be maintained for at least one year and shall be open to inspection to all Division of Wildlife officers at all reasonable hours.

A violation of section 1533.63 of the Revised Code is a misdemeanor of the first degree.

A violation of section 1533.631 of the Revised Code is a misdemeanor of the third degree.

If a commercial fishing licensee, such a licensee's authorized representative, a person that has been issued a permit under section 1533.631 of the Revised Code to handle commercial fish or other fish at wholesale, or such a permittee's authorized representative is convicted of or pleads guilty to a violation of section 1533.341, 1533.343, 1533.41, 1533.42, 1533.62, 1533.63, 1533.631, or 1533.64 of the Revised Code or any Division of Wildlife rule pertaining to those sections, the licensee's license or the permittee's permit, as applicable, shall be suspended for a period of thirty fishing season days.

If a person is convicted of or pleads guilty to a second violation of a section of the Revised Code that is listed in division (B)(1) of 1533.641 of the Revised Code or any Division rule pertaining to those sections within ten years after being convicted of or pleading guilty to the first violation, the applicable license holder's license or permit holder's permit shall be suspended for a period of sixty fishing season days.

If a person is convicted of or pleads guilty to a third violation of a section of the Revised Code that is listed in division (B)(1) of 1533.641 of the Revised Code or any Division rule pertaining to those sections within ten years after being convicted of or pleading guilty to the first violation, the applicable license holder's license or permit holder's permit shall be permanently revoked.

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

The agency annually receives approximately \$5,395 in revenue from license fees. The fees are used to administer the licensing program, inspections, enforcement and monitoring, and associated fisheries management efforts supporting the commercial fishing industry.

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

There are no federal laws that require the state to regulate the occupation.

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

This regulation provides for tracking of commercial fish taken from Ohio waters, inspection for size and quotas, and record-keeping requirements to monitor for compliance with commercial fishing regulations. This regulation provides additional protection for wild populations of commercial fish.

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

The licensing and record-keeping requirements limit pathways for the sale and movement of illegally taken commercial fish.

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

Surrounding state comparison (LSC) (as of October 15, 2024)

| Fish Wholesaler | | | | | | |
|--|------------------------------------|---------------------|---------------------|--|----------------------------------|---|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Type of regulation (Name of regulation) | License (Fish wholesale permit) | No clear equivalent | No clear equivalent | License (Wholesale fish dealer license) | No clear equivalent ⁴ | License (Fish processing license) ⁵ |

⁴ Pennsylvania's Department of Agriculture requires registration for seafood or shellfish wholesalers. However, the purpose of the registration seems to be to ensure proper labeling and to meet health standards (see Pa. Dept. of Agriculture, [Seafood/Shellfish Registration & Certification](#)).

⁵ West Virginia's Department of Agriculture also licenses shellfish dealers, but the purpose of the registration seems to be to ensure proper labeling and to meet health standards (see W. Va. Code R. 61-23B-5; W. Va. Dept. of Agriculture, [Application for Shellfish Dealers Certificate \(PDF\)](#)).

| Fish Wholesaler | | | | | | |
|-----------------------|--|---------|----------|--|--------------|---|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | <i>(R.C. 1533.631)</i> | | | <i>(Mich. Comp. Laws 324.47333)</i> | | <i>(W. Va. Code R. 61-23A-11)</i> |
| Education or training | N/A | N/A | N/A | N/A | N/A | N/A |
| Experience | Must be at least 18 years of age 90 days Ohio residency immediately preceding application <i>(R.C. 1533.631)</i> | 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 | \$65 <i>(R.C. 1533.631)</i> | N/A | N/A | \$5 <i>(Mich. Comp. Laws 324.47333)</i> | N/A | For fish processing license, based on average finished product poundage per year as follows: <ul style="list-style-type: none"> ▪ 1-25,000: \$25; ▪ 25,001-50,000: \$50; |

| Fish Wholesaler | | | | | | |
|------------------|------------------------------------|---------|----------|---|--------------|---|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | | | | | | <ul style="list-style-type: none"> Over 50,000: \$75 <i>(W. Va. Code R. 61-23A-11)</i> |
| License duration | One year <i>(R.C. 1533.631)</i> | N/A | N/A | One year <i>(Mich. Comp. Laws 324.47333)</i> | N/A | One year <i>(W. Va. Code R. 61-23A-11.5)</i> |
| Renewal fee | \$65 <i>(R.C. 1533.631)</i> | N/A | N/A | \$5 <i>(Mich. Comp. Laws 324.47333)</i> | N/A | For fish processing license, based on average finished product poundage per year as follows: <ul style="list-style-type: none"> 1-25,000: \$25; 25,001-50,000: \$50; Over 50,000: \$75 <i>(W. Va. Code R. 61-23A-11)</i> |

Foreperson of various mines

Survey response for mine foreperson and qualified person in lieu of a certified mine foreperson (DNR)

Description

Pursuant to R.C. 1514.47 and 30 CFR pt.56, the certified Mine Foreperson oversees all examinations and record keeping at the mine. Only the Mine Foreperson can qualify another person to make mine examinations.

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

Government certification

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

| | |
|-------------------------|-------|
| Number issued annually | 40-50 |
| 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? | Increase by 10-15 annually |
| Education or training requirements | There are no education requirements. Only on-the-job training |
| Experience requirements | 2 years for sand/ gravel and quarry surface IM. 5 years for all other certifications including underground. |
| Examination requirements (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?</i>) | DMRM-Mine Safety administers the exam. Exam questions are taken out of the ORC pertaining to the occupation, and exams are administered by the certification's supervisors. No fees are collected. |
| Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>) | None. |
| Initial fee | Zero |
| Duration | Never expires unless the certification holder is out of the industry for 5 years or more. |
| Renewal fee (<i>If different from initial fee, please explain why.</i>) | Zero. |

| If the regulation is a registration, certification, or license requirement, please complete the following: | |
|---|-----|
| Does the Department 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 Department? | No. |
| Is the Department 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> | |

| Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation. |
|---|
| <p>Certifications can be revoked by the Chief of the Division of Mineral Resources Management if circumstances warrant such action.</p> |

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

No fees are collected.

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

MSHA relies on the states to certify the occupation if the states have a certification program.

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

The regulation aims to prevent improper mine examinations, which could result in unsafe working conditions.

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

Yes, the regulation prevents this harm, and anything less than the regulation would not prevent harmful conditions. After MSHA investigation of the Upper Big Branch mine explosion, it was determined that many of the root causes were due to insufficient workplace examinations. This certification provides a safe workplace to all mine employees.

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

No.

Survey response for mine foreperson of gaseous mines (DNR)**Description**

The Mine Foreperson of gaseous mines is required at each underground coal mine. This person is in charge of all examinations and all work done in these mines.

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

Government certification.

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

| | |
|---|---|
| Number issued annually | 5-10 |
| Number renewed annually | None. |
| Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years? | There has been a decrease due to the downturn in the coal industry. |
| Education or training requirements | 5 years of training in underground mining. |
| Experience requirements | 5 years of underground 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 Department receive any proceeds of those fees? If so, how are the proceeds used?</i>) | Division of Mineral Resources Management (DMRM)-Mine Safety administers the exam. The exam questions are taken from the R.C. and administered by the certification's supervisors. A \$25.00 examination fee is paid to the Treasurer, State of Ohio. |
| Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>) | None. |
| Initial fee | Zero. |
| Duration | This is a lifetime certification unless the holder is out of the mining industry for two years or more. |
| Renewal fee (<i>If different from initial fee, please explain why.</i>) | Zero. |
| Does the Department recognize uniform licensure requirements or allow for reciprocity? | Yes, the state of Ohio has reciprocity with the state of West Virginia. |
| 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 Department?

No

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

No, as long as all qualifications are met.

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

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

The Chief of the DMRM can revoke this certification if circumstances warrant such action.

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

\$100.00-\$250.00 per year.

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

30 CFR Pt. 75.100 requires certified Mine Forepersons. Federal law permits states to certify if they have a certifications program.

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

The regulations seek to prevent underground mine fires, explosions, injuries, and fatalities.

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

Yes. After MSHA investigation of the Upper Big Branch mine explosion, a 2010 explosion in West Virginia, it was determined that many of the root causes were due to insufficient workplace examinations. This certification provides a safe workplace to all mine employees. This regulation is also covered in the 30 CFR Pt. 75.100 Certified Persons.

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

No.

Survey response for mine forepersons of surface mines (DNR)**Description**

This certification is required in order to make mine examinations under 30 CFR Pt. 77, and to sign all record books pertaining to various mine examinations.

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

Government certification.

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

| | |
|---|---|
| Number issued annually | 10-15 |
| Number renewed annually | None |
| Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years? | There has been a decrease due to the downturn in the coal industry. |
| Education or training requirements | 3 years of training in mining. |
| Experience requirements | 3 years of mining 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 Department receive any proceeds of those fees? If so, how are the proceeds used?</i>) | Division of Mineral Resources Management (DMRM)-Mine Safety administers the exam. The questions are taken from the R.C. and administered by the certifications supervisors. \$25.00 exam fees are paid to the Treasurer of the State of Ohio. |
| Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>) | None |
| Initial fee | Zero |
| Duration | This is a lifetime certification unless the holder is out of the mining industry for two years or more. |
| Renewal fee (<i>If different from initial fee, please explain why.</i>) | Zero |
| Does the Department recognize uniform licensure requirements or allow for reciprocity? | Yes, the state of Ohio has reciprocity with the State of West Virginia. |
| 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 Department? | No |
| Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual? | No, as long as all qualifications are met. |
| Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>) | |

| Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation. |
|--|
| The Chief of the DMRM may revoke this certification if circumstances warrant this action. |

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

\$250.00-\$400.00 per year is deposited into the mining regulation and safety fund to support the division's regulatory and mine safety programs.

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

30 CFR Pt. 77.100 requires certification to perform these duties. Federal law allows states to certify if they have a certifications program.

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

The goal is to prevent improper exams which could result in injuries and fatalities.

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

Yes. Per MSHA, YTD nationally, there have been 15 fatal injuries at surface mines/facilities many of which may have been prevented by proper workplace examinations.

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

No

Survey response for foreperson (DNR)

Description

A Mine foreman must employ a sufficient number of competent persons holding foreperson of gaseous mines to examine the working places whether they are actual course of working or not, and the travel ways and entrances to old workings.

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

Government certification

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

| | |
|---|---|
| Number issued annually | 20- 30 |
| Number renewed annually | 2-5 |
| Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years? | Decrease due to the downturn in the coal industry. |
| Education or training requirements | 3 years in mining. |
| Experience requirements | 3 years in underground, 3 years in surface mining for certification being requested |

| 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 Department receive any proceeds of those fees? If so, how are the proceeds used?</i>) | DMRM-Mine Safety administers the exam. The exam questions are taken from the ORC and administered by the certifications supervisors. No fees are collected |
| Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>) | None |
| Initial fee | No fees |
| Duration | Never expires unless the holder is out of mining for 2 years or more for underground coal. 5 years surface |
| Renewal fee (<i>If different from initial fee, please explain why.</i>) | N/A |
| Does the Department recognize uniform licensure requirements or allow for reciprocity? | Yes, any certification that is offered by the State of Ohio |
| 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 Department?**

No

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

No as long as all qualifications are met.

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

N/A

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

The Chief can revoke this certification if circumstances warrant such action.

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

No revenue is collected through fees

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

30 CFR Pt. 75.100 requires that certain examinations and tests be made by a certified person. Federal law permits states to certify if they have a certifications program.

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

Underground mine fires, explosions, injuries, and fatalities.

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

After MSHA investigation of the Upper Big Branch mine explosion, it was determined that many of the root causes were due to insufficient workplace examinations. This certification provides a safe workplace to all mine employees. This regulation is also covered in the 30 CFR Pt. 75.100 Certified Persons.

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

No

Survey response for mine foreperson of nongaseous mines (DNR)**Description**

This certification is no longer available as all underground coal mines are considered gaseous.

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

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 |

| 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 Department 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 |
| Renewal fee (<i>If different from initial fee, please explain why.</i>) | N/A |
| Does the Department 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 |

| 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 Department? | N/A |
| Is the Department 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 Department respecting individuals engaged in the occupation. |
|--|
| N/A |

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

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 Department would like to see implemented?

This certification no longer available as all underground coal mines are considered gaseous. The mine foreperson of nongaseous mines certification can be removed from statute.

Survey response for preparation plant/tipple foreperson (DNR)

Description

This certification covers the 30 CFR Pt.77 duties associated with the processing and loading of coal for transport.

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

Government Certification

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

| | |
|---|--|
| Number issued annually | 1-5 |
| Number renewed annually | None |
| Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years? | Decrease due to the downturn of coal production. |
| Education or training requirements | None |
| Experience requirements | 3 years mining 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 Department receive any proceeds of those fees? If so, how are the proceeds used?</i>) | Mine Safety examination supervisors administer the exam. The exam questions come from the ORC section covering coal processing and loading for transport and the Chief designates an examining board from the deputy mine inspectors. Currently, there is no exam fee. |
| Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>) | None |
| Initial fee | Currently, there is no fee. |
| Duration | Lifetime |
| Renewal fee (<i>If different from initial fee, please explain why.</i>) | None |
| Does the Department recognize uniform licensure requirements or allow for reciprocity? | Yes, as long as the certificate holder is in good standing in the state of issue. |
| 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 Department?**

No.30 CFR Part 77 duties are regulated by MSHA and must be performed by a certified person.

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

Yes. All applicants must meet the minimum qualifications.

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

None

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

The Chief may revoke certification if certain actions warrant.

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

None. There currently is no fee.

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

Yes, federal law requires certification for 30 CFR Part 77 duties associated with coal processing and loading for transport.

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

Serious injuries, fatalities, surface fires.

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

Yes, this is effective. Proper examination has been shown to decrease accidents. Work site examinations relative to 30 CFR part 77 must be completed by a certified person.

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

No.

Survey response for surface coal and auger mine foreperson (DNR)

Description

This certification allows the holder to perform the duties covered under 30 CFR Pt. 77 relative to the mining and production of surface mined coal.

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

Government certificate

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

| | |
|---|--|
| Number issued annually | 1-5 |
| Number renewed annually | NA |
| Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years? | Decrease due to the downturn in coal production. |
| Education or training requirements | None |
| Experience requirements | 3 years for foreperson and 5 years for mine foreperson |

| 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 Department receive any proceeds of those fees? If so, how are the proceeds used?</i>) | Mine Safety examination supervisors administer the exam. The exam questions come from the ORC covering coal surface mining and the Chief designates an examining board from the deputy mine inspectors. Currently, there is no exam fee. |
| Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>) | NA |
| Initial fee | None |
| Duration | Lifetime certification |
| Renewal fee (<i>If different from initial fee, please explain why.</i>) | None |
| Does the Department recognize uniform licensure requirements or allow for reciprocity? | Yes, as long as the holder is in good standing in the state of issue. |
| 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 Department? | No, Pt. 77 duties require this certification. |
| Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual? | Yes, all applicants must meet minimum qualifications. |
| Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>) | NA |

| Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation. |
|--|
| The Chief may revoke this certification, if individual actions warrant. |

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

None.

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

30 CFR Pt. 77 requires this certification for all mine examinations on surface coal mining sites.

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

Serious accidents, fatalities, mine fires.

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

Yes, proper mine examinations have shown a decrease in serious accidents.

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

No.

Survey response for foreperson of surface maintenance facilities of underground or surface mines (DNR)

Description

This certification is no longer offered as these duties are combined in the Surface Coal & Auger and the Prep Plant/Tipple Foreperson certifications. These certifications cover the duties required by the 30 CFR Pt. 77.

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

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 |

| 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 Department 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 |
| Renewal fee (<i>If different from initial fee, please explain why.</i>) | N/A |
| Does the Department 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 |

| 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 Department? | N/A |
| Is the Department 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 Department respecting individuals engaged in the occupation. |
|--|
| N/A |

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

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 Department would like to see implemented?

This certification is no longer offered as these duties are combined in the Surface Coal & Auger and the Prep Plant/Tipple Foreperson certifications. These certifications cover the duties required by the 30 CFR Pt. 77. The Foreperson of surface maintenance facilities of underground or surface mines can be removed from statute.

Surrounding state comparison for forepersons of various mines (LSC) (as of August 19, 2024)

The following table addresses licenses for mine forepersons, mine forepersons of nongaseous mines, mine forepersons of gaseous mines, mine forepersons of surface mines, surface coal and auger certification, preparation plant/tipple foreperson certification, and foreperson of surface mines. As noted above, as the foreperson of surface maintenance facilities of underground or surface mines license is part of other licenses, it is not addressed in the comparison.

| Mine Forepersons | | | | | | |
|--|---|--|--|---------------------|---|---|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Type of regulation (Name of regulation) | License (Mine foreperson certification, mine foreperson of | License (Mine foreperson certification) | License (Mine foreman certification, surface mine | No clear equivalent | License (Bituminous coal mine foreman certification, | License (Mine foreman-fire boss certification, |

| Mine Forepersons | | | | | | |
|------------------|--|---|--|----------|--|---|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | nongaseous mines certification, mine foreperson of gaseous mines certification, mine foreperson of surface mines certification, surface coal and auger certification, preparation plant/tipple foreperson certification, and foreperson of surface mines certification) <i>(R.C. 1561.16, 1561.17, 1561.18, and 1561.19; O.A.C. 1501:10-1-05; 30 C.F.R. 77)</i> | (Indiana does not license mine forepersons of nongaseous mines, mine forepersons of gaseous mines, mine forepersons of surface mines, forepersons of surface maintenance facilities of underground or surface mines, or forepersons of surface mines) <i>(Ind. Code 22-10-3-10 and 22-10-3-13)</i> | foreman certification, assistant mine foreman certificate, and fire boss) (Kentucky does not license mine forepersons of nongaseous mines, forepersons of gaseous mines, forepersons of surface maintenance facilities of underground or surface mines, or forepersons of surface mines) <i>(Ky. Rev. Stat. 351.120)</i> | | anthracite coal mine foreman certification, assistant mine foreperson, industrial minerals mine foreman, industrial minerals storage mine foreman, and industrial minerals shaft/slope foreman) (Pennsylvania does not license mine forepersons of nongaseous mines, mine forepersons of gaseous mines, or forepersons of surface maintenance facilities of | assistant mine foremen-fire boss certification, and surface mine foreman certification) (West Virginia does not license mine forepersons of nongaseous mines, mine forepersons of gaseous mines, forepersons of surface maintenance facilities of underground or surface mines, or forepersons of surface mines) ⁶ <i>(W. Va. Code 22A-1-37, 22A-2-7, and 22A-7-5)</i> |

⁶ Note, however, the West Virginia Board of Coal Mine Health and Safety may require certification in other miner occupational specialties (W. Va. Code 22A-7-5(b), see also [West Virginia Mine Safety Foreman & Supervisory Applications](#)).

| Mine Forepersons | | | | | | |
|-----------------------|---|---------|--|----------|---|---|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | | | | | underground or surface mines) <i>(52 P.S. 11, 70-201, 70-205, and 690-202, 690-210; 25 Pa. Code 207.212)</i> | |
| Education or training | <p>Mine foreperson and mine foreperson of nongaseous mines must have knowledge of the dangers and nature of noxious gases</p> <p>Mine foreperson of gaseous mines must have knowledge of the dangers and nature of noxious and explosive gases and ventilation of gaseous mines</p> <p>N/A for mine foreperson of</p> | N/A | <p>At least 45 working days of experience within a three-year period as a trainee and demonstrated competence as a miner</p> <p><i>(Ky. Rev. Stat. 351.102(1) and (6))</i></p> | N/A | <p>For bituminous and anthracite coal mine forepersons, must have training in determining the presence of explosive and noxious gas and in the use and mechanics of all gas detection devices</p> <p><i>(52 P.S. 690-202)</i></p> | <p>For mine foreman-fire boss and assistant mine foreman-fire boss, must demonstrate knowledge of dangerous mine gases and their detection, mine safety, first aid, safety appliances, state and federal mining laws and regulations, and other subjects by completing training, education, and exams required by West Virginia rules</p> |

| Mine Forepersons | | | | | | |
|------------------|---|--|---|----------|--|---|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | surface mines, foreperson of surface mines, surface coal and auger certification, and preparation plant/tipple foreperson certification <i>(R.C. 1561.16, 1561.17, and 1561.18)</i> | | | | | <i>(W. Va. Code 22A-1-37 and 22A-2-7; W. Va. Code R. 36-11-4)</i> |
| Experience | Yes, three years of actual practical experience, except that an applicant for a certification as a mine foreperson of gaseous mines or mine foreperson of surface mines must have five years of practical experience Credit of up to one year of | Yes, four years of experience underground in coal mines Persons with a four-year engineering degree or four-year coal mining technology program completion need two years of experience | For mine foreman, five years of practical underground coal mining experience acquired after achieving 18 years of age, with at least one year of this experience acquired on an active working section of an underground mine | N/A | For bituminous and anthracite coal mine forepersons, must be 25 years of age and have five years of practical experience as a miner with two years in a working section Experience requirement is four years (one year in a working section) if | For mine foreperson-fire boss certification, at least five years of experience in underground working, ventilation, and drainage of a coal mine, which must include at least 18 months of experience on or at a working section of an |

| Mine Forepersons | | | | | | |
|------------------|---|--|---|----------|--|---|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | <p>experience if applicant has an educational degree in a field related to mining</p> <p>Credit of up to two years of experience if applicant has graduated from an accredited school of mines or mining after a four-year course of study with employment in the mining industry during interim breaks during school years</p> <p><i>(R.C. 1561.16, 1561.17, 1561.18 and 1561.19; O.A.C. 1501:10-1-05)</i></p> | <p>Persons who complete a two-year coal mining technology program need three years of experience</p> <p><i>(Ind. Code 22-10-3-10 and 22-10-3-13)</i></p> | <p>For underground assistant mine foreman certificate, three years practical underground experience acquired after 18 years of age, at least one year of which is on an active working section of an underground mine</p> <p>For surface mine foreman, three years of practical experience after 18 years of age, with at least one year of experience from direct involvement in the mining and extraction of coal in a surface mine</p> <p>A person who holds a four-year</p> | | <p>applicant holds a bachelor's degree in mining engineering or an associate's degree in mining technology</p> <p>For an assistant mine foreperson, four years of work experience in an underground coal mine, with two of those years in a working section.</p> <p>Experience requirement is three years (one year in a working section) if applicant holds a bachelor's degree in mining engineering or an associate's degree in mining technology</p> <p><i>(52 P.S. 690-202)</i></p> | <p>underground mine</p> <p>If applicant is a graduate of the School of Mines at West Virginia University or of another accredited mining engineering school or a graduate of an accredited engineering school with a bachelor's degree in mining engineering technology, electrical, mechanical, or civil engineering, applicant must have two years of practical experience in an underground mine, which must include at least 18 months of</p> |

| Mine Forepersons | | | | | | |
|------------------|------|---------|--|----------|---|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | | | <p>degree in mining engineering is credited with the equivalent of two years of practical experience</p> <p>A person with a two-year associate's degree in mining is credited with one year of practical experience</p> <p><i>(Ky. Rev. Stat. 351.120)</i></p> | | <p>For an industrial minerals mine foreman, must be at least 21 years or age, possess an underground industrial minerals blaster's license, and have either two years of practical experience as a noncoal underground miner or have one year of such experience and possess one of the following:</p> <ul style="list-style-type: none"> • A bachelor of science degree in mining engineering; • A certificate of qualification under Pennsylvania's law governing anthracite or | <p>experience on or at a working section</p> <p>If applicant is a graduate of an accredited college or university with an associate's degree in mining, electrical, mining engineering technology, mechanical engineering, or civil engineering, applicant must have four years of practical experience in an underground mine, which must include at least 18 months of experience on or at a working section</p> <p>For an assistant mine foreman-fire boss, have all the qualifications</p> |

| Mine Forepersons | | | | | | |
|------------------|------|---------|----------|----------|---|---|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | | | | | bituminous coal mines; or <ul style="list-style-type: none"> An acceptable certificate of qualification issued by another state For an industrial minerals mine shaft/slope foreman, must be at least 21 years of age, possess an underground industrial minerals blaster's license or mine opening blaster's license, and have either two years of practical experience in the sinking of slopes and shafts or have one year of such experience and possess one of the following: | required of a mine foreman-fire boss: provided, at the time of certification, have at least three years of experience in the underground working, ventilation and drainage of coal mines, including at least 18 months of which in an underground mine working section or be a graduate of the School of Mines at West Virginia University or of another accredited engineering school with a bachelor's degree in mining engineering |

| Mine Forepersons | | | | | | |
|------------------|------|---------|----------|----------|---|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | | | | | <ul style="list-style-type: none"> • A bachelor of science degree in mining engineering; • A certificate of qualification to be a coal mine foreman or assistant coal mine foreman; • A certificate of qualification to be an industrial mineral underground mine foreman; or • An acceptable certificate of qualification issued by another state <p>For an industrial minerals storage mine foreman, must be at least 21 years of age and have either</p> | <p>technology, electrical, mechanical or civil engineering; and have had 12 months of practical experience in an underground mine working section or be a graduate of an accredited college or university with an associate's degree in mining, electrical, mining engineering technology, mechanical or civil engineering and have had at least two years of practical experience in an underground mine including at least 18 months of experience in an underground</p> |

| Mine Forepersons | | | | | | |
|------------------|------|---------|----------|----------|--|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | | | | | <p>two years of practical experience as a noncoal underground miner or doing the work of a miner at a business in a worked-out area of a noncoal mine or have one year of such experience and possess one of the following:</p> <ul style="list-style-type: none"> • A bachelor of science degree in mining engineering; • A certificate of qualification under Pennsylvania's law governing anthracite or bituminous coal mines; or | <p>mine working section</p> <p>For surface mine foreperson, three years of experience in surface coal mining, which must include at least 18 months experience on or at a working section of a surface mine</p> <p>If applicant is a graduate of West Virginia University or another accredited mining engineering school, applicant must have two years of practical experience, with at least 18 months of experience on or at a working section</p> |

| Mine Forepersons | | | | | | |
|----------------------|--|--------------------------------------|--|----------|---|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | | | | | <ul style="list-style-type: none"> An acceptable certificate of qualification issued by another state <i>(25 Pa. Code 207.214)</i> | <i>(W. Va. Code 22A-1-37 and 22A-2-7; W.Va. Code R. 36-11-4)</i> |
| Exam | Yes <i>(R.C. 1561.16, 1561.17, 1561.18, and 1561.19; O.A.C. 1501:10-1-05)</i> | Yes <i>(Ind. Code 22-10-3-10)</i> | Yes <i>(Ky. Rev. Stat. 351.120)</i> | N/A | Yes <i>(52 P.S. 690-202; 25 Pa. Code 207.215)</i> | Yes <i>(W. Va. Code 22A-1-37 and 22A-2-7)</i> |
| Continuing education | N/A | N/A | For mine forepersons, at least 16.5 hours annual retraining, including one hour of alcohol and substance abuse education plus six hours of annual training provided by Division of Mine Safety, including training in mine safety laws, safe | N/A | N/A | For mine foreman-fire boss, at least eight hours of continuing education every two years consisting of courses approved by the Board of Coal Mine Health and Safety; Board may approve alternative training programs |

| Mine Forepersons | | | | | | |
|-----------------------|---|---|--|----------|---|---|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | | | <p>retreat mining practices, mine safety technology, and improving safe working procedures</p> <p><i>(Ky. Rev. Stat. 351.010(1)(ac) and 351.106(1) and (3))</i></p> | | | <p>tailored to specific mines</p> <p><i>(W. Va. Code 22A-7-7(a) to (e))</i></p> |
| Initial licensure fee | <p>N/A, except \$10 exam fee for mine foreperson of surface mines and foreperson of surface mines</p> <p><i>(R.C. 1561.18; O.A.C. 1501:10-1-05)</i></p> | <p>\$5 for certificate of competency plus \$25 exam fee</p> <p><i>(Ind. Code 22-10-3-10 and 22-10-3-13)</i></p> | <p>\$50 exam fee for mine foreperson and assistant mine foreperson</p> <p><i>(Ky. Rev. Stat. 351.110(1); Ky. Dept. for Natural Resources, Energy and Environment Cabinet, Kentucky mine foreperson training)</i></p> | N/A | <p>\$3 plus \$100 exam fee for bituminous mine forepersons and \$50 exam fee for anthracite coal mine forepersons</p> <p><i>(52 P.S. 70-205)</i></p> <p>\$10 for all industrial minerals mine-related forepersons</p> <p><i>(25 Pa. Code 207.215)</i></p> | <p>\$35 for mine foreperson-fire boss certification</p> <p>\$25 for surface mine foreperson</p> <p><i>(See W. Va. Office of Miners' Health, Safety, and Training, Certification Policy Manual, page 18 (PDF))</i></p> |

| Mine Forepersons | | | | | | |
|------------------|---|---------|--|----------|--------------|---------------|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| License duration | No specified time, but mine foreperson, mine foreperson of nongaseous mines, or mine foreperson of gaseous mines must be recertified if the individual ceases to work in an underground coal mine for more than two years <i>(O.A.C. 1501:10-1-05)</i> | N/A | Temporary certification when approved by the Commissioner of the Kentucky Department for Natural Resources until the Department acts upon the certification <i>(Ky. Rev. Stat. 351.120(10))</i> | N/A | N/A | N/A |
| Renewal fee | N/A | N/A | N/A | N/A | N/A | N/A |

Surrounding state comparison for qualified person in lieu of a certified mine foreperson (LSC) (as of August 19, 2024)

In Ohio, in lieu of employing a certified mine foreperson, the operator of a surface mining operation may submit to the Chief of the Division of Mineral Resources Management a detailed training plan under which persons who qualify under the plan may conduct and document safety examinations at the surface mining operation (which are required under federal law). To be eligible to

become a qualified person, the person must have had at least one year of experience working with or under the direction of a certified mine foreperson.⁷

Indiana, Michigan, Pennsylvania, and West Virginia do not offer the ability for a qualified person to conduct safety examinations in lieu of a certified mine foreperson.

In Kentucky, the Commissioner of the Department for Natural Resources may utilize “other qualified persons” in implementing the mine safety program of instruction and examination.⁸ However, no other mention of a qualified person in lieu of a certified mine foreperson is found in Kentucky law.

Fur dealer

Survey response (DNR)

| Description |
|--|
| A “fur dealer’s permit” allows a person to deal in or buy green or dried furs, skins, or parts thereof taken from fur-bearing animals of the state. Every applicant for a fur dealer’s permit shall make and subscribe a statement setting forth the applicant’s name, place of residence, and whom the applicant represents. Every applicant for a dealer’s permit who is a nonresident of the state, or who is a resident of the state and is an agent or representative of a nonresident person, firm, or corporation, shall pay an annual fee of two hundred dollars to the chief of the Division of Wildlife issuing such permit, and every applicant for a dealer’s permit who is a resident of the state shall pay an annual fee of seventy-five dollars to the chief issuing such permit. Every fur dealer shall operate under such additional rules as are provided by the chief. |

⁷ O.A.C. 1501:14-2-08(A).

⁸ Ky. Rev. Stat. 351.106(14).

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

License.

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

| | |
|---|--|
| Number issued annually | 53 – Resident (2019-2023 average) 6 – Nonresident (2019-2023 average) |
| Number renewed annually | The agency does not distinguish new licenses from those renewing their license. Licensees must apply annually pursuant to section 1533.23 of the Revised Code. |
| Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years? | Yes. The number of active resident fur dealer registrations has declined since 2019. The active nonresident fur dealer registrations have remained consistent. |
| Education or training requirements | There are no education or training requirements. |
| Experience requirements | There are no experience requirements. |

| 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 Department receive any proceeds of those fees? If so, how are the proceeds used?</i>) | There are no examination requirements. |
| Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>) | There are no continuing education requirements. |
| Initial fee | \$75.00 – Resident applicant \$200.00 – Nonresident applicant (including residents who represent a nonresident person, firm, or corporation) |
| Duration | Licenses are valid from the date of issuance through April 30 th . |
| Renewal fee (<i>If different from initial fee, please explain why.</i>) | \$75.00 – Resident applicant \$200.00 – Nonresident applicant (including residents who represent a nonresident person, firm, or corporation) |
| Does the Department recognize uniform licensure requirements or allow for reciprocity? | No. Every applicant for a dealer's permit who is a nonresident or who is a resident and is an agent or representative of a nonresident person, firm, or corporation shall pay an annual fee of two hundred dollars to the chief of the Division of Wildlife issuing such 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 licenses. |

| 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 Department? | No. Individual possession of wild animals shall be obtained only in accordance with the Revised Code or Division rules. No person at any time of the year shall take in any manner or possess any number or quantity of wild animals, except wild animals that the Revised Code or Division rules permit to be taken, hunted, killed, or had in possession, and only at the time and place and in the manner that the Revised Code or Division of Wildlife rules prescribe. |
| Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual? | No. A permit shall be issued upon application and the payment of the proper fee. |
| Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>) | <p>Every fur dealer shall operate under such additional rules as are provided by the chief.</p> <p>No common carrier shall knowingly ship or transport or receive for transportation or shipment any green or dried furs, skins, or parts thereof of fur-bearing animals unless there is plainly written thereon the name of the shipper and the number of the shipper's hunting license or fur dealer's permit.</p> |

| Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation. |
|---|
| <p>Ohio Revised Code Sections: 1531.02, 1531.08, 1531.10, 1533.23, 1533.24</p> <p>Ohio Administrative Code Section: OAC 1501:31-15-19</p> <p>Every fur dealer shall operate under such additional rules as are provided by the chief.</p> <p>All records required to be maintained by a fur dealer shall be open at all reasonable times to inspection by duly authorized Division personnel who may inspect the furs, skins, or parts thereof on hand at any time and check and verify the records and reports required to be kept.</p> <p>All persons dealing in green or dried furs, skins, or parts thereof and licensed pursuant to section 1533.23 of the Revised Code shall keep accurate daily records of all species of fur-bearing animals that are bought or sold. Such records shall be open to inspection by any employee of the Division of Wildlife.</p> |

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

All daily records are to be maintained at the place of business for a period of two years. Failure to properly and accurately complete daily record forms and the fur dealer summary report shall constitute a violation of section 1533.24 of the Revised Code.

A violation of section 1533.23 or section 1533.24 of the Revised Code is a misdemeanor of the third degree.

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

The agency receives approximately \$5,175 annually in revenue from these license fees. The revenue derived from these fees is used for the preservation and protection of fur-bearing animals and for the administration of the license program, including the necessary clerical help and forms required by sections 1533.23 and 1533.24 of the Revised Code.

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

There is no federal law that requires the state to regulate the dealing in or buying of green or dried furs, skins, or parts thereof taken from fur-bearing animals.

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

This regulation aims to ensure the agency can conserve and manage sustainable furbearer populations. Information provided by permitted fur dealers gives wildlife managers harvest data (the number of furbearers captured in a particular time period). This data is used in addition to other science to manage furbearer populations.

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

The record-keeping and reporting requirements provide an appropriate level of information for managing furbearer populations based on the best available biological information derived from professionally accepted practices in wildlife management. The data is used to determine harvest trends, which track the overall success of recreational users in taking furbearers.

Are there any changes the Department would like to see implemented?**Surrounding state comparison (LSC)**

LSC staff determined that a fur dealer license is not an “occupational regulation” under the state’s general policy enacted by S.B. 255 of the 132nd General Assembly and is, therefore, beyond the scope of this report. (See, R.C. 103.27 and 4798.01.)

Ginseng dealer

Survey response (DNR)

| Description | |
|--|---|
| A registration permit, or “ginseng dealer permit,” authorizes ginseng dealers to buy or otherwise acquire or convey ginseng for resale and export. No person shall buy or otherwise acquire or convey ginseng for resale or export without a registration permit issued annually by the chief of the Division of Wildlife in accordance with rules adopted pursuant to section 1533.88 of the Revised Code. In addition to any other penalty, the chief may refuse to issue a permit to or suspend the permit of any person who fails to comply with sections 1533.86 to 1533.90 of the Revised Code or rules adopted pursuant to section 1533.88 of the Revised Code. | |
| Type (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.) | |
| License. | |
| If the regulation is a registration, certification, or license requirement, please complete the following: | |
| Number issued annually | 103 (2021-2024 average) |
| Number renewed annually | 79 (2021-2024 average). Licensees must apply annually pursuant to section 1533.881 of the Revised 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? | No. The number of active registrations has remained consistent. |
| Education or training requirements | There are no education or training requirements. |
| Experience requirements | There are no experience requirements. |
| Examination requirements (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?</i>) | There are no examination requirements. |
| Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>) | There are no continuing education requirements. |
| Initial fee | There is no fee for a registration permit. |
| Duration | Licenses are valid from the date of issuance until August 31 st . |
| Renewal fee (<i>If different from initial fee, please explain why.</i>) | There is no fee for the renewal of a registration permit. |

| If the regulation is a registration, certification, or license requirement, please complete the following: | |
|---|--|
| Does the Department 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? | There are no similar national licenses. |
| Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department? | No. |
| Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual? | Yes. The chief of the Division of Wildlife may refuse to issue a state registration permit to any person who fails to comply with sections 1533.86 to 1533.90 of the Revised Code or rules adopted pursuant to section 1533.88 of the Revised Code. However, a person denied a permit is entitled to a hearing pursuant to Chapter 119. of the Revised Code. |
| Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>) | There is a fee of three dollars per pound or any fraction of a pound dry and/or green weight for certifying Ohio ginseng. |

| Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation. |
|---|
| <p>Ohio Revised Code Sections: 1533.10, 1533.86, 1533.87, 1533.88, 1533.881, 1533.882, 1533.89, 1533.891</p> <p>Ohio Administrative Code Sections: 1501:31-40-01, 1501:31-40-02, 1501:31-40-03</p> <p>The chief of the Division of Wildlife shall do all things necessary to regulate the harvesting of wild ginseng and the buying, possession, transportation, sale, offering for sale, or exposure for sale of wild or cultivated ginseng.</p> |

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

The chief of the Division of Wildlife shall adopt rules under section 1531.10 of the Revised Code as necessary to carry out the purposes of sections 1533.86 to 1533.90 of the Revised Code, including, but not limited to:

Establishing a harvest season for wild ginseng.

Establishing a certification program for all legally harvested ginseng, including setting a certification fee.

Establishing a buying season for ginseng that has not yet been certified in accordance with rules adopted under division (B) of this section.

Establishing a registration permit system to authorize ginseng dealers to buy or otherwise acquire or convey ginseng for resale and export.

Establishing a record system to be kept by collectors, dealers, and growers of ginseng.

Developing educational materials about ginseng, ginseng regulation, and the Ohio ginseng management program.

In addition to any other penalty, the chief may refuse to issue a permit to or suspend the permit of any person who fails to comply with sections 1533.86 to 1533.90 of the Revised Code or rules adopted pursuant to section 1533.88 of the Revised Code.

The chief of the Division of Wildlife shall seize any ginseng harvested or acquired in violation of any provision of sections 1533.86 to 1533.90 of the Revised Code or rules adopted pursuant to section 1533.88 of the Revised Code. Ginseng so seized is forfeited to the state, to be disposed of as directed by the chief.

Dealers and buyers shall obtain certification from a state inspector of the Division of Wildlife certifying that any Ohio ginseng collected or grown in Ohio and being exported from the state has been legally acquired, collected, or cultivated. Only Ohio ginseng legally acquired, collected, cultivated, or possessed shall be certified. Ohio ginseng acquired by any dealer not in possession of a current state dealer registration permit shall not be conveyed to another person or certified at any time.

Dealers, buyers, or any other person shall submit for weighting all uncertified wild and/or cultivated ginseng on hand as of March 31st of each year. Any uncertified stock acquired from April 1st through August 31st of each year requires prior written approval of the chief of the Division of Wildlife.

No person shall fail to keep records as established by rule adopted pursuant to section 1533.88 of the Revised Code. Dealers and buyers shall keep accurate, legible records of all ginseng sold and purchased. These records shall be submitted to the chief of the division or his agent on a monthly or quarterly basis or as otherwise required; shall include purchases of ginseng to be sold on separate sheets from actual sales; and shall include:

The purchaser's and/or seller's name and address.

The other dealer's permit number and lot certification when applicable.

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

The number of pounds and ounces dry and/or green weight of ginseng collected or cultivated in an Ohio county, compiled separately for wild and cultivated lots.

The year of harvest.

The date of the transaction of all Ohio ginseng sold.

These records, as well as the accompanying ginseng, shall be open to inspection by any authorized employee of the Division of Wildlife and/or any law enforcement officer having jurisdiction at all reasonable hours and must be available to support the origin of ginseng being certified for sale and shipment.

Ginseng violations are a misdemeanor of the first degree.

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

There is no license fee for the registration permit. However, there is a fee of three dollars per pound or any fraction of a pound of dry and/or green weight for certifying Ohio ginseng. The Division of Wildlife received approximately \$2,940 for the certification of ginseng during the last year. The certification fees are used to administer Ohio's ginseng management program, including certification, inspections, enforcement, and administration.

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

American ginseng is listed in Appendix II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). In order for Ohio to participate in the ginseng export program, regulations must exist and be enforced. The record-keeping for ginseng dealers and the ginseng certification program comply with federal regulations that allow for the export of ginseng.

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

This regulation provides for the Ohio ginseng management program, which is administered to achieve and maintain a sustained yield of ginseng so that harvesting of the plant is not detrimental to the survival of the species. Ginseng is a slow-growing perennial herb that is highly valued in the U.S. and worldwide for its alleged medicinal traits. Because of its value and significant harvest pressure, regulations on both harvest and export are necessary to ensure the survival of the species. The export of ginseng from the State of Ohio is regulated under the Convention on International Trade in Endangered Species (CITES) administered by the U.S. Fish and Wildlife Service and the Division of Wildlife.

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

The Division compiles data collected during the harvest season to report to the U.S. Fish and Wildlife Service (USFWS), which then evaluates the information to determine if the current harvest rate can be maintained without depleting the population. The overall harvest number and total number of roots per pound provide valuable insight into the health of the population. USFWS's "non-detriment" findings have allowed Ohio to continue to have a ginseng harvest season.

Are there any changes the Department would like to see implemented?**Surrounding state comparison (LSC)**

LSC staff determined that a ginseng dealer license is not an "occupational regulation" under the state's general policy enacted by S.B. 255 of the 132nd General Assembly and is, therefore, beyond the scope of this report. (See, R.C. 103.27 and 4798.01.)

Mine electrician

Survey response (DNR)

| Description | |
|---|---------|
| As per 30 CFR Pt. 75.153 and Pt. 77.103, anyone doing electrical work in underground or surface coal mines, must be a qualified mine electrician approved by the Secretary of Labor, or his or her designee. Ohio has an MOU with the federal Mine Safety and Health Administration (MSHA) to provide this certification. | |
| Type (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.) | |
| Government certification | |
| If the regulation is a registration, certification, or license requirement, please complete the following: | |
| Number issued annually | 10-12 |
| Number renewed annually | 100-120 |

| 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 decrease due to the downturn in the coal industry. |
| Education or training requirements | 1-year on-site training |
| Experience requirements | 1-year on site experience |
| Examination requirements (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?</i>) | Division of Mineral Resources Management (DMRM)-Mine Safety administers the exam. Both the exam and administrator are selected by the Secretary of Labor or his or her designee. Fees are \$10.00 for underground and \$10.00 for surface mining. All fees are paid to the Treasurer, State of Ohio. |
| Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>) | Yearly recertification. |
| Initial fee | \$10.00 |
| Duration | This certification must be renewed annually. |
| 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 Department recognize uniform licensure requirements or allow for reciprocity? | We do have reciprocity with the state of West Virginia. |
| 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 Department? | Only under the guidance of a certified mine electrician. |
| Is the Department 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> | |
| Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation. | |
| Ohio has no direct disciplinary authority as this is a federal certification. Ohio has an MOU with MSHA to provide federally approved testing for this certification. | |

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

\$100.00-\$120.00 per year is deposited in the mining regulation and safety fund and is used to support the division's regulatory and mine safety operations.

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

30 CFR Pt. 75.153 and Pt.77.103 require qualified electricians approved by the Secretary of Labor or his or her designee (the Chief of the Division of Mineral Resources Management). Federal law does require the state to regulate the occupation if they have a qualification program.

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

This regulation seeks to prevent electrical related injuries and fatalities.

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. This certification currently applies to coal only and is covered in the 30 CFR under Pt. 75.153 Electrical work; qualified person and was enacted to prevent electrical related injuries and mine explosions. Therefore, only certified electricians may perform any electrical work in the coal industry. Since this law was enacted, these incidents have been drastically reduced. There are no other ways to prevent this harm.

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

No.

Surrounding state comparison (LSC) (as of September 12, 2024)

| Mine Electrician | | | | | | |
|--|--|---|--|---|--|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Type of regulation (Name of regulation) | License (Mine electrician certificate) <i>(R.C. 1561.13, 1561.14, and 1561.15)</i> | License (Mine electrician certificate) <i>(Ind. Code 22-10-3-9, 22-10-3-10, 22-10-3-11.1, and 22-10-3-12)</i> | License (Certified electrician (included in definition of “certified miner” and “certified personnel”)) | No clear equivalent, but appears to be regulated at the federal level <i>(U.S. Mine Safety and Health Administration, Michigan, State of</i> | License (Mine electrician certification) <i>(52 P.S. 690-201(3), 690-202, and 690-209)</i> Under Pennsylvania | License (Certified electrician) <i>(W. Va. Code 22A-1-2(d)(2))</i> |

| Mine Electrician | | | | | | |
|-----------------------|------|--|---|---|--|---|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | | | <i>(Ky. Rev. Stat. 351.109; 805 Ky. Admin. Regs. 7:010(3) and 8:010(2))</i> | <i>Michigan Program Summary</i> | Anthracite Coal Mine Act, there is no apparent separate certification for mine electrician in anthracite mines, but the Act refers to mine electricians <i>(Pa. Anthracite Coal Mine Act, Section 205)</i> | |
| Education or training | N/A | Demonstrated knowledge of Indiana coal mining requirements, particularly laws regarding electrical energy in coal mines, direct and alternating current theory and application, electric equipment and electrical circuits | <u>N/A</u> | N/A | For bituminous mine electricians, all of the following: (1) satisfactory evidence of ability to perform mine electrician duties and (2) Pennsylvania Department of Environmental Protection-approved training in determining the presence of | Apprentice electrician with an apprentice electrician's card must complete, during a 12-month period, a 40-hour classroom training program given by the West Virginia Office of Miners' Health, Safety, and Training or an approved alternative |

| Mine Electrician | | | | | | |
|------------------|------|--|----------|----------|---|---|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | | <p>in coal mines, permissibility of electric equipment, federal regulations regarding electrical related underground and surface mine safety standards in 30 C.F.R. 75, subparts F-K and 30 C.F.R. 77 subparts F-J and S</p> <p><i>(Ind. Code 22-10-3-10(a) and (g)(1) to (6))</i></p> | | | <p>explosive and noxious gases</p> <p><i>(52 P.S. 690-202 (b)(5) and (7))</i></p> | <p>electrical training program</p> <p>The training program conducted by the Office comprises specified topics, including AC and DC theory, basic electricity, schematic reading, and the National Electric Code, with 20% of the training directly involving electrical work under the direct supervision of a certified electrician</p> <p>If apprentice, after becoming a certified electrician, is employed in a job requiring an underground miner or surface miner certificate</p> |

| Mine Electrician | | | | | | |
|------------------|---|---|--|----------|--|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | | | | | | <p>additional supervision required for electrical work and may work unsupervised after obtaining 96 hours in related electrical work, working at least six months and 108 shifts</p> <p><i>(W. Va. Code 22A-1-2 (d)(2); W. Va. Code R. 48-7-2.3, 48-7-4.1, 48-7-4.1.2, 48-7-4.4, 48-7-4.7, 48-7-5.2, and 48-7-6)</i></p> |
| Experience | At least one year's experience performing electrical work in an underground, surface, or noncoal mine, or equivalent experience | At least one year's experience performing electrical work <i>(Ind. Code 22-10-3-10(g))</i> | At least one year's experience under direct supervision of a qualified electrician in performing electrical work underground in a coal mine, in the surface work | N/A | For bituminous mine electrician, must have five years of experience working in an underground coal mine, at least two years of which in a working section; | <p>One of the following:</p> <p>At least one year of experience performing electrical work as an apprentice electrician</p> |

| Mine Electrician | | | | | | |
|------------------|--------------------------|---------|--|----------|--|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | <i>(R.C. 1561.14(A))</i> | | <p>areas of an underground coal mine, in a surface coal mine, in a noncoal mine, in the mine equipment manufacturing industry or another industry using or manufacturing similar equipment</p> <p><i>(Ky. Rev. Stat. 351.109(1))</i></p> | | <p>or four years of experience, at least two years of which in a working section, if the mine electrician holds a bachelor's degree in electrical engineering or associate's degree in electrical technology from a recognized higher education institution</p> <p><i>(52 P.S. 690-202 (a)(1) and (2))</i></p> | <p>If hold a bachelor's or associate's degree in electrical engineering from an accredited college or university and at least six months of supervised electrical work experience</p> <p>If have at least three years of experience in performing electrical work in an underground coal mine, in the surface work of an underground coal mine, in a noncoal mine, in the mine equipment manufacturing industry or another industry using or manufacturing</p> |

| Mine Electrician | | | | | | |
|----------------------|---|---|---|----------|--|---|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | | | | | | similar equipment and follows specified application procedures to take the exam <i>(W. Va. Code 22A-1-2(d)(2); W. Va. Code R. 48-7-2 and 48-7-4)</i> |
| Exam | Yes <i>(R.C. 1561.13, 1561.14(A), and 1561.15; Dept. of Natural Resources, Mine Safety Electrical Study Guide (PDF))</i> | Yes <i>(Ind. Code 22-10-3-10(a) and (h))</i> | Yes <i>(Ky. Rev. Stat. 351.109(1) to (3))</i> | N/A | Yes <i>(52 P.S. 690-202 (a) and 71 P.S. 240.7A; Pa. Dept. of Environmental Protection, Bureau of Mine Safety, Application for Bituminous Mine Official Certification (PDF))</i> | Yes <i>(W. Va. Code 22A-1-2(d)(2) and 22A-7-5; W. Va. Code R. 48-7-6)</i> |
| Continuing education | Eight hours of annual electrical refresher training | N/A | Satisfactory completion of at least 16 hours of annual retraining program | N/A | N/A | Eight hours of annual refresher training |

| Mine Electrician | | | | | | |
|-----------------------|---|---|---|----------|---|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | <i>(Dept. of Natural Resources, Mine Safety Testing and Certification information under "Are any Ohio Mine Safety certifications subject to expiration?")</i> | | approved by Division of Mine Safety <i>(Ky. Rev. Stat. 351.106(1) and (4) and 351.109(5); see paragraph six on page four of Test Preparation Guide, Kentucky Division of Mine Safety, Coal Mine Electrician Certification (PDF))</i> | | | <i>(W. Va. Code 22A-7-5; W. Va. Code R. 48-7-9.1)</i> |
| Initial licensure fee | \$10 exam fee <i>(R.C. 1561.14(A))</i> | \$25 exam fee <i>(Ind. Code 22-10-3-10(a) and (h))</i> | \$25 <i>(Ky. Dept. for Natural Resources, Energy and Environment Cabinet, Electrical Worker Certification Information (PDF))</i> | N/A | \$15 (in addition to \$100 application fee and \$15 exam fee, for bituminous mine electrician) <i>(71 P.S. 240.7A; Pa. Dept. of Environmental Protection, Bureau of Mine Safety, Application for Bituminous Mine</i> | None, other than \$15 exam fee <i>(W. Va. Office of Miners' Health Safety and Training, Certification Examination Fee Schedule (PDF))</i> |

| Mine Electrician | | | | | | |
|------------------|------|---------|----------|----------|---|---------------|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | | | | | <u>Official Certification (PDF)</u> | |
| 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 |

Mine medical responder

Survey response (DNR)

| Description |
|--|
| The mine medical responder certification is in lieu of the EMT certification in underground coal mines and is accepted by MSHA. |
| Type (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.) |
| Government certification. |

| If the regulation is a registration, certification, or license requirement, please complete the following: | |
|---|--|
| Number issued annually | 1-5 |
| Number renewed annually | 1-5 |
| Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years? | There has been a decrease due to the downturn in the coal industry. |
| Education or training requirements | Initial 83 hours of classroom training |
| Experience requirements | Proof of underground New Miner training |
| Examination requirements (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?</i>) | Certified instructors administer the exam. Questions are taken from the Brady 12th edition and exams are administered by instructors selected by the Chief of the Division of Mineral Resources Management (DMRM). \$0 is charged for the training course and \$0 is charged to take the exam. |
| Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>) | Certification holders must complete a 16-hour refresher course every two years. |
| Initial fee | Zero |
| 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> | Zero |
| Does the Department 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 Department? | No |
| Is the Department 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> | |

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

The Chief of the DMRM can revoke the certification if circumstances warrant this action.

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

Historically, \$500.00-\$2500.00 per year in fees are paid into the mining regulation and safety fund to support the operations of the division. As of 6/27/2024 the rule was updated from a flat fee of \$10.00 to an amount to be determine by the Chief. The current amount collected is zero, as there is not a suitable point-of-sale software available to collect the fee.

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

30 CFR 75.1713-6 requires an initial 10 hours of first aid to select supervisory employees. Federal law does not require the state to regulate the occupation. R.C. 1565.15 requires an EMT or a Mine Medical Responder to be on duty at underground mines where 20 or more miners are actively engaged in production.

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

The goal is to prevent improper first aid treatment and reduce the time needed to provide advanced medical care.

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

Yes. This certification teaches employees the proper way to treat injured workers and prevent any mishandling which could lead to further injury or a fatal.

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

No.

Surrounding state comparison (LSC) (as of August 15, 2024)

| Mine Medical Responder | | | | | | |
|--|---|---------------------|---|---------------------|----------------------------------|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Type of regulation (Name of regulation) | License (Mine medical certification) <i>(R.C. 1565.15; O.A.C. 1501:10-1-04)</i> | No clear equivalent | License (EMT or mine emergency technician (MET) certification) <i>(Ky. Rev. Stat. 351.127; 805 Ky. Admin. Regs. 7:080)</i> | No clear equivalent | No clear equivalent ⁹ | License (EMT-M certification) <i>(W. Va. Code R. 56-22-4)</i> |
| Education or training | 83-hour initial training course <i>(O.A.C. 1501:10-1-04)</i> | N/A | 40 hours of training instruction on CPR and adult 1 and 2 rescuer CPR approved by one of specified national organizations, plus specific textbook course work covering specified topics | N/A | N/A | Successfully complete the EMT-M education program <i>(W. Va. Code R. 56-22-4)</i> |

⁹ An EMT must be available onsite if 20 or more persons are employed on a shift. There is no separate mine medical responder certificate. (52 P.S. 27.7-2.)

| Mine Medical Responder | | | | | | |
|------------------------|--|---------|---|----------|--------------|---|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | | | <i>(805 Ky. Admin. Regs. 7:080)</i> | | | |
| Experience | <p>Must have a current EMT or paramedic certificate</p> <p>Must be at least 18 years of age due to Ohio EMT/paramedic requirements</p> <p><i>(O.A.C. 1501:10-1-04)</i></p> | N/A | <p>Must hold a surface or underground miner's certification in Kentucky</p> <p>Must be an EMT</p> <p>Must be at least 18 years of age</p> <p>A Kentucky certified miner who is an EMT with a current CPR course completion card may apply for initial certification as a MET</p> <p><i>(805 Ky. Admin. Regs. 7:080)</i></p> | N/A | N/A | <p>Must be at least 18 years of age</p> <p>Possess a valid and current CPR certification</p> <p><i>(W. Va. Code R. 56-22-4)</i></p> |
| Exam | <p>Yes</p> <p><i>(O.A.C. 1501:10-1-04)</i></p> | N/A | <p>Yes</p> <p><i>(805 Ky. Admin. Regs. 7:080)</i></p> | N/A | N/A | <p>Yes</p> <p><i>(W. Va. Code R. 56-22-4)</i></p> |

| Mine Medical Responder | | | | | | |
|------------------------|---|---------|---|----------|--------------|---|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Continuing education | 16-hour refresher training course every two years | N/A | <p>Annually earn eight hours of continuing education or retraining by a certified MET instructor</p> <p>Maintain a current course completion card in adult foreign body airway obstruction and adult 1 and 2 rescuer CPR</p> <p>Submit evidence of successful completion of instruction in at least four different subject areas of the approved MET curriculum, with a maximum of two hours per subject area</p> | N/A | N/A | <p>Successfully complete one of the following:</p> <ul style="list-style-type: none"> ▪ A 32-hour EMT-M recertification course prior to the expiration of the three-year anniversary of the certification; or ▪ An annual eight-hour retraining and testing program <p>(W. Va. Code R. 56-22-4)</p> |

| Mine Medical Responder | | | | | | |
|------------------------|--|---------|---|----------|--------------|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | | | <i>(805 Ky. Admin. Regs. 7:080)</i> | | | |
| Initial licensure fee | N/A | N/A | N/A | N/A | N/A | \$10 <i>(W. Va. Code R. 56-22-4)</i> |
| License duration | Two years unless the mine medical responder completes the continuing education <i>(O.A.C. 1501:10-1-04)</i> | N/A | One year unless continuing education and retraining is maintained (assumption is that if recertification or retraining is maintained there is no expiration) <i>(805 Ky. Admin. Regs. 7:080)</i> | N/A | N/A | Three years <i>(W. Va. Code R. 56-22-4)</i> |
| Renewal fee | N/A | N/A | N/A | N/A | N/A | N/A |

Noncommercial propagator

Survey response (DNR)

| Description | |
|--|--|
| A “noncommercial propagating license” permits the licensee to propagate game birds and game quadrupeds (except captive white-tailed deer), reptiles, amphibians, or fur-bearing animals and to hold the animals in captivity. Game birds, game quadrupeds, reptiles, amphibians, and fur-bearing animals propagated or held in captivity by authority of a noncommercial propagating license are for the licensee’s own use and shall not be sold. | |
| Type (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.) | |
| License. | |
| If the regulation is a registration, certification, or license requirement, please complete the following: | |
| Number issued annually | 654 (2018-2023 average) |
| Number renewed annually | 387 (2018-2023 average). Licensees must apply annually pursuant to section 1533.71(F) of the Revised 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? | The new applications have remained consistent over the past six years. However, the renewals have increased steadily over that period, resulting in an overall increase in active licenses over the past six years. |
| Education or training requirements | There are no education or training requirements. |
| Experience requirements | There are no experience requirements. |
| Examination requirements (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?</i>) | There are no examination requirements. |
| Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>) | There are no continuing education requirements. |
| Initial fee | \$25.00 |
| Duration | Licenses are valid from the date of issuance until March 15th each year. |
| Renewal fee (<i>If different from initial fee, please explain why.</i>) | \$25.00 |

| If the regulation is a registration, certification, or license requirement, please complete the following: | |
|--|---|
| Does the Department recognize uniform licensure requirements or allow for reciprocity? | No. This license pertains to holding and propagating certain wild animals in captivity in Ohio. The license requirements do not allow for reciprocity because this license only pertains to propagated wild animals held in captivity for the licensee's own use in Ohio. |
| Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation? | No similar national licenses or registrations could 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 Department? | <p>Although still regulated by the agency, a juvenile may collect certain species of reptiles and amphibians from the wild and hold up to four individuals or twenty-five eggs, tadpoles, or larvae of each species of reptile or amphibian without obtaining a license otherwise required by 1533.71 of the Ohio Revised Code.</p> <p>Otherwise, individual possession of wild animals shall be obtained only in accordance with the Revised Code or division rules. No person at any time of the year shall take in any manner or possess any number or quantity of wild animals, except wild animals that the Revised Code or division rules permit to be taken, hunted, killed, or had in possession, and only at the time and place and in the manner that the Revised Code or Division of Wildlife rules prescribe.</p> |
| Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual? | When the application is made in good faith and upon payment of the fee for each license, the Division of Wildlife may issue a commercial propagating license to the applicant. If the agency were not to approve the license, the applicant would be entitled to contest the denial as outlined in Chapter 119 of the Ohio Revised Code. |
| Other information <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i> | There are no other significant prerequisites. |

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

Ohio Revised Code Sections: 1531.02, 1531.08, 1531.10, 1533.71, 1533.74

Ohio Administrative Code Sections: 1501:31-15-02, OAC 1501:31-25-04

Each holder of a noncommercial or commercial propagating license issued under section 1533.71 of the Revised Code shall keep the license prominently displayed at the place of business specified in the license and shall keep accurate written records that shall include the total number of game birds, game quadrupeds, or fur-bearing animals possessed on the date of application for the license, the number subsequently propagated or acquired by purchase or gift, the number that escaped, the number that were released, the number that died, and the name and address of each person or corporation from whom or to whom game birds, game quadrupeds or fur-bearing animals were received as a gift or given as a gift or purchased, and the date of each transaction. These records shall be kept permanently on the premises stated in the license and shall be open for inspection by any authorized representative of the Division of Wildlife at all reasonable times.

Records for the possession and sale of reptiles and amphibians must be maintained for five years. The agency can inspect the reptiles and amphibians possessed and the corresponding records.

A violation of the rules pertaining to a commercial propagating license is a third-degree misdemeanor. A violation of the agency rules for reptiles and amphibians is a misdemeanor of the fourth degree.

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

The license fees for noncommercial propagating licenses contribute approximately \$16,350.00 in revenue annually to the agency. These fees are used to administer the program, including licensing and inspections.

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

There is no federal law that requires the state to regulate the noncommercial propagation of game birds, game quadrupeds, reptiles, amphibians, or fur-bearing animals.

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

The regulation seeks to protect native wildlife populations from commercial exploitation, genetic contamination, and disease transmission.

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

The limited adverse regulatory impacts are offset by the long-term benefits of defining species eligible for collection and possession in captivity and documenting their use. The regulation establishes a level playing field for all industry participants (noncommercial and commercial propagation) and provides a viable source of organisms collected in the wild or raised in captivity. The regulation also provides an avenue to possess live wild animals in captivity and to possess such animals during the closed season. The licensing and record-keeping requirements limit pathways for the sale and movement of illegally taken animals and allow the agency to track the movement of animals that may have been exposed to certain diseases. Further, there are certain restrictions for releasing or introducing captively raised species into the wild.

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

No.

Surrounding state comparison (LSC) (as of August 21, 2024)

| Noncommercial Propagator | | | | | | |
|--|--|--|---|--|-----------------------------------|-----------------------------------|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Type of regulation (Name of regulation) | License (Noncommercial propagating license) <i>(R.C. 1533.71; Dept. of Natural Resources, Wild Animal Propagation – Noncommercial)</i> | License (Game breeder's license, reptile captive breeding license) <i>(Ind. Code 14-22-20-1 to 14-22-20-3; 312 Ind. Admin. Code 9-5-9 and 9-10-4; Ind. Dept. of Natural Resources, Permits and Commercial)</i> | License (Noncommercial captive wildlife permit) <i>(Ky. Rev. Stat. 150.280 and 301; Ky. Admin. Regs. 2:081 and 5:022)</i> | License (Game propagation license) <i>(Mich. Comp. Laws 324.42702 and 324.42704)</i> | No clear equivalent ¹⁰ | No clear equivalent ¹¹ |

¹⁰ According to a telephone call with the Pennsylvania Game Commission.

¹¹ According to a telephone call with the West Virginia Department of Natural Resources.

| Noncommercial Propagator | | | | | | |
|--------------------------|----------------------------|--|---|--|--------------|---------------|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | | <u>Licenses – Game Breeder’s License</u> | | | | |
| 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 | \$25 (R.C. 1533.71) | Game breeders: Minimum \$15 Reptile captive breeding: \$15 (Ind. Code 14-22-20-1; 312 Ind. Admin. Code 9-5-9) | \$75 (301 Ky. Admin. Regs. 5:022) | \$45 to \$150 depending on various factors (Mich. Comp. Laws 324.42704) | N/A | N/A |
| License duration | One year (R.C. 1533.71) | One year for both licenses (Ind. Code 14-22-20-1; 312 Ind. Admin. Code 9-5-9 and 9-10-4) | Three years (301 Ky. Admin. Regs. 2:081) | Three years (Mich. Comp. Laws 324.42702) | N/A | N/A |

| Noncommercial Propagator | | | | | | |
|--------------------------|------------------------|--|---|---|--------------|---------------|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Renewal fee | \$25 (R.C. 1533.71) | Game breeders: Minimum \$15 Reptile captive breeding: \$15 (Ind. Code 14-22- 20-1; 312 Ind. Admin. Code 9-5- 9) | \$75 (301 Ky. Admin. Regs. 5:022) | \$45 to \$150 depending on various factors (Mich. Comp. Laws 324.42704) | N/A | N/A |

Ohio hunter education instructor

Survey response (DNR)

| Description |
|--|
| <p>A volunteer "Ohio hunter education instructor" must be eighteen years of age or older and shall have successfully completed the Ohio hunter education course and the Ohio hunter education instructor course as prescribed by the Division of Wildlife. In addition to these course requirements, an instructor shall complete instruction on teaching techniques, teaching fundamentals, and other methods of instruction. Completion of the hunter education instructor course shall include passing an examination and receiving a hunter education instructor certification card prescribed by the chief of the Division of Wildlife.</p> |

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

Government certification.

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

| | |
|---|---|
| Number issued annually | Approximately 800 |
| Number renewed annually | Approximately 750 |
| Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years? | The number of instructors has slightly decreased over the past six years. This decrease coincides with the availability of online training for hunter education. |
| Education or training requirements | Volunteers must successfully complete the Ohio hunter education course and the Ohio hunter education instructor course as prescribed by the Division of Wildlife. The instructor course includes instruction on teaching techniques, teaching fundamentals, and other methods of instruction. |
| Experience requirements | There are no experience requirements. |

| 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 Department receive any proceeds of those fees? If so, how are the proceeds used?</i>) | Volunteers must pass an examination to receive their Ohio hunter education instructor certification. The Division of Wildlife administers the course and examination. |
| Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>) | There are no continuing education requirements. |
| Initial fee | None. |
| Duration | One year. An instructor must complete eight hours of instruction to remain certified. |
| Renewal fee (<i>If different from initial fee, please explain why.</i>) | None. |
| Does the Department recognize uniform licensure requirements or allow for reciprocity? | Persons possessing a legally obtained "National Rifle Association hunter safety course" card issued to a student prior to 1980, or any other legally obtained hunter education card that identifies the owner and indicates the owner has completed a hunter education course administered by another state or Canadian province are considered to have equivalent training to the Ohio hunter education course requirement. |
| 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 Department? | No |
| Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual? | Yes. Instructor certification may be withheld or withdrawn at the discretion of the chief of the Division of Wildlife. |
| Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>) | A volunteer Ohio hunter education instructor must be at least eighteen and must complete a background check once every two years. |

| Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation. |
|--|
| <p>Ohio Revised Code Section: 1533.10</p> <p>Ohio Administrative Code Section: 1501:31-29-01</p> <p>Instructor certification may be withheld or withdrawn at the discretion of the chief of the Division of Wildlife. All hunter education courses will be conducted and administered in accordance with policies and procedures established by the chief. Volunteer instructors must possess a valid Ohio hunter education instructor certification card when they conduct a course. The official course of instruction will be established by the chief. Courses shall be free of charge except that volunteers may charge nominal fees, per policies established by the chief, to cover training costs such as facility fees.</p> |

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

No fees are charged to volunteers, so no revenue is derived.

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

There are no federal laws that require the state to regulate this occupation.

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

This regulation is intended to ensure that all Ohio hunter education instructors have appropriate training and provide uniform information to students who will become first-time hunting license buyers. Hunter education courses provide entry-level information, including hunting ethics and safe firearm handling instruction to make hunting safer for participants and the public. This curriculum is nationally recognized and accredited.

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

Voluntary certification is the least restrictive way to attain uniform instruction. This program has been in place for decades and has been effective at providing entry-level instruction to first-time hunting license buyers. Completion of a hunter education course is required for first-time hunting license buyers (does not apply to apprentice licenses).

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

No.

Surrounding state comparison (LSC) (as of July 25, 2024)

| Hunter Education Instructor | | | | | | |
|--|--|---|--|---|--|---|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Type of regulation (Name of regulation) | License (Volunteer hunter education instructor certification) | License (Volunteer outdoor education instructor certification) | License (Hunter education volunteer instructor certification) | License (Volunteer recreational safety instructor certification) | License (Certified hunter-trapper education instructor certification) | License (Volunteer hunter instructor certification) <i>(W. Va. Code R. 20-2-30a)¹⁶</i> |

¹⁶ License specific information for West Virginia was obtained via a conversation with WVDNR representative Captain Warren E. Goodson.

| Hunter Education Instructor | | | | | | |
|-----------------------------|--|---|---|---|--|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | (O.A.C. 1501:31-29-01; Dept. of Natural Resources, Ohio hunter educator instructor requirements) | (312 Ind. Admin. Code 9-12-2) ¹² | (Ky. Dept. of Fish & Wildlife Resources, Kentucky hunter education requirements) ¹³ | (Mich. Dept. of Natural Resources, Michigan hunter education requirements) ¹⁴ | (34 Pa. Cons. Stat. 2704(d)(2); Pa. Game Commission, Pennsylvania education requirements) ¹⁵ | |
| Education or training | Complete the Ohio hunter education course, hunter education instructor course, and instruction on teaching techniques, teaching fundamentals, and other methods of instruction | Complete training as instructor | Complete training as instructor | Virtual and in-person training course | Must be a graduate of a student-level hunter education course within an 18-month period prior to or after the date of application New instructor orientation and training (in-person or online) | Completion of basic hunter education course and hunter instructor training, WVDNR official must audit instructor trainee course to determine instructor competency |

¹² License specific information provided by an Indiana DNR representative via telephone call on July 23, 2024.

¹³ License specific information provided by Kentucky DNR representative Courtney Goodman via telephone call on July 25, 2024.

¹⁴ License specific information provided by email from Michigan DNR Law Enforcement – Recreational Safety Department Tech Jeffrey M. Baugher on July 24, 2024.

¹⁵ Pennsylvania Game Commission, [Hunter/Trapper instructor requirements \(PDF\)](#).

| Hunter Education Instructor | | | | | | |
|-----------------------------|---|---------------------------------------|---|--|---|-----------------------------|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Experience | Must have a solid background in hunting | Must have adequate hunting experience | N/A | N/A | Must assist with the instruction of a student-level hunter education course within an 18-month period prior to or after the date of application | N/A |
| Exam | Yes | N/A | Yes | Yes, given at the end of the in-person class | N/A | Yes |
| Continuing education | Volunteer as an instructor for at least four hours per year ¹⁷ | N/A | Yes, must teach at least one class every one to two years | Yes, must attend in-person courses every two years | Yes, must attend one instructor training workshop Must teach or assist with the instruction of at least one student-level course within their specific certification type (e.g., Hunter-Trapper) | Yes, no set number of hours |

¹⁷ Telephone call with the Division of Wildlife, July 18, 2024.

| Hunter Education Instructor | | | | | | |
|-----------------------------|--|-------------|--|--|----------------------------|---------------|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | | | | | Education) every two years | |
| Initial licensure fee | N/A | N/A | N/A | N/A | N/A | N/A |
| License duration | Lifetime if continuing education satisfied | Three years | Lifetime if continuing education satisfied | Lifetime if continuing education satisfied | Two years | Two years |
| Renewal fee | N/A | N/A | N/A | N/A | N/A | N/A |

Ohio trapper education instructor

Survey response (DNR)

| Description |
|--|
| <p>A volunteer "Ohio trapper education instructor" must be eighteen years of age or older with at least three years of experience trapping fur-bearing animals and shall have successfully completed an Ohio trapping education course prescribed by the chief of the Division of Wildlife. In addition to the course requirement, an instructor shall complete courses on teaching techniques, fundamentals, and methods of instruction. Completion of the Ohio trapper education instructor course shall include passing an examination and receiving a trapper education instructor certification card prescribed by the chief of the Division of Wildlife.</p> |

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

Government certification.

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

| | |
|---|--|
| Number issued annually | Approximately 300 |
| Number renewed annually | Approximately 290 |
| Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years? | There have been no significant changes over the past six years. |
| Education or training requirements | A volunteer Ohio trapper education instructor must successfully complete an Ohio trapping education course, which includes instruction on teaching techniques, fundamentals, and methods of instruction. |
| Experience requirements | A volunteer Ohio trapper education instructor must have at least three years of experience trapping fur-bearing animals. |

| 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 Department receive any proceeds of those fees? If so, how are the proceeds used?</i>) | Volunteers must pass an examination to receive their Ohio trapper education instructor certification. The Division of Wildlife administers the course and examination. |
| Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>) | There are no continuing education requirements. |
| Initial fee | None. |
| Duration | One year. |
| Renewal fee (<i>If different from initial fee, please explain why.</i>) | None. |
| Does the Department 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 |

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 Department? | No |
| Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual? | Instructor certification may be withheld or withdrawn at the discretion of the chief of the Division of Wildlife. |
| Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>) | A volunteer Ohio trapper education instructor must be at least eighteen and must complete a background check once every two years. |

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

Ohio Revised Code Section: 1533.111

Ohio Administrative Code Section: 1501:31-29-02

Instructor certification may be withheld or withdrawn at the discretion of the chief of the Division of Wildlife. All trapper education courses will be conducted and administered in accordance with policies and procedures established by the chief. Volunteer instructors must possess a valid Ohio trapper education instructor certification card when they conduct a course. The official course of instruction will be established by the chief.

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

No fees are charged to volunteers, so no revenue is derived.

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

There are no federal laws that require the state to regulate this occupation.

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

This regulation is intended to ensure that all Ohio trapper education instructors have appropriate training and provide uniform information to students who will become first-time fur-taker permit buyers who will participate in trapping. Trapper education courses provide entry-level information, including trapping ethics and appropriate trapping techniques. This curriculum is nationally recognized and accredited.

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

Voluntary certification is the least restrictive way to attain uniform instruction. This program has been in place for decades and has been effective at providing entry-level instruction to first-time fur-taker permit buyers who will participate in trapping. Completion of a trapper education course is required for first-time fur-taker permit buyers who will participate in trapping (does not apply to apprentice licenses).

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

No.

Surrounding state comparison (LSC) (as of July 25, 2024)

| Trapper Education Instructor | | | | | | |
|--|--|--|---------------------|-------------------------------------|-----------------------------------|---------------------|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Type of regulation (Name of regulation) | License (Volunteer trapper education) | License ¹⁸ (Volunteer outdoor) | No clear equivalent | License (Volunteer recreational) | No clear equivalent ²¹ | No clear equivalent |

¹⁸ A permit is required for a person to conduct a trapper education course and set a trap for a wild animal as part of the course.

²¹ A person may be designated an instructor if the Pennsylvania Game Commission deems the person competent to give instruction (34 Pa. Cons. Stat. 2704(d)(2)).

| Trapper Education Instructor | | | | | | |
|------------------------------|--|--|----------|--|--------------|---------------|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | instructor certification) <i>(O.A.C. 1501:31-29-02; Dept. of Natural Resources, Ohio hunter educator instructor requirements)</i> | education instructor permit) <i>(312 Ind. Admin. Code 9-10-24)¹⁹</i> | | safety instructor certification) <i>(Mich. Dept. of Natural Resources, Michigan hunter education requirements)²⁰</i> | | |
| Education or training | Complete Ohio trapper education instruction course and trapping education course | Complete training as instructor | N/A | Virtual and in-person training course | N/A | N/A |
| Experience | Three years of experience trapping furbearing animals | Must be an authorized employee of the Natural Resource Commission, be employed or sponsored by an educational institution or | N/A | N/A | N/A | N/A |

¹⁹ License specific information provided by an Indiana DNR representative via telephone call on July 23, 2024.

²⁰ License specific information provided by email from Michigan DNR Law Enforcement – Recreational Safety Department Tech Jeffrey M. Baugher on July 24, 2024.

| Trapper Education Instructor | | | | | | |
|------------------------------|---|---|----------|--|--------------|---------------|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | | nonprofit organization, or have adequate hunting experience | | | | |
| Exam | Yes | No | N/A | Yes, given at the end of the in-person class | N/A | N/A |
| Continuing education | Volunteer as an instructor for at least four hours per year ²² | N/A | N/A | Yes, must attend in-person courses every two years | N/A | N/A |
| Initial licensure fee | N/A | N/A | N/A | N/A | N/A | N/A |
| License duration | Lifetime if continuing education is satisfied | Three years | N/A | Two years | N/A | N/A |
| Renewal fee | N/A | N/A | N/A | N/A | N/A | N/A |

²² Telephone call with the Division of Wildlife, July 18, 2024.

Shot firer

Survey response (DNR)

| Description | |
|---|-----|
| This certification is no longer available as these duties are now combined in the Mine Foreperson/Foreperson certifications. | |
| Type <i>(License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)</i> | |
| 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 |

| 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? | 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 Department 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 |
| 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 Department 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 Department? | N/A |
| Is the Department 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 Department respecting individuals engaged in the occupation. | |
| N/A | |

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

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 Department would like to see implemented?

This certification is no longer available as these duties are now combined in the Mine Foreperson/Foreperson certifications. The shot firer certification can be removed from statute.

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

Under current Ohio Department of Natural Resources (ODNR) practices, the shot firer certification is automatically granted when a person is certified as a mine foreperson. According to a spokesperson, ODNR no longer issues the shot firer certification as a separate certification. Consequently, the shot firer certification is not an “occupational regulation” and is beyond the scope of this report.

White amur

Survey response (DNR)

| Description | |
|---|------------------------|
| A “white amur permit” is a written authorization from the chief of the Division of Wildlife required to import or sell triploid white amurs within this state. It is unlawful to import or sell triploid white amurs except in accordance with the specifications and limitations as prescribed in the written authorization from the chief. Only triploid white amurs that are certified triploid by the U.S. Fish and Wildlife Service or other person or agency approved by the chief may be imported or sold. | |
| Type (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.) | |
| Registration. | |
| If the regulation is a registration, certification, or license requirement, please complete the following: | |
| Number issued annually | 73 (2019-2023 average) |
| Number renewed annually | 9 (2020-2023 average). |

| 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? | Yes. The number of active registrations has increased since 2019. |
| Education or training requirements | There are no education or training requirements. |
| Experience requirements | There are no experience requirements. |
| Examination requirements (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?</i>) | There are no examination requirements. |
| Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>) | There are no continuing education requirements. |
| Initial fee | There is no fee for a white amur permit. |
| Duration | Licenses are valid for the calendar year for which they are issued. |
| Renewal fee (<i>If different from initial fee, please explain why.</i>) | There is no fee for a white amur permit. |

| If the regulation is a registration, certification, or license requirement, please complete the following: | |
|---|---|
| Does the Department 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? | There are no similar national licenses. |
| Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department? | No. Individual possession of wild animals shall be obtained only in accordance with the Revised Code or Division rules. No person at any time of the year shall take in any manner or possess any number or quantity of wild animals, except wild animals that the Revised Code or Division rules permit to be taken, hunted, killed, or had in possession, and only at the time and place and in the manner that the Revised Code or Division of Wildlife rules prescribe. |
| Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual? | Yes. The chief can determine whether ploidy testing from another agency or source is satisfactory to issue the authorization. |
| Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>) | Persons authorized by the chief to import or sell triploid white amurs must report the total number of triploid white amurs sold and the total number purchased during each month of the year by January 31 st . |

| Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation. |
|--|
| <p>Ohio Revised Code Sections: 1531.02, 1531.06, 1531.08, 1531.10, 1533.31</p> <p>Ohio Administrative Code Sections: 1501:31-1-02, 1501:31-19-01</p> <p>The chief of the Division of Wildlife shall adopt rules in accordance with section 1531.10 of the Revised Code necessary to administer division (N) of section 1531.06 for injurious aquatic invasive species. Diploid white amurs are an injurious aquatic invasive species and cannot be</p> |

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

imported, possessed, or sold. Triploid white amurs can be imported and sold after receiving written authorization from the chief of the Division of Wildlife.

The chief of the Division of Wildlife may permit, forbid, or otherwise regulate the receiving of any species of live wild animals for delivery within the state and the shipping of such wild animals from any point in the state to any point within or without the state. Upon the establishment of such regulations, the chief of the Division of Wildlife or any person designated by them may seize, impound, destroy, or otherwise dispose of such wild animals when received, shipped, or transported in violation of such regulations.

All rules and regulations in the Ohio Revised Code and Ohio Administrative Code for possession, transportation, sale, or purchase of fish apply to white amurs.

Persons authorized by the chief, to import or sell triploid white amurs shall import and/or sell only triploid white amurs that are certified triploid by the U.S. Fish and Wildlife Service, or other person or agency approved by the chief, and shall retain all records of sales of triploid white amurs for a minimum of three years. The total number of triploid white amurs sold and the total number purchased during each month of the year by January 31st. Each sale of triploid white amurs in excess of one hundred fish must be reported within 15 days, including the name and address of the purchaser, the date of the sale, and the number of triploid white amurs sold.

These records must be maintained and open to inspection at all reasonable hours by wildlife officers or any designee of the chief. Provided further, such officers may enter and inspect designated premises and any box, package, or receptacle and the contents for the purpose of determining whether any provision of Chapter 1531. or 1533. of the Revised Code or Division order is being violated.

Violations of 1531.02 of the Revised Code and Division rules are a misdemeanor of the fourth degree. Violations of section 1531.02 of the Revised Code concerning the buying, selling, or offering for sale of any wild animals or parts of wild animals, the minimum value of which animals or parts, in the aggregate, is one thousand dollars or more as established under section 1531.201 of the Revised Code, are a felony of the fifth degree.

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

There is no fee for a white amur permit.

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

No federal law requires the state to regulate the import or sale of white amurs.

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

This regulation seeks to prevent the introduction, establishment, and spread of invasive species that are injurious to the state's natural resources and economy, particularly diploid white amur.

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

This regulation allows a pathway to import and sell live triploid white amurs through written authorization, testing and reporting requirements, and monitoring by the agency in order to protect against the introduction, establishment, and spread of invasive diploid white amurs. Triploid white amurs are sterilized and pose less risk for establishment if they escape into the waters of the state. The fish are imported and stocked into waterbodies to control aquatic vegetation.

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

N/A

Surrounding state comparison (LSC)

LSC staff determined that white amur permit is not an “occupational regulation” under the state’s general policy enacted by S.B. 255 of the 132nd General Assembly and is, therefore, beyond the scope of this report. (See, R.C. 103.27 and 4798.01.)

Wild animal hunting preserve

Survey response (DNR)

Description

“Wild animal hunting preserve” means an area of land where game, captive white-tailed deer, and nonnative wildlife, other than game birds, are released and hunted as authorized by a wild animal hunting preserve license obtained under section 1533.721 of the Revised Code.

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

License

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

| | |
|--------------------------------|------------------------|
| Number issued annually | 17 (2018-2023 average) |
| Number renewed annually | 13 (2018-2023 average) |

| 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 have been no significant increases or decreases in active licenses over the past six years. Wild animal hunting preserves that only have captive white-tailed deer do not expire and do not need to be renewed. New registrations for these preserves are additive because they do not expire, resulting in a slight increase in active licenses over time. On average, there were 48 licensed preserves over the past six years. |
| Education or training requirements | There are no education or training requirements. |
| Experience requirements | There are no experience requirements. |
| Examination requirements (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?</i>) | There are no examination requirements. |
| Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>) | There are no continuing education requirements. |
| Initial fee | \$1,000.00 |
| Duration | A license for a wild animal hunting preserve in which only captive white-tailed deer are kept does not expire. All other licenses expire on April 30th each year. |
| Renewal fee (<i>If different from initial fee, please explain why.</i>) | \$200.00 – The initial fee includes an initial inspection of the facility to ensure the enclosure requirements have been met and are adequate to prevent the ingress and egress of wild white-tailed deer. One or more inspections may be needed to verify that all wild white-tailed deer have been driven from the preserve prior to enclosure. These inspections may require |

| If the regulation is a registration, certification, or license requirement, please complete the following: | |
|--|---|
| | additional personnel and specialized equipment, including aircraft, thermal imaging, or forward-looking infrared (FLIR). |
| Does the Department recognize uniform licensure requirements or allow for reciprocity? | The agency does not allow reciprocity. This license is only applicable to wild animal hunting preserves located in Ohio. Any person (resident or nonresident) may hunt game and nonnative wildlife in a wild animal shooting preserve without first obtaining a hunting license otherwise required by the Ohio Revised Code. |
| 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 licenses. |
| Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department? | <p>No. Individual possession of wild animals shall be obtained only in accordance with the Revised Code or Division of Wildlife rules. No person at any time of the year shall take in any manner or possess any number or quantity of wild animals, except wild animals that the Revised Code or division rules permit to be taken, hunted, killed, or had in possession, and only at the time and place and in the manner that the Revised Code or Division of Wildlife rules prescribe.</p> <p>No person shall offer for hunting or hunt any nonnative wildlife except in a licensed wild animal hunting preserve.</p> |
| Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual? | The chief of the Division of Wildlife, upon payment of the license fee, shall issue to the applicant a wild animal hunting preserve license if the operation of the preserve does not conflict with a prior reasonable public interest. If the agency were to determine that a conflict exists and did not approve the license, the applicant would be entitled to contest the denial as outlined in Chapter 119 of the Ohio Revised Code. |
| Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>) | No wild animal hunting preserve shall be less than eighty acres in area. Each such preserve shall be in one continuous block of land, except that the block of land may be intersected by highways or roads. No wild animal hunting preserve shall be located within one thousand five hundred feet of another such preserve. |

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

The boundaries of each wild animal hunting preserve shall be clearly defined by posting, at intervals of not more than four hundred feet, with signs prescribed by the Division of Wildlife. Each wild animal hunting preserve shall be surrounded by a fence at least eight feet in height, with a minimal deviation not to exceed four percent, that is constructed of a woven wire mesh or such other enclosure approved by the chief of the Division of Wildlife.

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

Ohio Revised Code Sections: 1531.02, 1531.08, 1531.10, 1533.721, 1533.731, 1533.74

Ohio Administrative Code Section: 1501:31-9-07

Inspection of a proposed wild animal hunting preserve shall be conducted, and approval or disapproval of an initial license for such a preserve shall be made between the first day of January through the last day of March of the year in which the applicant first intends to operate the preserve.

The holder of a wild animal hunting preserve license must keep a record of the name and address of each person who takes any game or nonnative wildlife from the preserve. The license holder shall maintain those records for a period of two years and make them available for inspection by the Division of Wildlife at all reasonable times in conjunction with an active criminal investigation.

The holder of a wild animal hunting preserve license who has captive white-tailed deer in the preserve shall keep a record of all known escapes of those deer, deaths of those deer that were not a result of hunting, and laboratory results for testing for chronic wasting disease of those deer that is required by section 943.21 of the Revised Code and rules adopted under section 943.24 of the Revised Code.

It is unlawful to transport or possess any game, captive white-tailed deer, or nonnative wildlife taken from a wild animal hunting preserve without a tag as described in division (C) of section 1533.731 of the Revised Code except captive white-tailed deer must be tagged according to rules adopted under section 943.24 of the Revised Code.

The operator of a wild animal hunting preserve must notify the Division of Wildlife of the escape of any game, captive white-tailed deer, or nonnative wildlife within twenty-four hours of becoming aware of the escape.

In accordance with Chapter 119 of the Revised Code, the chief of the Division of Wildlife may suspend or revoke a wild animal hunting preserve license if the chief finds that the license holder has violated or is violating this chapter or Chapter 1531 of the Revised Code or any division rule. If the wild animal hunting preserve license issued to a person who also has been issued a valid license for that preserve under

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

section 943.03 or 943.031 of the Revised Code, the chief, with the approval of the director of Agriculture, may suspend or revoke a wild animal hunting preserve license if the person fails to comply with this chapter and Chapter 1531 of the Revised Code, division rules, sections 943.20 to 943.26 of the Revised Code, and rules adopted under section 943.24 of the Revised Code.

A violation of the rules pertaining to a wild animal hunting preserve ranges from a first-degree misdemeanor to a fourth-degree misdemeanor.

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

Wild animal hunting preserve license fees annually contribute approximately \$6,600.00 to the Division of Wildlife. These fees are used to administer the program, including licensing and inspections. The initial inspection includes determining whether wild white-tailed deer have been driven from the enclosure. This inspection may require using aircraft utilizing thermal imaging or forward-looking infrared technologies.

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

There are no federal laws that require the state to regulate the occupation.

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

The rule is necessary as game, captive white-tailed deer, and nonnative wildlife may be taken from wild animal hunting preserves outside established hunting seasons and by methods that would otherwise not be permissible. Animals within a preserve may also pose a risk of spreading disease and establishment in the wild if they escape. Accordingly, these animals must be contained within the confines of a preserve and be easily identifiable should they escape.

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

The regulation specifies that the facility must contain any game, captive white-tailed deer, or nonnative wildlife that is released, tag all released game, captive white-tailed deer, or nonnative wildlife, keep accurate daily records as required in R.C. 1533.731 upon forms provided by the agency, and clearly mark the boundaries of the facility with signs. The operator or license holder must notify the agency if any game, captive white-tailed deer, or nonnative wildlife escapes the facility. The current enclosure standards effectively contain most quadrupeds that may be released inside. However, wild boar and feral swine root, dig and may escape under the currently prescribed fencing, posing a risk of establishment in the wild and disease transmission.

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

No.

Surrounding state comparison (LSC) (as of August 21, 2024)

| Wild Animal Hunting Preserve | | | | | | |
|--|--|---|---|---------------------|---|-----------------------------------|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Type of regulation (Name of regulation) | License (Wild animal hunting preserve license) (R.C. 1533.721) | License (Shooting preserve license, hunting preserve license) (Ind. Code 14-22-31-0.5 to 14-22-31-14 and 15-17-14.7 to 15-17-14.7-16) | License (Shooting area permit) (Ky. Rev. Stat. 150.630; 301 Ky. Admin. Regs. 2:041 and 5:022) | No clear equivalent | Permit (Commercial and noncommercial regulated hunting grounds) (34 Pa. Cons. Stat. 2903, 2904, and 2928) | No clear equivalent ²³ |
| 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 | \$1,000 (R.C. 1533.721) | Shooting preserve: \$100 Hunting preserve: \$300 | \$150 (Ky. Dept. of Fish and Wildlife) | N/A | Commercial: \$100 for first 100 acres plus \$25 for each | N/A |

²³ According to a telephone call with the West Virginia Department of Natural Resources.

| Wild Animal Hunting Preserve | | | | | | |
|------------------------------|------------------------------------|--|---|----------|---|---------------|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | | <i>(Ind. Code 14-22-31-2 and 15-17-14.7-4)</i> | <i>Resources, Shooting Areas</i> | | additional 100 acres Noncommercial: \$38 for first 100 acres plus \$8 for each additional 100 acres Total fees for each license are then multiplied by the license duration selected by the applicant <i>(34 Pa. Cons. Stat. 2904)</i> | |
| License duration | One year <i>(R.C. 1533.721)</i> | One year for both licenses <i>(Ind. Code 14-22-31-5 and 15-17-14.7-4)</i> | One year <i>(Ky. Dept. of Fish and Wildlife Resources, Shooting Areas)</i> | N/A | One to three years as selected by applicant <i>(34 Pa. Cons. Stat. 2903)</i> | N/A |
| Renewal fee | \$200 <i>(R.C. 1533.721)</i> | Shooting preserve: \$100 Hunting preserve: \$300 | \$150 <i>(Ky. Dept. of Fish and Wildlife Resources, Shooting Areas)</i> | N/A | Same as initial license fee <i>(34 Pa. Cons. Stat. 2904)</i> | N/A |

| Wild Animal Hunting Preserve | | | | | | |
|------------------------------|------|--|----------|----------|--------------|---------------|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | | <i>(Ind. Code 14-22-31-2 and 15-17-14.7-4)</i> | | | | |

OHIO DEPARTMENT OF HEALTH

Table of Contents

| | |
|---|-----|
| General information (DOH)..... | 1 |
| Clearance technician | 3 |
| Environmental health specialists in training and registered environmental health specialist | 11 |
| Epinephrine autoinjector certification..... | 19 |
| Food protection manager certification for food service operations and person in charge certification in food protection | 27 |
| Lead abatement contractor | 35 |
| Lead abatement project designer | 43 |
| Lead abatement worker..... | 53 |
| Lead inspector..... | 61 |
| Lead principal instructor | 69 |
| Lead risk assessor..... | 74 |
| Lead training manager | 84 |
| Nonagency home health provider | 90 |
| Radiation expert..... | 95 |
| Certified radiation expert | 104 |
| Radiologic occupations (X-ray machine operator, radiographer, radiation therapist, nuclear medicine technologist) | 106 |
| Radon mitigation contractor..... | 123 |
| Radon mitigation specialist..... | 129 |
| Radon tester..... | 137 |

General information (DOH)

Duties

The Ohio Department of Health (ODH) is a cabinet-level agency. The Ohio Department of Health's mission is advancing the health and well-being of all Ohioans.

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

The Ohio Department of Health Director reports to the governor.

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

Total budget appropriations: \$1.03 billion in FY 2024 and \$846.8 million in FY 2025. GRF appropriations are \$92.4 million in FY 2024 and \$94.1 million in FY 2025. (HB 33 Greenbook)

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

Significant workload, including pandemic response.

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

Full Time Perm: 1350

Part Time Perm: 152

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

Included in some of the professions below, ODH holds hearings under Chapter 119.

Clearance technician

Survey response (DOH)

Description

Clearance technician means a person, other than a licensed lead inspector or lead risk assessor, who performs a clearance examination following non-abatement work.

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

License.

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

Number issued annually

90

Number renewed annually

52

| 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. |
| Education or training requirements | 7.2 hours. |
| Experience requirements | N/A |
| Examination requirements (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?</i>) | <p>Yes, the exam is administered by a 3rd party vendor and is competitively bid.</p> <p>Fee: \$70 to the vendor. No exam fees go to ODH.</p> <p>For lead license types, ODH has been subsidizing exam fees if individuals apply for the funding.</p> |
| Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>) | <p>Continuing education requirement is 4 hours every 4 years.</p> <p>Rule:</p> <p>(a) An overview of current safety practices relating to lead activities in general, as well as specific information pertaining to the appropriate discipline;</p> <p>(b) An update on current laws and regulations relating to lead activities in general, as well as specific information pertaining to the appropriate discipline; and</p> <p>(c) An update on current technologies related to lead activities in general, as well as specific information pertaining to the appropriate discipline;</p> |

| If the regulation is a registration, certification, or license requirement, please complete the following: | |
|--|---|
| Initial fee | \$250 |
| Duration | 2 years |
| Renewal fee <i>(If different from initial fee, please explain why.)</i> | \$250 |
| Does the Department 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? | No. |
| Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department? | No. |
| Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual? | Yes, ODH could refuse to issue or renew a license. This would include reviewing history for non-compliance/enforcement issue history. Not renewing a license would mean an opportunity for a hearing under Chapter 119. |

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 Department respecting individuals engaged in the occupation.

ORC 3742/OAC 3701-32

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

\$23,000. The revenue is used to administer the lead licensure and accreditation program.

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

Title IV Toxic Substances Control Act (TSCA), 40 CFR Part 745. Ohio is authorized by the US EPA to implement the lead licensure and accreditation program. If ODH does not enforce the regulation the regulation will revert to implementation by the US EPA.

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

Childhood lead poisoning. Lead can damage nearly every system in the human body and has harmful effects on both adults and children.

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 childhood lead poisoning.

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

Not at this time.

Surrounding state comparison (LSC) (as of July 30, 2024)

| Clearance Technician | | | | | | |
|--|---|---|--|---|---------------------|---------------------|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Type of regulation (Name of regulation) | License (Clearance technician license) <i>(R.C. 3742.02)</i> | License (Clearance examiner license) <i>(Ind. Code 16-41-39.8-3)</i> | License (Lead dust sampling technician certificate) <i>(Ky. Rev. Stat. 211.9063)</i> | License (Clearance technician certificate) <i>(Mich. Comp. Laws 333.5461 and 333.5468)</i> | No clear equivalent | No clear equivalent |
| Education or training | Not more than six training hours unless certified by the American Board of Industrial Hygiene as a certified industrial hygienist or industrial | Five training hours that follows the U.S. Environmental Protection Agency (USEPA)-approved Lead Sampling Technician training course | Eight training hours <i>(Ky. Rev. Stat. 211.9063; 902 Ky. Admin. Regs. 48:020 and 48:030)</i> | High school diploma or equivalent or meet the experience requirements described below Eight-hour core lead basics course | N/A | N/A |

| Clearance Technician | | | | | | |
|----------------------|---|---|---|--|--------------|---------------|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | hygienist-in-training or registered as an environmental health specialist or environmental health specialist in training <i>(R.C. 3742.03)</i> | Two-hour rules awareness course, if the lead-based paint training course is not Indiana-approved <i>(Ind. Code 16-41-39.8-3; 410 Ind. Admin. Code 32-2-3 and 32-3-3)</i> | | Eight-hour clearance technician training course <i>(Mich. Comp. Laws 333.5468; Mich. Admin. Code R. 325.99205, 325.99210, and 325.99302)</i> | | |
| Experience | N/A | N/A | N/A | One year of experience in a related field, if no high school diploma or equivalent <i>(Mich. Comp. Laws 333.5468; Mich. Admin. Code R. 325.99302)</i> | N/A | N/A |
| Exam | Yes <i>(R.C. 3742.05 and 3742.08)</i> | Yes <i>(Ind. Code 16-41-39.8-3)</i> | Yes <i>(Ky. Rev. Stat. 211.9063; 902 Ky. Admin. Regs. 48:020 and 48:030)</i> | Yes <i>(Mich. Comp. Laws 333.5468)</i> | N/A | N/A |

| Clearance Technician | | | | | | |
|-----------------------|--|---|---|--|--------------|---------------|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Continuing education | Not more than a two-hour refresher training program on current safety practices, laws, and technologies relating to lead activities every four years <i>(R.C. 3742.03; O.A.C. 3701-82-01.3)</i> | Approved refresher training course (no minimum hours specified) <i>(Ind. Code 16-41-39.8-3; 410 Ind. Admin. Code 32-2-5)</i> | Four-hour refresher course covering the same topics as the initial course and current safety practices, laws, and technologies relating to lead-hazard activities <i>(Ky. Rev. Stat. 211.9063; 902 Ky. Admin. Regs. 48:020 and 48:030)</i> | Eight-hour refresher course covering the same topics as the initial course and current safety practices, laws, and technologies relating to lead-based paint activities <i>(Mich. Admin. Code R. 325.99212 and 325.99304)</i> | N/A | N/A |
| Initial licensure fee | \$250 <i>(R.C. 3742.03; O.A.C. 3701-32-04)</i> | \$150 <i>(Ind. Code 16-41-39.8-6; 410 Ind. Admin. Code 32-2-9)</i> | \$50 application fee plus \$100 fee <i>(Ky. Rev. Stat. 211.9067; 902 Ky. Admin. Regs. 48:020)</i> | \$25 initial application fee plus \$50 per year certification fee <i>(Mich. Comp. Laws 333.5471)</i> | N/A | N/A |
| License duration | Two years <i>(R.C. 3742.05)</i> | Three years <i>(Ind. Code 16-41-39.8-3)</i> | Two years <i>(902 Ky. Admin. Regs. 48:020)</i> | Three years <i>(Mich. Comp. Laws 333.5468)</i> | N/A | N/A |

| Clearance Technician | | | | | | |
|----------------------|---|---|--|---|--------------|---------------|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Renewal fee | \$250 <i>(R.C. 3742.05; O.A.C. 3701-32-04)</i> | \$150 <i>(Ind. Code 16-41-39.8-6; 410 Ind. Admin. Code 32-2-9)</i> | \$100 <i>(Ky. Rev. Stat. 211.9067; 902 Ky. Admin. Regs. 48:020)</i> | \$50 per year <i>(Mich. Comp. Laws 333.5471)</i> | N/A | N/A |

Environmental health specialists in training and registered environmental health specialist Survey response (DOH)

| Description |
|--|
| Registered environmental health specialist (REHS) / specialist in training (EHSIT) means a person who performs for compensation educational, investigational, technical, or administrative duties requiring specialized knowledge and skills in the field of environmental health science. |
| Type <i>(License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)</i> |
| Registration. |

| If the regulation is a registration, certification, or license requirement, please complete the following: | |
|---|--|
| Number issued annually | For the period of 7/1/2023 - 6/30/2024: 156 EHSIT & 64 REHS. |
| Number renewed annually | For the period of 7/1/2023 - 6/30/2024: 78 EHSIT & 790 REHS. |
| 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 / ORC 3776.05. |
| Experience requirements | 2 Years under REHS or 1 Year under REHS with master's degree / ORC 3776.05. |
| Examination requirements (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?</i>) | The exam is administered by ODH. The National Environmental Health Administration (NEHA) is the vendor we use to provide the exam for all candidates. The fee for the exam is \$280/attempt and that fee is determined by NEHA. ODH charges a total of \$330 for the exam, and any revenue that is collected on top of the fee charged by NEHA is to pay staff salary for processing time. Reference: ORC 3776.06. |
| Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>) | All registrants are required to complete at least 24 hours of approved continuing education during the renewal period. |
| Initial fee | REHS: \$100 / EHSIT: \$50. |

| If the regulation is a registration, certification, or license requirement, please complete the following: | |
|--|--|
| Duration | 2-year registration. |
| Renewal fee <i>(If different from initial fee, please explain why.)</i> | REHS: \$75 / EHSIT: \$35 / Late fee: \$75. Renewal fees were lowered as part of legislation that was passed in 2023. |
| Does the Department 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 Department? | Yes. Some local health districts utilize environmental health techs. These individuals are able to report their observations and perform activities that do not require specialized knowledge or skill in the field of environmental health. |
| Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual? | Yes. An individual must have 30 semester hours, or 45 quarter hours completed within their bachelor's degree to be eligible for registration. Those hours must be science or math. ODH has some discretion regarding the courses that will apply. / ORC 3776.05. |
| Other information <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i> | |

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

ORC 3776.09

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

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 purpose of the environmental health specialist program is to register individuals who are educated in the practice of environmental health science by using the educational, investigational, technical, and administrative skills they have learned in the field of environmental health to protect the public.

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

Yes. REHS/EHSITs are employed at the state and local level to oversee air quality, food quality & protection, hazardous & toxic substances, consumer product safety, housing, institutional health & safety, radiation protection, solid & liquid waste management, vector control, milk & drinking water quality, & rabies control. This profession has experienced reduced regulation due to legislation in 2023.

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

Not at this time.

Surrounding state comparison (LSC) (as of July 31, 2024)

In Ohio, an individual may be issued an environmental health specialist in training license if the individual holds a bachelor's degree or higher either in environmental health science or with 45 quarter units or 30 semester units of approved science courses and pays a \$50 license fee. The license is valid for four years, although the Director of Health may extend the licensing term for an additional two years. A license holder must complete 24 hours of continuing education every two years and pay a \$35 fee to renew the license.¹

West Virginia issues a similar license as a sanitarian-in-training to an individual who holds a bachelor's or higher degree and pays a \$50 license fee. The individual must complete a 300-hour sanitarian's training course within 12 months of being hired as a sanitarian-in-training. A sanitarian-in-training license is valid for three years. A license holder must complete 15 hours of continuing education every year and pay a \$50 fee to renew the license.²

While Kentucky does not issue a separate license, an individual who has been issued an initial environmental health specialist license must complete a public health training program under the direct supervision of a licensed environmental health specialist.³

| Registered Environmental Health Specialist | | | | | | |
|--|--|---------------------|---|--|---------------------|---|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Type of regulation (Name of regulation) | License (Environmental health specialist certificate of registration) (R.C. 3776.11) | No clear equivalent | License (Environmental health specialist registration) (Ky. Rev. Stat. 223.080) | License (Sanitarian registration) (Mich. Comp. Laws 333.18411) | No clear equivalent | License (Registered sanitarian license) (W. Va. Code 30-17-1) |
| Education or training | Bachelor's degree or higher either in | N/A | High school diploma or | Bachelor's degree or higher either in | N/A | Bachelor's degree or higher from an |

¹ R.C. 3776.05, 3776.07, and 3776.08.

² W. Va. Code 30-17-10; W. Va. Code R. 20-4-5.

³ 902 Ky. Admin. Regs. 10:030.

| Registered Environmental Health Specialist | | | | | | |
|--|--|---------|--|--|--------------|---|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | environmental health science or with 45 quarter units or 30 semester units of approved science courses <i>(R.C. 3776.05)</i> | | equivalent and a four-year degree with either a minor or 24 semester hours in environmental health, biological science, or physical science <i>(Ky. Rev. Stat. 223.030)</i> | environmental health or with 45 quarter hours or 30 semester hours of science courses and courses in mathematics or statistics <i>(Mich. Admin. Code R. 338.3913)</i> | | accredited school and a 300-hour sanitarian's training course <i>(W. Va. Code 30-17-8)</i> |
| Experience | One year of full-time employment as an environmental health specialist for an applicant who has a bachelor's degree in environmental health science or a higher degree or two years of full-time employment as an environmental health specialist for all other applicants | N/A | N/A | 4,000 hours in planning, developing, or implementing systems to improve the quality of environmental factors that affect public health for an applicant who does not have a degree in environmental health <i>(Mich. Admin. Code R. 338.3925)</i> | N/A | Two years of experience in the field of public health sanitation and environmental health science An applicant may substitute a master's or higher degree in public health, environmental science, sanitary science, community hygiene, or another science |

| Registered Environmental Health Specialist | | | | | | |
|--|---|---------|---|---|--------------|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | (R.C. 3776.05) | | | | | field for one year of experience (W. Va. Code 30-17-8; W. Va. Code R. 20-4-3) |
| Exam | Yes; Registered Environmental Health Specialist/ Registered Sanitarian Exam administered by the National Environmental Health Association (NEHA) (R.C. 3776.06; Ohio Dept. of Health, Environmental Health Specialist Registration in Ohio (PDF)) | N/A | Yes (Ky. Rev. Stat. 223.030) | Yes; Registered Environmental Health Specialist/ Registered Sanitarian Exam administered by NEHA (Mich. Admin. Code R. 338.3923) | N/A | Yes; Registered Sanitarian Exam administered by NEHA (W. Va. Code 30-17-8; W. Va. Code R. 20-4-8) |
| Continuing education | 24 hours every two years (R.C. 3776.07) | N/A | Ten hours every year (902 Ky. Admin. Regs. 10:030) | N/A | N/A | 15 hours every year (W. Va. Code R. 20-4-5) |

| Registered Environmental Health Specialist | | | | | | |
|--|---|---------|---------------------------------------|--|--------------|-------------------------------------|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Initial licensure fee | \$100 (\$50 if the applicant is licensed as an environmental health specialist in training) (R.C. 3776.08) | N/A | \$50 (902 Ky. Admin. Regs. 10:030) | \$20 application processing fee plus \$50 per year license fee (Mich. Comp. Laws 333.16347) | N/A | \$50 (W. Va. Code R. 20-4-5) |
| License duration | Two years (R.C. 3776.07) | N/A | One year (Ky. Rev. Stat. 223.050) | Two years (Mich. Admin. Code R. 338.3931) | N/A | One year (W. Va. Code R. 20-4-5) |
| Renewal fee | \$75 (R.C. 3776.08) | N/A | \$20 (902 Ky. Admin. Regs. 10:030) | \$50 per year (Mich. Comp. Laws 333.16347) | N/A | \$50 (W. Va. Code R. 20-4-5) |

Epinephrine autoinjector certification

Survey response (DOH)

| Description |
|--|
| ODH offers a training for epinephrine autoinjectors. Individuals who complete the training receive a certificate showing completion. The course title is "Anaphylaxis Training for Qualified Entities." The training length is 38 minutes. |

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

N/A. This is a 38-minute training available where a certificate of completion of the training is provided.

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 |

| 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 Department 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 | 38 minutes |
| Renewal fee (<i>If different from initial fee, please explain why.</i>) | N/A |
| Does the Department 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 |

| 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 Department? | N/A |
| Is the Department 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 Department respecting individuals engaged in the occupation. |
|--|
| N/A |

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

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 Department would like to see implemented?

N/A

Surrounding state comparison (LSC) (as of September 3, 2024)

| Epinephrine Auto-injector | | | | | | |
|--|--|---|--|--|---|---|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Type of regulation (Name of regulation) | Certification (Certificate to administer an epinephrine auto-injector) <i>(R.C. 3728.05)</i> | Certification (Certificate to administer auto-injectable epinephrine) <i>(Ind. Code 16-41-43-4)</i> | Certification (Certificate to administer an injectable epinephrine device or bronchodilator rescue inhaler) | Certification (Certificate to administer auto-injectable epinephrine) <i>(Mich. Comp. Laws 333.17744d)</i> | Certification (Certificate to administer an epinephrine auto-injector) <i>(35 Pa. Cons. Stat. 5503)</i> | Certification (Authorization to administer an epinephrine auto-injector) <i>(W. Va. Code 16-50-4)</i> |

| Epinephrine Auto-injector | | | | | | |
|---------------------------|---|--|---|--|---|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | | | <i>(Ky. Rev. Stat. 311.646)</i> | | | |
| Education or training | <p>Training that covers recognizing severe allergic reactions, administering and storing epinephrine auto-injectors, and emergency follow-up procedures</p> <p>Training may be conducted by a nationally recognized organization experienced in providing emergency health care training to individuals who are not health care professionals or by another approved provider</p> | <p>Training in recognizing anaphylaxis and properly administering auto-injectable epinephrine</p> <p><i>(Ind. Code 16-41-43-4)</i></p> | <p>Training for recognizing the symptoms of anaphylaxis and asthma and administering an injectable epinephrine device or a bronchodilator rescue inhaler</p> <p><i>(Ky. Rev. Stat. 311.646)</i></p> | <p>Anaphylaxis training program that covers recognizing symptoms of allergic reactions, storing and administering auto-injectable epinephrine, and emergency follow-up procedures</p> <p>Training must be conducted by a nationally recognized organization experienced in training laypersons in emergency health treatment or by another approved provider</p> | <p>Anaphylaxis training program that covers recognizing symptoms of allergic reactions, storing and administering an epinephrine auto-injector, and emergency follow-up procedures</p> <p>Training must be conducted by a nationally recognized organization experienced in training laypersons in emergency health treatment or by another approved provider</p> | <p>Educational training program that includes recognizing symptoms of allergic reactions and properly administering a subcutaneous injection of epinephrine auto-injector</p> <p>Training must be conducted by a nationally recognized organization experienced in training laypersons in emergency health treatment or by another approved provider</p> <p><i>(W. Va. Code 16-50-3)</i></p> |

| Epinephrine Auto-injector | | | | | | |
|---------------------------|--|---------|----------|--|----------------------------------|---------------|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | <i>(R.C. 3728.04)</i> | | | <i>(Mich. Comp. Laws 333.17744d)</i> | <i>(35 Pa. Cons. Stat. 5503)</i> | |
| Experience | N/A | N/A | N/A | N/A | N/A | N/A |
| Exam | Yes <i>(R.C. 3728.04; Ohio Dept. of Health, Epinephrine Autoinjector Use)</i> | N/A | N/A | N/A | N/A | N/A |
| Continuing education | N/A | N/A | N/A | Anaphylaxis training program every two years <i>(Mich. Comp. Laws 333.17744d)</i> | 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 |

Food protection manager certification for food service operations and person in charge certification in food protection

Survey response (DOH)

| Description | |
|--|--|
| <p>Manager (formerly called level two) certification in food protection is a process of training and testing to assure an individual has achieved a level of competency in skills and knowledge of food safety necessary to be certified in food protection. The Director of Health is authorized to approve manager certification courses and course providers and certify individuals who successfully complete a manager certification in food protection course and examination.</p> | |
| Type <i>(License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)</i> | |
| <p>Government Certification.</p> | |
| If the regulation is a registration, certification, or license requirement, please complete the following: | |
| Number issued annually | 14,000 |
| Number renewed annually | N/A. Manager certificates do not expire. |

| 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 an increase in number of certificates issued in 2017 and 2018. Since then, the number of certificates issued has been consistent. |
| Education or training requirements | To be certified by the Director of Health, an individual must complete a manager certification in food protection course approved by Ohio Dept. of Health and pass an ANSI-approved exam. |
| Experience requirements | There are no experience requirements for certification in food protection. |
| Examination requirements (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?</i>) | Manager certification examinations are certified by the American National Standards Institute (ANSI). The exam can be proctored by a course provider approved by ODH or can be taken online with an online proctor. There are multiple ANSI-approved exams and exam proctors to choose from. There is a fee to complete the course and exam, which will vary by company or provider. ODH does not charge fees to issue certificates or receive proceeds from exams. |
| There are no experience requirements to be certified. | There are no continuing education requirements for certification in food protection. |
| Initial fee | ODH does not charge fees to issue certificates. |
| Duration | The time to complete the course and exam will vary by person or provider, but the average time is 6-8 hours. |
| Renewal fee (<i>If different from initial fee, please explain why.</i>) | N/A. Manager certificates do not have to be renewed. |

| If the regulation is a registration, certification, or license requirement, please complete the following: | |
|--|---|
| Does the Department recognize uniform licensure requirements or allow for reciprocity? | Individuals who complete a course and exam from a provider not approved by ODH or complete an online course and exam may apply to receive a manager certificate from ODH. |
| Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation? | There are some states that issue a similar manager certificate. If an individual from another state has completed a course and examination that comply with OAC 3701-21-25, they may apply to receive a manager certificate from ODH. |
| Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department? | Yes, individuals may work in the food industry without a certification. |
| Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual? | No, but certification is not required for an individual to work in the food industry. |
| Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>) | |

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

ORC 3717.09 authorizes the Director of Health to approve courses of study for certification in food protection as it pertains to retail food establishments and as it pertains to food service operations and certify individuals in food protection who successfully complete a course of study. ORC 3717.51 authorizes the Director to adopt rules for Procedures to be used by the director of health in approving courses of study for persons seeking certification in food protection, standards that must be met to receive and maintain the director's approval, and procedures for withdrawing the director's approval of a course if the standards for approval are no longer being met.

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

ODH does not charge fees for manager certification (no revenue).

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

Federal law does not require ODH to regulate certification in food protection.

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

The purpose of the certification in food protection program is to protect and promote food safety for the welfare of the public by reducing the risk of foodborne illnesses.

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

Studies conducted by the Centers for Disease Control have concluded that facilities that have a manager certified in food protection have fewer food code violations, better food safety practices, and are less likely to be a source of a foodborne illness.

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

Not at this time.

Surrounding state comparison (LSC) (as of September 6, 2024)

| Manager Certification in Food Protection | | | | | | |
|--|---|--|--|--|---|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Type of regulation (Name of regulation) | License (Manager certification in food protection) <i>(R.C. 3717.09)</i> | License (Certified food protection manager) <i>(Ind. Code 16-42-5.2-7.1 and 16-42-5.2-7.5)</i> | License (Certified food protection manager) <i>(Ky. Rev. Stat. 217.127; 902 Ky. Admin. Regs. 45:005; 2013 Food and Drug Administration (FDA) Food Code 2-102.12)</i> | License (Certified food safety manager) <i>(Mich. Comp. Laws 289.2129)</i> | License (Food employee certificate) <i>(3 Pa. Cons. Stat. 6504)</i> | License (Certified food protection manager) <i>(W. Va. Code 16-6-2; W. Va. Code R. 64-17-3; 2013 FDA Food Code 2-102.12)</i> |
| Education or training | Manager certification in food protection course <i>(R.C. 3717.51; O.A.C. 3701-21-25)</i> | N/A | N/A | N/A | N/A | N/A |
| Experience | N/A | N/A | N/A | N/A | N/A | N/A |
| Exam | Yes; Conference for Food Protection standards for food | Yes; accreditation exam given by an accredited testing service recognized | Yes <i>(Ky. Rev. Stat. 217.127; 902 Ky. Admin. Regs.)</i> | Yes; American National Standards Institute or | Yes; exam conducted by a certification program | Yes <i>(W. Va. Code 16-6-2; W. Va. Code R. 64-17-3; 2013)</i> |

| Manager Certification in Food Protection | | | | | | |
|--|---|--|--|---|---|---|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | safety certification exam <i>(R.C. 3717.51; O.A.C. 3701-21-25)</i> | by the Conference for Food Protection or an equivalent nationally recognized certification program <i>(Ind. Code 16-42-5.2-3.7)</i> | <i>45:005; 2013 FDA Food Code 2-102.12)</i> | Conference for Food Protection nationally accredited exam <i>(Mich. Comp. Laws 289.2129; Mich. Dept. of Agriculture & Rural Development, Food Manager Certification)</i> | recognized by the Conference for Food Protection <i>(3 Pa. Cons. Stat. 6503)</i> | <i>FDA Food Code 2-102.12)</i> |
| Continuing education | N/A | N/A | N/A | N/A | N/A | N/A |
| Initial licensure fee | Varies (fee is set by the public or private course provider) <i>(R.C. 3717.25 and 3717.45; O.A.C. 3701-21-02.1 and 3701-21-25)</i> | Varies (fee is set by the private certification provider) <i>(Ind. Code 16-42-5.2-3.7)</i> | Varies (fee is set by the private certification provider) <i>(Ky. Rev. Stat. 217.127; 902 Ky. Admin. Regs. 45:005; 2013 FDA Food Code 2-102.12)</i> | Varies (fee is set by the private certification provider) <i>(Mich. Dept. of Agriculture & Rural Development, Food Manager Certification)</i> | Varies (fee is set by the private certification provider) | Varies (fee is set by the private certification provider) <i>(W. Va. Code 16-6-2; W. Va. Code R. 64-17-3; 2013 FDA Food Code 2-102.12)</i> |
| License duration | N/A | Five years | N/A | Five years | Valid for the interval prescribed by the | N/A |

| Manager Certification in Food Protection | | | | | | |
|--|------|---|----------|--|---|---------------|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | | <i>(Ind. Code 16-42-5.2-7.1)</i> | | <i>(Mich. Comp. Laws 289.2129; Mich. Admin. Code R. 289.570.2; Mich. Dept. of Agriculture & Rural Development, Food Manager Certification)</i> | accredited certification program <i>(3 Pa. Cons. Stat. 6504)</i> | |
| Renewal fee | N/A | Varies (fee is set by the private certification provider) <i>(Ind. Code 16-42-5.2-3.7)</i> | N/A | Varies (fee is set by the private certification provider) <i>(Mich. Dept. of Agriculture & Rural Development, Food Manager Certification)</i> | Varies (fee is set by the private certification provider) | N/A |

In Ohio, certain food service operations and retail food establishments must have a person in charge who is certified by the Director of Health. A person in charge is the individual present at a food service operation or retail food establishment who is responsible for the operation at the time of inspection. To be issued a person in charge certification, an individual must complete a person in charge certification course approved by the Director. The course curriculum includes a verbal or written exercise; the written

exercise does not have a passing score. The fee an individual pays to attend a course varies depending on the fee charged by the public or private course provider.⁴

None of the surrounding states appear to require that an individual hold a person in charge certification or an equivalent authorization.

Lead abatement contractor

Survey response (DOH)

| Description |
|--|
| Lead abatement contractor means any individual who engages in or intends to engage in lead abatement who may employ or supervise one or more lead abatement workers, including on-site supervision of lead abatement projects, or prepares specifications, plans, or documents for a lead abatement project. |
| Type (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.) |
| License. |

⁴ R.C. 3717.09, 3717.25, 3717.45, and 3717.51; O.A.C. 3701-21-01, 3701-21-02.1, and 3701-21-25.

| If the regulation is a registration, certification, or license requirement, please complete the following: | |
|---|--|
| Number issued annually | 382 |
| Number renewed annually | 120 |
| Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years? | Increase. |
| Education or training requirements | 40 hours. |
| Experience requirements | At least one year experience as a lead abatement worker; or at least two years experience in asbestos, lead abatement, radon or other environmental remediation or building construction. |
| Examination requirements (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?</i>) | Yes – There is a 3 rd party vendor that is competitively bid. The exam cost is \$70 charged for the vendor. No exam fees go to ODH. |
| Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>) | Continuing education requirements are established in rule. (a) An overview of current safety practices relating to lead activities in general, as well as specific information pertaining to the appropriate discipline; (b) An update on current laws and regulations relating to lead activities in general, as well as specific information pertaining to the appropriate discipline; and |

| If the regulation is a registration, certification, or license requirement, please complete the following: | |
|--|---|
| | (c) An update on current technologies related to lead activities in general, as well as specific information pertaining to the appropriate discipline; |
| Initial fee | \$500 |
| Duration | 2 years. |
| Renewal fee <i>(If different from initial fee, please explain why.)</i> | \$500 |
| Does the Department recognize uniform licensure requirements or allow for reciprocity? | ODH recognizes current out-of-state licenses for reciprocity consideration. |
| Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation? | US EPA offers certification for states that don't have state licensure. |
| Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department? | No. |
| Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual? | Yes, ODH could refuse to issue or renew a license. This would include reviewing history for non-compliance/enforcement issue history. Not renewing a license would mean an opportunity for a hearing under Chapter 119. |

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.*)

Statewide HUD funding is conditioned to states where the state administers the US EPA lead licensure and accreditation program.

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

ORC 3742/OAC 3701-32

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

\$190k, revenue used to administer the lead licensure and accreditation program and provide resources for oversight.

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

Title IV Toxic Substances Control Act (TSCA), 40 CFR Part 745. Ohio is authorized by the US EPA to implement the lead licensure and accreditation program, if ODH does not enforce the regulation the regulation will revert to implementation by the US EPA.

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

Childhood lead poisoning.

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.

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

Not at this time.

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

| Lead Abatement Contractor | | | | | | |
|--|---|--|--|---|--|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Type of regulation (Name of regulation) | License (Lead abatement contractor license) <i>(R.C. 3742.02)</i> | License (Lead-based paint activities contractor license) <i>(Ind. Code 16-41-39.8-3)</i> | License (Lead-hazard supervisor certificate) <i>(Ky. Rev. Stat. 211.9063)</i> | License (Lead abatement supervisor certificate) <i>(Mich. Comp. Laws 333.5461 and 333.5468)</i> | License (Supervisor certificate) <i>(35 P.S. 5910)</i> | License (Supervisor license) <i>(W. Va. Code 16-35-5)</i> |
| Education or training | 40 training hours based on OSHA training program for lead unless certified by the American Board of Industrial Hygiene as a certified industrial hygienist or | 32-hour lead-based paint training course for supervisors Two-hour rules awareness course if the lead-based paint training | High school diploma or equivalent 32-hour lead-hazard training course for supervisors <i>(Ky. Rev. Stat. 211.9063; 902 Ky.</i> | Eight-hour core lead basics course Eight-hour training course for lead abatement supervisors 16-hour training course for lead workers | 32-hour lead-based paint training program that meets USEPA requirements <i>(35 P.S. 5906; 34 Pa. Code 203.4; 40 C.F.R. 745.225 and 745.226)</i> | 32-hour lead-based paint training program that meets USEPA requirements <i>(W. Va. Code 16-35-5; W. Va. Code R. 64-45-4 and 64-</i> |

| Lead Abatement Contractor | | | | | | |
|---------------------------|--|--|---|---|--|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | industrial hygienist-in-training or registered as an environmental health specialist or environmental health specialist in training <i>(R.C. 3742.03; O.A.C. 3701-82-01.3)</i> | course is not Indiana-approved <i>(Ind. Code 16-41-39.8-3; 410 Ind. Admin. Code 32-2-3 and 32-3-3)</i> | <i>Admin. Regs. 48:020 and 48:030)</i> | <i>(Mich. Comp. Laws 333.5468; Mich. Admin. Code R. 325.99205, 325.99206, 325.99207, and 325.99302)</i> | | <i>45-16; 40 C.F.R. 745.225)</i> |
| Experience | One year of experience as a lead abatement worker or two years in asbestos, lead abatement, radon, or other environmental remediation or building construction <i>(R.C. 3742.03; O.A.C. 3701-32-04)</i> | One year of experience as a licensed lead-based paint abatement worker or two years in a related field <i>(Ind. Code 16-41-39.8-3; 410 Ind. Admin. Code 32-2-3)</i> | Two years of related work experience <i>(Ky. Rev. Stat. 211.9063; 902 Ky. Admin. Regs. 48:020)</i> | One year of experience as a certified lead abatement worker or two years in a related field <i>(Mich. Comp. Laws 333.5468; Mich. Admin. Code R. 325.99302)</i> | One year of experience as a certified lead-based paint abatement worker or two years in a related field or in the building trades <i>(35 P.S. 5906; 34 Pa. Code 203.4; 40 C.F.R. 745.226)</i> | Must be at least 18 years of age One year of experience as a lead abatement worker or two years in a related field or the building trades <i>(W. Va. Code 16-35-5; W. Va. Code R. 64-45-4)</i> |

| Lead Abatement Contractor | | | | | | |
|---------------------------|---|---|--|--|---|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Exam | Yes <i>(R.C. 3742.05 and 3742.08)</i> | Yes <i>(Ind. Code 16-41-39.8-3)</i> | Yes <i>(Ky. Rev. Stat. 211.9063; 902 Ky. Admin. Regs. 48:020 and 48:030)</i> | Yes <i>(Mich. Comp. Laws 333.5468)</i> | Yes <i>(35 P.S. 5906)</i> | Yes <i>(W. Va. Code 16-35-5)</i> |
| Continuing education | Eight-hour refresher training program on current safety practices, laws, and technologies relating to lead activities every two years <i>(R.C. 3742.03; O.A.C. 3701-82-01.3)</i> | Eight-hour refresher course covering the same topics as the initial supervisor course and current safety practices, laws, and technologies relating to lead-based paint activities <i>(Ind. Code 16-41-39.8-3; 410 Ind. Admin. Code 32-2-5 and 32-3-4)</i> | Eight-hour refresher course covering the same topics as the initial course and current safety practices, laws, and technologies relating to lead-hazard activities <i>(Ky. Rev. Stat. 211.9063; 902 Ky. Admin. Regs. 48:020 and 48:030)</i> | Eight-hour refresher course covering the same topics as the initial course and current safety practices, laws, and technologies relating to lead-based paint activities <i>(Mich. Admin. Code R. 325.99212 and 325.99304)</i> | Eight-hour refresher course covering the same topics as the initial course and current safety practices, laws, and technologies relating to lead-based paint <i>(35 P.S. 5906; 34 Pa. Code 203.3; 40 C.F.R. 745.225)</i> | Eight-hour refresher course covering the same topics as the initial course and current safety practices, laws, and technologies relating to lead-based paint every three years <i>(W. Va. Code 16-35-5; W. Va. Code R. 64-45-4 and 64-45-16; 40 C.F.R. 745.225)</i> |
| Initial licensure fee | \$500 <i>(R.C. 3742.03; O.A.C. 3701-32-04)</i> | \$150 <i>(Ind. Code 16-41-39.8-6; 410 Ind. Admin. Code 32-2-5 and 32-3-4)</i> | \$50 application fee plus \$150 fee <i>(Ky. Rev. Stat. 211.9067; 902 Ky. Admin. Regs. 48:020 and 48:030)</i> | \$25 initial application fee plus \$50 per year certification fee | \$75 <i>(35 P.S. 5909; 34 Pa. Code 203.8)</i> | \$100 <i>(W. Va. Code 16-35-5; W. Va. Code R. 64-45 Table A)</i> |

| Lead Abatement Contractor | | | | | | |
|---------------------------|---|---|--|---|--|---|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | | <i>Admin. Code 32-2-9)</i> | <i>Admin. Regs. 48:020)</i> | <i>(Mich. Comp. Laws 333.5471)</i> | | |
| License duration | Two years <i>(R.C. 3742.05)</i> | Three years <i>(Ind. Code 16-41-39.8-3)</i> | Two years <i>(902 Ky. Admin. Regs. 48:020)</i> | Three years <i>(Mich. Comp. Laws 333.5468)</i> | One year <i>(35 P.S. 5906)</i> | One year <i>(W. Va. Code R. 64-45-4)</i> |
| Renewal fee | \$500 <i>(R.C. 3742.03; O.A.C. 3701-32-04)</i> | \$150 <i>(Ind. Code 16-41-39.8-6; 410 Ind. Admin. Code 32-2-9)</i> | \$150 <i>(Ky. Rev. Stat. 211.9067; 902 Ky. Admin. Regs. 48:020)</i> | \$50 per year <i>(Mich. Comp. Laws 333.5471)</i> | \$75 <i>(35 P.S. 5909; 34 Pa. Code 203.8)</i> | \$100 <i>(W. Va. Code 16-35-5; W. Va. Code R. 64-45 Table A)</i> |

Lead abatement project designer

Survey response (DOH)

| Description |
|---|
| Lead abatement project designer means a person who is responsible for designing lead abatement projects and preparing a pre-abatement plan for all designed projects, and who engages in or intends to engage in lead abatement who may employ or supervise one or more lead abatement workers, including on-site supervision of lead abatement projects, or prepares specifications, plans, or documents for a lead abatement project. |

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

License.

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

| | |
|---|---|
| Number issued annually | 3 |
| Number renewed annually | 1 |
| Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years? | No. |
| Education or training requirements | 56 hours. |
| Experience requirements | A bachelor's degree in engineering, architecture, or a related profession, and one year experience in building construction and design or a related field; or Have four years experience in building construction and design or a related field. |

| 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 Department receive any proceeds of those fees? If so, how are the proceeds used?</i>) | Yes, the testing is completed by a 3 rd party vendor, competitively bid. The cost is \$70 to the vendor. No exam fees go to ODH. |
| Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>) | <p>Continuing education requirement of 8 hours is established in rule.</p> <p>(a) An overview of current safety practices relating to lead activities in general, as well as specific information pertaining to the appropriate discipline;</p> <p>(b) An update on current laws and regulations relating to lead activities in general, as well as specific information pertaining to the appropriate discipline; and</p> <p>(c) An update on current technologies related to lead activities in general, as well as specific information pertaining to the appropriate discipline;</p> |
| Initial fee | \$500 |
| Duration | 2 year. |
| Renewal fee (<i>If different from initial fee, please explain why.</i>) | \$500 |
| Does the Department recognize uniform licensure requirements or allow for reciprocity? | Yes. |

| 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? | No. |
| Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department? | No. |
| Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual? | Yes, ODH could refuse to issue or renew a license. This would include reviewing history for non-compliance/enforcement issue history. Not renewing a license would mean an opportunity for a hearing under Chapter 119. |
| Other information <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i> | |

| Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation. |
|--|
| ORC 3742/OAC 3701-32 |

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

\$1500 over the biennium. The revenue is used to administer the lead licensure and accreditation program.

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

Title IV Toxic Substances Control Act (TSCA), 40 CFR Part 745. Ohio is authorized by the US EPA to implement the lead licensure and accreditation program, if ODH does not enforce the regulation the regulation will revert to implementation by the US EPA.

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

Childhood lead poisoning

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.

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

Not at this time.

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

| Lead Abatement Project Designer | | | | | | |
|--|--|---|--|---|---|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Type of regulation (Name of regulation) | License (Lead abatement project designer license) (R.C. 3742.02) | License (Project designer license) (Ind. Code 16-41-39.8-3) | License (Lead-hazard project designer certificate) (Ky. Rev. Stat. 211.9063) | License (Project designer certificate) (Mich. Comp. Laws 333.5461 and 333.5468) | License (Project designer certificate) (35 P.S. 5910) | License (Project designer license) (W. Va. Code 16-35-5) |

| Lead Abatement Project Designer | | | | | | |
|---------------------------------|--|--|--|---|--|---|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Education or training | <p>24 training hours based on OSHA training program for lead and 32-hour lead abatement contractor training program unless certified by the American Board of Industrial Hygiene as a certified industrial hygienist or industrial hygienist-in-training or registered as an environmental health specialist or environmental health specialist in training</p> <p><i>(R.C. 3742.03; O.A.C. 3701-32-04 and 3701-82-01.3)</i></p> | <p>32-hour lead-based paint training course for supervisors</p> <p>Eight-hour lead-based paint training course for project designers</p> <p>Two-hour rules awareness course if the lead-based paint training courses are not Indiana-approved</p> <p><i>(Ind. Code 16-41-39.8-3; 410 Ind. Admin. Code 32-2-3 and 32-3-3)</i></p> | <p>32-hour training course for supervisors</p> <p>Eight-hour training course for lead-hazard project designers</p> <p><i>(Ky. Rev. Stat. 211.9063; 902 Ky. Admin. Regs. 48:020 and 48:030)</i></p> | <p>Hold a lead abatement supervisor certificate</p> <p>Eight-hour training course for project designers</p> <p><i>(Mich. Comp. Laws 333.5468; Mich. Admin. Code R. 325.99211 and 325.99302)</i></p> | <p>Eight-hour lead-based paint training program that meets USEPA requirements</p> <p><i>(35 P.S. 5906; 34 Pa. Code 203.4; 40 C.F.R. 745.225 and 745.226)</i></p> | <p>Eight-hour lead-based paint training program that meets USEPA requirements</p> <p><i>(W. Va. Code 16-35-5; W. Va. Code R. 64-45-4 and 64-45-16; 40 C.F.R. 745.225)</i></p> |

| Lead Abatement Project Designer | | | | | | |
|---------------------------------|--|--|---|--|--|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Experience | <p>Have either:</p> <ul style="list-style-type: none"> ▪ If hold a bachelor's degree in engineering, architecture, or related profession, one year of experience in building construction and design or related field; ▪ If no bachelor's degree, four years of experience in building construction and design or a related field <p>(R.C. 3742.03; O.A.C. 3701-32-04)</p> | <p>Have either:</p> <ul style="list-style-type: none"> ▪ If hold a bachelor's degree in engineering, architecture, or related profession, one year of experience in building construction and design or related field; ▪ If no bachelor's degree, four years of experience in building construction and design or related field <p>(Ind. Code 16-41-39.8-3; 410 Ind. Admin. Code 32-2-3)</p> | <p>Have either:</p> <ul style="list-style-type: none"> ▪ If hold a bachelor's degree in engineering, architecture, or related profession, one year of related work experience; ▪ If no bachelor's degree, four years of related work experience <p>(Ky. Rev. Stat. 211.9063; 902 Ky. Admin. Regs. 48:020)</p> | <p>Have either:</p> <ul style="list-style-type: none"> ▪ If hold a bachelor's degree in engineering, architecture, or related profession, one year of experience in building construction and design or related field; ▪ If no bachelor's degree, four years of experience in building construction and design or related field <p>(Mich. Comp. Laws 333.5468; Mich. Admin. Code R. 325.99302)</p> | <p>Have either:</p> <ul style="list-style-type: none"> ▪ If hold a bachelor's degree in engineering, architecture, or related profession, one year of experience in building construction and design or related field; ▪ If no bachelor's degree, four years of experience in building construction or related field <p>(35 P.S. 5906; 34 Pa. Code 203.4; 40 C.F.R. 745.225 and 745.226)</p> | <p>Must be at least 18 years of age</p> <p>Have either:</p> <ul style="list-style-type: none"> ▪ If hold a bachelor's degree in engineering, architecture, or related profession, one year of experience in building construction and design or related field; ▪ If no bachelor's degree, four years of experience in building construction and design or related field <p>(W. Va. Code 16-35-5; W. Va. Code R. 64-45-4)</p> |

| Lead Abatement Project Designer | | | | | | |
|---------------------------------|---|--|--|--|--|---|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Exam | Yes <i>(R.C. 3742.05 and 3742.08)</i> | Yes <i>(Ind. Code 16-41-39.8-3)</i> | Yes <i>(Ky. Rev. Stat. 211.9063; 902 Ky. Admin. Regs. 48:020 and 48:030)</i> | Yes <i>(Mich. Comp. Laws 333.5468)</i> | Yes <i>(35 P.S. 5906)</i> | Yes <i>(W. Va. Code 16-35-5)</i> |
| Continuing education | Eight-hour refresher training program on current safety practices, laws, and technologies relating to lead activities every two years <i>(R.C. 3742.03; O.A.C. 3701-82-01.3)</i> | Eight-hour refresher course covering the same topics as the initial supervisor course and current safety practices, laws, and technologies relating to lead-based paint activities Four-hour refresher course covering the same topics as the initial project designer course <i>(Ind. Code 16-41-39.8-3; 410 Ind.</i> | Eight-hour refresher course covering the same topics as the initial course and current safety practices, laws, and technologies relating to lead-hazard activities <i>(Ky. Rev. Stat. 211.9063; 902 Ky. Admin. Regs. 48:020 and 48:030)</i> | Four-hour refresher course covering the same topics as the initial project designer course and current safety practices, laws, and technologies relating to lead-based paint activities <i>(Mich. Admin. Code R. 325.99212 and 325.99304)</i> | Four-hour refresher course covering the same topics as the initial course and current safety practices, laws, and technologies relating to lead-based paint <i>(35 P.S. 5906; 34 Pa. Code 203.3; 40 C.F.R. 745.225)</i> | Four-hour refresher course covering the same topics as the initial course and current safety practices, laws, and technologies relating to lead-based paint every three years <i>(W. Va. Code 16-35-5; W. Va. Code R. 64-45-4 and 64-45-16; 40 C.F.R. 745.225)</i> |

| Lead Abatement Project Designer | | | | | | |
|---------------------------------|---|---|--|--|---|---|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | | <i>Admin. Code 32-2-5 and 32-3-4)</i> | | | | |
| Initial licensure fee | \$500 <i>(R.C. 3742.03; O.A.C. 3701-32-04)</i> | \$150 <i>(Ind. Code 16-41-39.8-6; 410 Ind. Admin. Code 32-2-9)</i> | \$50 application fee plus \$300 fee <i>(Ky. Rev. Stat. 211.9067; 902 Ky. Admin. Regs. 48:020)</i> | \$25 initial application fee plus \$150 per year certification fee <i>(Mich. Comp. Laws 333.5471)</i> | \$200 <i>(35 P.S. 5909; 34 Pa. Code 203.8)</i> | \$100 <i>(W. Va. Code 16-35-5; W. Va. Code R. 64-45 Table A)</i> |
| License duration | Two years <i>(R.C. 3742.05)</i> | Three years <i>(Ind. Code 16-41-39.8-3)</i> | Two years <i>(902 Ky. Admin. Regs. 48:020)</i> | Three years <i>(Mich. Comp. Laws 333.5468)</i> | One year <i>(35 P.S. 5906)</i> | One year <i>(W. Va. Code R. 64-45-4)</i> |
| Renewal fee | \$500 <i>(R.C. 3742.03; O.A.C. 3701-32-04)</i> | \$150 <i>(Ind. Code 16-41-39.8-6; 410 Ind. Admin. Code 32-2-9)</i> | \$300 <i>(Ky. Rev. Stat. 211.9067; 902 Ky. Admin. Regs. 48:020)</i> | \$150 per year <i>(Mich. Comp. Laws 333.5471)</i> | \$200 <i>(35 P.S. 5909; 34 Pa. Code 203.8)</i> | \$100 <i>(W. Va. Code 16-35-5; W. Va. Code R. 64-45 Table A)</i> |

Lead abatement worker

Survey response (DOH)

| Description | |
|---|-----|
| Lead abatement worker means an individual responsible in a non-supervisory capacity for the performance of lead abatement. | |
| Type <i>(License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)</i> | |
| License. | |
| If the regulation is a registration, certification, or license requirement, please complete the following: | |
| Number issued annually | 259 |
| Number renewed annually | 184 |

| 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? | Increasing. |
| Education or training requirements | 24 hours. (Reduced from 32 hours). |
| Experience requirements | N/A |
| Examination requirements (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?</i>) | Yes, 3 rd party vendor, competitive bid, \$70, No exam fees go to ODH they stay with the vendor. |
| Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>) | <p>Continuing education requirements established in rule. 8 hours during the 2-year licensure period.</p> <p>(a) An overview of current safety practices relating to lead activities in general, as well as specific information pertaining to the appropriate discipline;</p> <p>(b) An update on current laws and regulations relating to lead activities in general, as well as specific information pertaining to the appropriate discipline; and</p> <p>(c) An update on current technologies related to lead activities in general, as well as specific information pertaining to the appropriate discipline;</p> |

| If the regulation is a registration, certification, or license requirement, please complete the following: | |
|--|---|
| Initial fee | \$50 |
| Duration | 2 years. |
| Renewal fee <i>(If different from initial fee, please explain why.)</i> | \$50 |
| Does the Department 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? | No. |
| Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department? | No. |
| Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual? | Yes, ODH could refuse to issue or renew a license. This would include reviewing history for non-compliance/enforcement issue history. Not renewing a license would mean an opportunity for a hearing under Chapter 119. |

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 Department respecting individuals engaged in the occupation.

ORC 3742/OAC 3701-32

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

\$13,000 annual revenue. This is used to administer the lead licensure and accreditation program.

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

Title IV Toxic Substances Control Act (TSCA), 40 CFR Part 745. Ohio is authorized by the US EPA to implement the lead licensure and accreditation program, if ODH does not enforce the regulation the regulation will revert to implementation by the US EPA.

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

Childhood lead poisoning

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.

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

Not at this time.

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

| Lead Abatement Worker | | | | | | |
|--|--|---|---|--|--|---|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Type of regulation (Name of regulation) | License (Lead abatement worker license) <i>(R.C. 3742.02)</i> | License (Lead-based paint abatement worker license) <i>(Ind. Code 16-41-39.8-3)</i> | License (Lead-hazard abatement worker certificate) <i>(Ky. Rev. Stat. 211.9063)</i> | License (Abatement worker certificate) <i>(Mich. Comp. Laws 333.5461 and 333.5468)</i> | License (Worker certification) <i>(35 P.S. 5910)</i> | License (Worker license) <i>(W. Va. Code 16-35-5)</i> |
| Education or training | 24 training hours based on OSHA training program for lead unless certified by the American Board of Industrial Hygiene as a certified industrial hygienist or industrial | 16-hour lead-based paint training course for workers Two-hour rules awareness course if the lead-based paint training course is not Indiana-approved | 16-hour lead-hazard training course for lead-hazard abatement workers <i>(Ky. Rev. Stat. 211.9063; 902 Ky. Admin. Regs. 48:020 and 48:030)</i> | Eight-hour core lead basics course 16-hour training course for lead workers <i>(Mich. Comp. Laws 333.5468; Mich. Admin. Code R. 325.99205,</i> | 16-hour lead-based paint training program that meets USEPA requirements <i>(35 P.S. 5906; 34 Pa. Code 203.4; 40 C.F.R. 745.225 and 742.226)</i> | 16-hour lead-based paint training program that meets USEPA requirements <i>(W. Va. Code 16-35-5; W. Va. Code R. 64-45-4 and 64-45-16; 40 C.F.R. 745.225)</i> |

| Lead Abatement Worker | | | | | | |
|-----------------------|--|--|--|---|---|---|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | hygienist-in-training or registered as an environmental health specialist or environmental health specialist in training (R.C. 3742.03; O.A.C. 3701-32-04 and 3701-82-01.3) | (Ind. Code 16-41-39.8-3; 410 Ind. Admin. Code 32-2-3 and 32-3-3) | | 325.99206, and 325.99302) | | |
| Experience | N/A | N/A | N/A | N/A | N/A | Must be at least 18 years of age (W. Va. Code 16-35-5; W. Va. Code R. 64-45-4) |
| Exam | Yes (R.C. 3742.05 and 3742.08) | Yes (Ind. Code 16-41-39.8-3) | Yes (Ky. Rev. Stat. 211.9063; 902 Ky. Admin. Regs. 48:020 and 48:030) | Yes (Mich. Comp. Laws 333.5468) | Yes (35 P.S. 5906) | Yes (W. Va. Code 16-35-5) |
| Continuing education | Eight-hour refresher training program on current safety | Eight-hour refresher course covering the same topics as the | Eight-hour refresher course covering the same topics as the | Eight-hour refresher course covering the same topics as the | Eight-hour refresher course covering the same topics as the | Eight-hour refresher course covering the same topics as the |

| Lead Abatement Worker | | | | | | |
|-----------------------|---|--|--|--|---|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | practices, laws, and technologies relating to lead activities every two years (<i>R.C. 3742.03; O.A.C. 3701-82-01.3</i>) | initial course and current safety practices, laws, and technologies relating to lead-based paint activities (<i>Ind. Code 16-41-39.8-3; 410 Ind. Admin. Code 32-2-5 and 32-3-4</i>) | initial course and current safety practices, laws, and technologies relating to lead-hazard activities (<i>Ky. Rev. Stat. 211.9063; 902 Ky. Admin. Regs. 48:020 and 48:030</i>) | initial course and current safety practices, laws, and technologies relating to lead-based paint activities (<i>Mich. Admin. Code R. 325.99212 and 325.99304</i>) | initial course and current safety practices, laws, and technologies relating to lead-based paint (<i>35 P.S. 5906; 34 Pa. Code 203.3; 40 C.F.R. 745.225</i>) | initial course and current safety practices, laws, and technologies relating to lead-based paint every three years (<i>W. Va. Code 16-35-5; W. Va. Code R. 64-45-4 and 64-45-16; 40 C.F.R. 745.225</i>) |
| Initial licensure fee | \$50 (<i>R.C. 3742.03; O.A.C. 3701-32-04</i>) | \$150 (<i>Ind. Code 16-41-39.8-6; 410 Ind. Admin. Code 32-2-9</i>) | \$50 application fee plus \$75 fee (<i>Ky. Rev. Stat. 211.9067; 902 Ky. Admin. Regs. 48:020</i>) | \$25 application fee plus \$25 per year certification fee (<i>Mich. Comp. Laws 333.5471</i>) | \$50 (<i>35 P.S. 5909; 34 Pa. Code 203.8</i>) | \$50 (<i>W. Va. Code 16-35-5; W. Va. Code R. 64-45 Table A</i>) |
| License duration | Two years (<i>R.C. 3742.05</i>) | Three years (<i>Ind. Code 16-41-39.8-3</i>) | Two years (<i>902 Ky. Admin. Regs. 48:020</i>) | Three years (<i>Mich. Comp. Laws 333.5468</i>) | One year (<i>35 P.S. 5906</i>) | One year (<i>W. Va. Code R. 64-45-4</i>) |
| Renewal fee | \$50 (<i>R.C. 3742.03; O.A.C. 3701-32-04</i>) | \$150 (<i>Ind. Code 16-41-39.8-6; 410 Ind.</i>) | \$75 (<i>Ky. Rev. Stat. 211.9067; 902 Ky.</i>) | \$25 per year (<i>Mich. Comp. Laws 333.5471</i>) | \$50 (<i>35 P.S. 5909; 34 Pa. Code 203.8</i>) | \$50 (<i>W. Va. Code 16-35-5; W. Va. Code R. 64-45 Table A</i>) |

| Lead Abatement Worker | | | | | | |
|-----------------------|------|----------------------------|-----------------------------|----------|--------------|---------------|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | | <i>Admin. Code 32-2-9)</i> | <i>Admin. Regs. 48:020)</i> | | | |

Lead inspector

Survey response (DOH)

| Description |
|---|
| Lead inspector means any individual who conducts a lead inspection, provides professional advice regarding a lead inspection, or prepares a report explaining the results of a lead inspection. Lead inspectors can perform lead-based paint inspections and lead clearance examinations. |
| Type <i>(License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)</i> |
| License. |

| If the regulation is a registration, certification, or license requirement, please complete the following: | |
|--|---|
| Number issued annually | 7 |
| Number renewed annually | 5 |
| Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years? | No. |
| Education or training requirements | 24 hours. |
| Experience requirements | N/A. |
| Examination requirements (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?</i>) | Yes, the exam is administered by a 3 rd party vendor, competitively bid. The exam cost is \$70 to the vendor. No exam fees go to ODH. |
| Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>) | Continuing education requirement is 8 hours (federal minimum standard). Rule: (a) An overview of current safety practices relating to lead activities in general, as well as specific information pertaining to the appropriate discipline; |

| If the regulation is a registration, certification, or license requirement, please complete the following: | |
|--|--|
| | <p>(b) An update on current laws and regulations relating to lead activities in general, as well as specific information pertaining to the appropriate discipline; and</p> <p>(c) An update on current technologies related to lead activities in general, as well as specific information pertaining to the appropriate discipline;</p> |
| Initial fee | \$250 |
| Duration | 2 years. |
| Renewal fee <i>(If different from initial fee, please explain why.)</i> | \$250 |
| Does the Department 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? | No. |
| Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department? | No. |

If the regulation is a registration, certification, or license requirement, please complete the following:**Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual?**

Yes, ODH could refuse to issue or renew a license. This would include reviewing history for non-compliance/enforcement issue history. Not renewing a license would mean an opportunity for a hearing under Chapter 119.

Other information (*Significant attributes or prerequisites to licensure not addressed in this chart.*)**Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.**

ORC 3742/OAC 3701-32

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

\$2,000 annual revenue. The revenue is used to administer the lead licensure and accreditation program.

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

Title IV Toxic Substances Control Act (TSCA), 40 CFR Part 745. Ohio is authorized by the US EPA to implement the lead licensure and accreditation program, if ODH does not enforce the regulation the regulation will revert to implementation by the US EPA.

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

Childhood lead poisoning

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.

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

Not at this time.

Surrounding state comparison (LSC) (as of July 30, 2024)

| Lead Inspector | | | | | | |
|--|--|---|---|--|---|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Type of regulation (Name of regulation) | License (Lead inspector license) (R.C. 3742.02) | License (Inspector license) (Ind. Code 16-41-39.8-3) | License (Lead-hazard inspector certificate) (Ky. Rev. Stat. 211.9063) | License (Inspector certificate) (Mich. Comp. Laws 333.5461 and 333.5468) | License (Inspector-technician certificate) (35 P.S. 5910) | License (Lead inspector license) (W. Va. Code 16-35-5) |
| Education or training | 24 classroom training hours based on the U.S. Occupational Safety and Health Act (OSHA) training program for lead unless certified by the American Board of Industrial | High school diploma or GED 24 hours in a lead-based paint training course Two-hour rules awareness course, if the lead-based paint training | High school diploma or equivalent 24 training hours (Ky. Rev. Stat. 211.9063; 902 Ky. Admin. Regs. 48:020 and 48:030) | High school diploma or equivalent Eight-hour core lead basics course 16-hour training course for inspectors (Mich. Comp. Laws 333.5468; Mich. | 24-hour lead-based paint training program that meets USEPA requirements (35 P.S. 5906; 34 Pa. Code 203.4; 40 C.F.R. 745.225) | 24-hour lead-based paint training program that meets USEPA requirements (W. Va. Code 16-35-5; W. Va. Code R. 64-45-4 and 64-45-16; 40 C.F.R. 745.225) |

| Lead Inspector | | | | | | |
|----------------|--|---|--|--|------------------------------|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | Hygiene as a certified industrial hygienist or industrial hygienist-in-training or registered as an environmental health specialist or environmental health specialist in training <i>(R.C. 3742.03; O.A.C. 3701-82-01.3)</i> | course is not Indiana-approved <i>(Ind. Code 16-41-39.8-3; 410 Ind. Admin. Code 32-2-3 and 32-3-3)</i> | | <i>Admin. Code R. 325.99205, 325.99208, and 325.99302)</i> | | |
| Experience | N/A | N/A | One year of related work experience <i>(Ky. Rev. Stat. 211.9063; 902 Ky. Admin. Regs. 48:020)</i> | N/A | N/A | Must be at least 18 years of age <i>(W. Va. Code 16-35-5; W. Va. Code R. 64-45-4)</i> |
| Exam | Yes <i>(R.C. 3742.05 and 3742.08)</i> | Yes <i>(Ind. Code 16-41-39.8-3)</i> | Yes <i>(Ky. Rev. Stat. 211.9063; 902 Ky. Admin. Regs.)</i> | Yes <i>(Mich. Comp. Laws 333.5468)</i> | Yes <i>(35 P.S. 5906)</i> | Yes <i>(W. Va. Code 16-35-5)</i> |

| Lead Inspector | | | | | | |
|-----------------------|--|---|---|---|--|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | | | 48:020 and 48:030) | | | |
| Continuing education | Eight-hour refresher training program on current safety practices, laws, and technologies relating to lead activities every two years (R.C. 3742.03; O.A.C. 3701-82-01.3) | Eight-hour refresher course covering the same topics as the initial course and current safety practices, laws, and technologies relating to lead-based paint activities (Ind. Code 16-41-39.8-3; 410 Ind. Admin. Code 32-2-5 and 32-3-4) | Eight-hour refresher course covering the same topics as the initial course and current safety practices, laws, and technologies relating to lead-hazard activities (Ky. Rev. Stat. 211.9063; 902 Ky. Admin. Regs. 48:020 and 48:030) | Eight-hour refresher course covering the same topics as the initial course and current safety practices, laws, and technologies relating to lead-based paint activities (Mich. Admin. Code R. 325.99212 and 325.99304) | Eight-hour refresher course covering the same topics as the initial course and current safety practices, laws, and technologies relating to lead-based paint (35 P.S. 5906; 34 Pa. Code 203.3; 40 C.F.R. 745.225) | Eight-hour refresher course covering the same topics as the initial course and current safety practices, laws, and technologies relating to lead-based paint every three years (W. Va. Code R. 64-45-4 and 64-45-16; 40 C.F.R. 745.225) |
| Initial licensure fee | \$250 (R.C. 3742.03; O.A.C. 3701-32-04) | \$150 (Ind. Code 16-41-39.8-6; 410 Ind. Admin. Code 32-2-9) | \$50 application fee plus \$200 fee (Ky. Rev. Stat. 211.9067; 902 Ky. Admin. Regs. 48:020) | \$25 application fee plus \$150 per year certification fee (Mich. Comp. Laws 333.5471) | \$200 (35 P.S. 5909; 34 Pa. Code 203.8) | \$100 (W. Va. Code 16-35-5; W. Va. Code R. 64-45 Table A) |
| License duration | Two years (R.C. 3742.05) | Three years (Ind. Code 16-41-39.8-3) | Two years (902 Ky. Admin. Regs. 48:020) | Three years (Mich. Comp. Laws 333.5468) | One year (35 P.S. 5906) | One year (W. Va. Code R. 64-45-4) |

| Lead Inspector | | | | | | |
|----------------|---|---|--|--|---|---|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Renewal fee | \$250 <i>(R.C. 3742.03; O.A.C. 3701-32-04)</i> | \$150 <i>(Ind. Code 16-41-39.8-6; 410 Ind. Admin. Code 32-2-9)</i> | \$200 <i>(Ky. Rev. Stat. 211.9067; 902 Ky. Admin. Regs. 48:020)</i> | \$150 per year <i>(Mich. Comp. Laws 333.5471)</i> | \$200 <i>(35 P.S. 5909; 34 Pa. Code 203.8)</i> | \$100 <i>(W. Va. Code 16-35-5; W. Va. Code R. 64-45 Table A)</i> |

Lead principal instructor

Survey response (DOH)

| Description |
|--|
| Lead principal instructors are approved as part of a given training course approval. No occupational licenses are issued for this discipline. |
| Type <i>(License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)</i> |
| 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 Department 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 |

| If the regulation is a registration, certification, or license requirement, please complete the following: | |
|--|-----|
| Duration | N/A |
| Renewal fee <i>(If different from initial fee, please explain why.)</i> | N/A |
| Does the Department 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 Department? | N/A |
| Is the Department 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 Department respecting individuals engaged in the occupation.

N/A

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

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 Department would like to see implemented?

Not at this time.

Surrounding state comparison (LSC)

Under Ohio law, a qualified principal instructor must teach an approved training program. The training program operator designates a person who has met specified training or experience requirements. Although the training program must designate a person as a qualified principal instructor as part of the training program's requirements for approval,⁵ that designation is not an "occupational regulation" and is beyond the scope of this report.

Lead risk assessor

Survey response (DOH)

Description

Lead risk assessor means a person who is responsible for developing a written inspection, risk assessment and analysis plan; conducting inspections for lead hazards in a residential unit, child care facility, or school; interpreting results of inspections or risk assessments; identifying hazard control strategies to reduce or eliminate lead exposures; and completing a risk assessment report.

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

License.

⁵ See O.A.C. 3701-82-01.1.

| If the regulation is a registration, certification, or license requirement, please complete the following: | |
|---|--|
| Number issued annually | 263 |
| Number renewed annually | 130 |
| Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years? | Increase. |
| Education or training requirements | 40 hours. |
| Experience requirements | 1-3 years experience in lead, asbestos, or other environmental remediation work or building construction. The experience length required is dependent on the applicant's level of education. |
| Examination requirements (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?</i>) | Yes, the exam is administered by a 3 rd party vendor, competitively bid. The cost is \$70 to the exam vendor. No exam fees go to ODH. |
| Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>) | Continuing education requirements are 8 hours every two years including: (a) An overview of current safety practices relating to lead activities in general, as well as specific information pertaining to the appropriate discipline; (b) An update on current laws and regulations relating to lead activities in general, as well as specific information pertaining to the appropriate discipline; and |

| If the regulation is a registration, certification, or license requirement, please complete the following: | |
|--|---|
| | (c) An update on current technologies related to lead activities in general, as well as specific information pertaining to the appropriate discipline; |
| Initial fee | \$250 |
| Duration | 2 years. |
| Renewal fee <i>(If different from initial fee, please explain why.)</i> | \$250 |
| Does the Department 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? | No. |
| Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department? | No. |
| Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual? | Yes, ODH could refuse to issue or renew a license. This would include reviewing history for non-compliance/enforcement issue history. Not renewing a license would mean an opportunity for a hearing under Chapter 119. |

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 Department respecting individuals engaged in the occupation.

ORC 3742/OAC 3701-32

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

\$66,000 annually. The revenue used to administer the lead licensure and accreditation program.

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

Title IV Toxic Substances Control Act (TSCA), 40 CFR Part 745. Ohio is authorized by the US EPA to implement the lead licensure and accreditation program, if ODH does not enforce the regulation the regulation will revert to implementation by the US EPA.

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

Childhood lead poisoning

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.

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

Not at this time.

Surrounding state comparison (LSC) (as of July 30, 2024)

| Lead Risk Assessor | | | | | | |
|--|---|--|--|--|--|---|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Type of regulation (Name of regulation) | License (Lead risk assessor license) <i>(R.C. 3742.02)</i> | License (Risk assessor license) <i>(Ind. Code 16-41-39.8-3)</i> | License (Lead-hazard risk assessor) <i>(Ky. Rev. Stat. 211.9063)</i> | License (Risk assessor certificate) <i>(Mich. Comp. Laws 333.5461 and 333.5468)</i> | License (Inspector-risk assessor certificate) <i>(35 P.S. 5910)</i> | License (Lead risk assessor license) <i>(W. Va. Code 16-35-5)</i> |
| Education or training | 24 classroom training hours based on the OSHA training program for lead and 16-hour lead inspector training program, unless certified by the American Board of Industrial | 16-hour lead-based paint training course for risk assessors 24-hour lead-based paint training course for inspectors Two-hour rules awareness course, | 24-hour training course for inspectors 16-hour training course for lead-hazard risk assessors Have any one of the following: | Eight-hour core lead basics course 16-hour training course for inspectors 16-hour training course for risk assessors | 16-hour lead-based paint training program that meets USEPA requirements Have any one of the following: ▪ Certification as an industrial hygienist, | 16-hour lead-based paint training program that meets USEPA requirements Hold a lead inspectors license Have any one of the following: |

| Lead Risk Assessor | | | | | | |
|--------------------|--|--|--|--|--|---|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | <p>Hygiene as a certified industrial hygienist or industrial hygienist-in-training or registered as an environmental health specialist or environmental health specialist in training</p> <p>Have any one of the following:</p> <ul style="list-style-type: none"> ▪ An industrial hygienist, engineer, architect, or related license; ▪ A bachelor's degree; ▪ An associate's degree; ▪ A high school diploma or equivalent | <p>if the lead-based paint training course is not Indiana-approved</p> <p>Have any one of the following:</p> <ul style="list-style-type: none"> ▪ A bachelor's degree; ▪ An associate's degree; ▪ A high school diploma or GED <p><i>(Ind. Code 16-41-39.8-3; 410 Ind. Admin. Code 32-2-3 and 32-3-3)</i></p> | <ul style="list-style-type: none"> ▪ An industrial hygienist, professional engineer, registered architect, or registered sanitarian certificate; ▪ A bachelor's degree; ▪ An associate's degree; ▪ A high school diploma or equivalent <p><i>(Ky. Rev. Stat. 211.9063; 902 Ky. Admin. Regs. 48:020 and 48:030)</i></p> | <p>Have any one of the following:</p> <ul style="list-style-type: none"> ▪ Certification as an industrial hygienist, safety professional, professional engineer, nurse, sanitarian, architect, or in a related field; ▪ A bachelor's degree; ▪ An associate's degree; ▪ A high school diploma or equivalent <p><i>(Mich. Comp. Laws 333.5468; Mich. Admin. Code R. 325.99205, 325.99208, 325.99209, and 325.99302)</i></p> | <p>professional engineer, architect, or in another related engineering, health, or environmental field;</p> <ul style="list-style-type: none"> ▪ A bachelor's degree; ▪ An associate's degree; ▪ A high school diploma or equivalent <p><i>(35 P.S. 5906; 34 Pa. Code 203.4; 40 C.F.R. 745.225 and 745.226)</i></p> | <ul style="list-style-type: none"> ▪ Certification as an industrial hygienist, professional engineer, registered architect, registered sanitarian, or in a related engineering, health, or environmental field; ▪ A bachelor's degree; ▪ An associate's degree; ▪ A high school diploma or equivalent <p><i>(W. Va. Code 16-35-5; W. Va. Code R. 64-45-4 and 64-45-16; 40 C.F.R. 745.225)</i></p> |

| Lead Risk Assessor | | | | | | |
|--------------------|--|---|--|---|---|---|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | <i>(R.C. 3742.03; O.A.C. 3701-32-04 and 3701-82-01.3)</i> | | | | | |
| Experience | <p>Amount of relevant experience required is based on level of education attained:</p> <ul style="list-style-type: none"> ▪ If hold an industrial hygienist, engineer, architect, or related license, none; ▪ If hold a bachelor's degree, one year; ▪ If hold an associate's degree, two years; ▪ If hold a high school diploma | <p>Amount of relevant experience required is based on level of education attained:</p> <ul style="list-style-type: none"> ▪ If hold a bachelor's degree, one year; ▪ If hold an associate's degree, two years; ▪ If hold a high school diploma or GED, three years <p><i>(410 Ind. Admin. Code 32-2-3)</i></p> | <p>Amount of relevant experience required is based on level of education attained:</p> <ul style="list-style-type: none"> ▪ If hold an industrial hygienist, professional engineer, registered architect, or registered sanitarian certificate, none; ▪ If hold a bachelor's degree, one year; ▪ If hold an associate's | <p>Amount of relevant experience required is based on level of education attained:</p> <ul style="list-style-type: none"> ▪ If hold a certification as an industrial hygienist, safety professional, professional engineer, nurse, sanitarian, architect, or in a related field, none; ▪ If hold a bachelor's degree, one year; | <p>Amount of relevant experience required is based on level of education attained:</p> <ul style="list-style-type: none"> ▪ If hold a certification as an industrial hygienist, professional engineer, architect, or in another related engineering, health, or environmental field, none; ▪ If hold a bachelor's degree, one year; ▪ If hold an associate's | <p>Must be at least 18 years of age</p> <p>Amount of relevant experience required is based on level of education attained:</p> <ul style="list-style-type: none"> ▪ If hold a certification as an industrial hygienist, professional engineer, registered architect, registered sanitarian, or in a related engineering, health, or environmental field, none: |

| Lead Risk Assessor | | | | | | |
|----------------------|---|---|---|---|---|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | or equivalent, three years <i>(O.A.C. 3701-42-04)</i> | | degree, two years; <ul style="list-style-type: none"> If hold a high school diploma or equivalent, three years <i>(Ky. Rev. Stat. 211.9063; 902 Ky. Admin. Regs. 48:020)</i> | <ul style="list-style-type: none"> If hold an associate's degree, two years; If hold a high school diploma or equivalent, three years <i>(Mich. Admin. Code R. 325.99302)</i> | degree, two years; <ul style="list-style-type: none"> If hold a high school diploma or equivalent, three years <i>(35 P.S. 5906; 34 Pa. Code 203.4; 40 C.F.R. 745.225 and 745.226)</i> | <ul style="list-style-type: none"> If hold a bachelor's degree, one year; If hold an associate's degree, two years; If hold a high school diploma or equivalent, three years <i>(W. Va. Code 16-35-5; W. Va. Code R. 64-45-4)</i> |
| Exam | Yes <i>(R.C. 3742.05 and 3742.08)</i> | Yes <i>(Ind. Code 16-41-39.8-3)</i> | Yes <i>(Ky. Rev. Stat. 211.9063; 902 Ky. Admin. Regs. 48:020 and 48:030)</i> | Yes <i>(Mich. Comp. Laws 333.5468)</i> | Yes <i>(35 P.S. 5906)</i> | Yes <i>(W. Va. Code 16-35-5)</i> |
| Continuing education | Eight-hour refresher training program on current safety practices, laws, and technologies | Eight-hour refresher training course covering the same topics as the initial course for lead risk | Eight-hour refresher course covering the same topics as the initial course and current safety | Eight-hour refresher course covering the same topics as the initial lead inspector course | Eight-hour refresher course covering the same topics as the initial course and current safety | Eight-hour refresher course covering the same topics as the initial course and current safety |

| Lead Risk Assessor | | | | | | |
|-----------------------|--|--|---|--|---|---|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | <p>relating to lead activities every two years</p> <p><i>(R.C. 3742.03; O.A.C. 3701-82-01.3)</i></p> | <p>assessors and current safety practices, laws, and technologies relating to lead-based paint activities</p> <p>Eight-hour refresher training course covering the same topics as the initial course for inspectors</p> <p>In lieu of separate inspector and risk assessor refresher courses, may take an approved eight-hour combined refresher course</p> <p><i>(Ind. Code 16-41-39.8-3; 410 Ind. Admin. Code 32-2-5 and 32-3-4)</i></p> | <p>practices, laws, and technologies relating to lead-hazard activities</p> <p><i>(Ky. Rev. Stat. 211.9063; 902 Ky. Admin. Regs. 48:020 and 48:030)</i></p> | <p>and current safety practices, laws, and technologies relating to lead-based paint activities</p> <p>Eight-hour refresher course covering the same topics as the initial risk assessor course</p> <p><i>(Mich. Admin. Code R. 325.99212 and 325.99304)</i></p> | <p>practices, laws, and technologies relating to lead-based paint in general</p> <p><i>(35 P.S. 5906; 34 Pa. Code 203.3; 40 C.F.R. 745.225)</i></p> | <p>practices, laws, and technologies relating to lead-based paint in general every three years</p> <p><i>(W. Va. Code R. 64-45-4 and 64-45-16; 40 C.F.R. 745.225)</i></p> |
| Initial licensure fee | \$250 | \$150 <i>(Ind. Code 16-41-39.8-6; 410 Ind.</i> | \$50 application fee plus \$250 fee | \$25 application fee plus \$150 per year fee | \$200 | \$100 |

| Lead Risk Assessor | | | | | | |
|--------------------|---|---|--|--|---|---|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | <i>(R.C. 3742.03; O.A.C. 3701-32-04)</i> | <i>Admin. Code 32-2-9)</i> | <i>(Ky. Rev. Stat. 211.9067; 902 Ky. Admin. Regs. 48:020)</i> | <i>(Mich. Comp. Laws 333.5471)</i> | <i>(35 P.S. 5909; 34 Pa. Code 203.8)</i> | <i>(W. Va. Code 16-35-5; W. Va. Code R. 64-45 Table A)</i> |
| License duration | Two years <i>(R.C. 3742.05)</i> | Three years <i>(Ind. Code 16-41-39.8-3)</i> | Two years <i>(902 Ky. Admin. Regs. 48:020)</i> | Three years <i>(Mich. Comp. Laws 333.5468)</i> | One year <i>(35 P.S. 5906)</i> | One year <i>(W. Va. Code R. 64-45-4)</i> |
| Renewal fee | \$250 <i>(R.C. 3742.03; O.A.C. 3701-32-04)</i> | \$150 <i>(Ind. Code 16-41-39.8-6; 410 Ind. Admin. Code 32-2-9)</i> | \$250 <i>(Ky. Rev. Stat. 211.9067; 902 Ky. Admin. Regs. 48:020)</i> | \$150 per year <i>(Mich. Comp. Laws 333.5471)</i> | \$200 <i>(35 P.S. 5909; 34 Pa. Code 203.8)</i> | \$100 <i>(W. Va. Code 16-35-5; W. Va. Code R. 64-45 Table A)</i> |

Lead training manager

Survey response (DOH)

| Description |
|--|
| No occupational licenses issued for lead training manager. Lead training manager are approved as part of a given training course approval. |

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

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 |

| 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 Department 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 |
| Renewal fee (<i>If different from initial fee, please explain why.</i>) | N/A |
| Does the Department 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 |

| 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 Department? | N/A |
| Is the Department 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>) | |

| Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation. |
|--|
| N/A |

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

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 Department would like to see implemented?

Not at this time.

Surrounding state comparison (LSC)

Under Ohio law, a training program applicant must designate a training manager who is responsible for ensuring that an approved training program complies with the law. The training program operator designates a person who has met specified training or experience requirements. Although the training program must designate a person as a training manager as part of the training program's requirements for approval,⁶ that designation is not an "occupational regulation" and is beyond the scope of this report.

⁶ See O.A.C. 3701-82-01.1.

Nonagency home health provider

Survey response (DOH)

| Description | |
|---|--|
| <p>“Nonagency home health provider” is a term used by Medicaid. ODH does not certify or license nonagency home health providers.</p> | |
| Type <i>(License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)</i> | |
| | |
| If the regulation is a registration, certification, or license requirement, please complete the following: | |
| Number issued annually | |
| Number renewed 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 | |
| Experience requirements | |
| Examination requirements (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?</i>) | |
| Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>) | |
| Initial fee | |
| Duration | |
| Renewal fee (<i>If different from initial fee, please explain why.</i>) | |

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

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

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

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 Department would like to see implemented?

Surrounding state comparison (LSC) (as of September 6, 2024)

in Ohio, a nonagency provider of direct care must hold a skilled home health services license or nonmedical home health services license to provide skilled or nonmedical home health services. A nonagency provider is a person who provides direct care to individuals on a self-employed basis and does not directly or contractually employ others to provide services. Skilled home health

services include skilled nursing care, physical therapy, occupational therapy, speech-language pathology, medical social services, and home health aide services. Nonmedical home health services include assistance with bathing, dressing, walking, and toileting; catheter care; meal preparation and feeding; and personal care services. Skilled and nonmedical home health services licenses are valid for three years. The application and renewal fees for both licenses are \$250.

The requirements to obtain a skilled home health services license are largely based on providing proof of an underlying certification or accreditation, such as certification to participate in the Medicare program, accreditation by various accrediting bodies, or an existing certification issued by the Department of Aging. A nonagency provider that holds a skilled home health services license also may provide nonmedical home health services without obtaining a separate nonmedical home health services license.⁷

Indiana, Kentucky, Michigan, Pennsylvania, and West Virginia do not appear to require an individual provider of home health services to be licensed as home health providers.

Radiation expert

Survey response (DOH)

| Description |
|--|
| <p>Radiation expert" means an individual who meets the qualifications of:</p> <ul style="list-style-type: none"> (a) Applicable paragraphs of rule 3701:1-66-03 of the Administrative Code; (b) Paragraph (D) of rule 3701-83-45 of the Administrative Code, for any facility providing radiation therapy services; (c) Paragraph (C)(3) of rule 3701-83-52 of the Administrative Code for CT equipment, or paragraph (F)(3) of rule 3701-83-52 of the Administrative Code for fluoroscopy, at any facility providing CT or fluoroscopy services; or (d) 21 C.F.R. 900.12(a)(3) (as effective on the effective date of this rule) for any facility providing mammography services. |

⁷ R.C. 3740.01, 3740.02, 3740.03, and 3740.05.

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

- (1) Therapeutic
- (2) Diagnostic other than mammography
- (3) Mammography

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

| | |
|---|--|
| Number issued annually | 41 Initial certificates for 2023 |
| Number renewed annually | 159 Renewal certificates for 2023 |
| Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years? | No. |
| Education or training requirements | <p>An applicant for radiation expert certification for the category of mammography radiation-generating equipment shall have at least one of the following:</p> <ul style="list-style-type: none"> (1) Certification by the "American Board of Radiology" in radiologic physics, diagnostic radiologic physics or diagnostic medical physics; (2) Certification by the "American Board of Medical Physics" with a specialty in diagnostic imaging physics; |

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

(3) A master's degree or higher in a physical science from an accredited college or university, and at least the following:

- (a) Twenty semester hours or thirty quarter hours of graduate or undergraduate level physics;
- (b) Twenty contact hours of documented specialized training in conducting surveys of mammography facilities; and
- (c) Have the experience of conducting surveys of at least ten mammography x-ray units under the direct supervision of a certified individual as provided in paragraph (E)(1) or (E)(2) of this rule or a radiation expert certified in mammography.

An applicant for radiation expert certification for the category of diagnostic radiation-generating equipment shall have at least one of the following:

(1) Certification by the "American Board of Radiology" in radiologic physics, diagnostic radiologic physics or diagnostic medical physics;

(1) Certification by the "American Board of Radiology" in radiologic physics, diagnostic radiologic physics or diagnostic medical physics;

(2) Certification by the "American Board of Medical Physics" in medical physics with a specialty in diagnostic imaging physics;

(3) A master's degree or doctorate from an accredited college or university in physics, biophysics, medical physics, radiological physics or health physics, engineering, or applied mathematics with a minor in physics; and completed a clinical residency applicable to this category from an accredited program, or completed one year of full time training in medical physics and an additional year of full time work experience under the direct supervision of a certified individual as provided in paragraph (D)(1) or (D)(2) of this rule or a

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

radiation expert certified in diagnostic radiation-generating equipment in developing and performing oversight of quality assurance for diagnostic radiation-generating equipment.

An applicant for radiation expert certification for the category of therapeutic radiation-generating equipment shall have at least one of the following:

(1) Certification by the "American Board of Radiology" in one of the following:

- (a) Therapeutic radiologic physics;
- (b) Therapeutic medical physics;
- (c) Roentgen-ray and gamma-ray physics;
- (d) X-ray and radium physics;
- (e) Radiologic physics; or

(2) Certification by the "American Board of Medical Physics in Radiation Oncology Physics"; or

(3) Certification by the "Canadian College of Physicists in Medicine in Radiation Oncology Physics"; or

(4) A master's or doctor's degree in physics, medical physics, other physical science, engineering, or applied mathematics from an accredited college or university; and

- (a) Have completed a clinical residency applicable to this category from an accredited program, or one year of full time training in medical physics and an additional year of full time work experience under the supervision of a board certified medical physicist who meets the qualifications of paragraph (C)(1), (C)(2) or (C)(3) of this rule at a medical institution. This training and work experience shall be conducted in clinical radiation facilities that provide high-energy external beam radiation therapy with photons and electrons with energies greater than or equal to one MV or one MeV;

| If the regulation is a registration, certification, or license requirement, please complete the following: | |
|--|---|
| | <p>(b) The individual shall have performed the applicable tasks listed in rules 3701:1-67-08 and 3701:1-67-09 of the Administrative Code under the supervision of a qualified medical physicist during the year of work experience; and</p> <p>(c) Obtain certification pursuant to paragraph (C)(1), (C)(2), or (C)(3) of this rule within five years of qualifying under paragraph (C)(4) of this rule.</p> |
| Experience requirements | <p>Therapy:</p> <p>Master's or doctor's degree in physics, medical physics, other physical science, engineering, or applied mathematics from an accredited college or university; and</p> <p>(a) Have completed a clinical residency applicable to this category from an accredited program, or one year of full time training in medical physics and an additional year of full time work experience under the supervision of a board certified medical physicist who meets the qualifications of paragraph (C)(1), (C)(2) or (C)(3) of this rule at a medical institution. This training and work experience shall be conducted in clinical radiation facilities that provide high-energy external beam radiation therapy with photons and electrons with energies greater than or equal to one MV or one MeV;</p> <p>(b) The individual shall have performed the applicable tasks listed in rules 3701:1-67-08 and 3701:1-67-09 of the Administrative Code under the supervision of a qualified medical physicist during the year of work experience; and</p> <p>(c) Obtain certification pursuant to paragraph (C)(1), (C)(2), or (C)(3) of this rule within five years of qualifying under paragraph (C)(4) of this rule.</p> <p>Mammography:</p> <p>A master's degree or higher in a physical science from an accredited college or university, and at least the following:</p> |

| If the regulation is a registration, certification, or license requirement, please complete the following: | |
|---|---|
| | <p>(a) Twenty semester hours or thirty quarter hours of graduate or undergraduate level physics;</p> <p>(b) Twenty contact hours of documented specialized training in conducting surveys of mammography facilities; and</p> <p>(c) Have the experience of conducting surveys of at least ten mammography x-ray units under the direct supervision of a certified individual as provided in paragraph (E)(1) or (E)(2) of this rule or a radiation expert certified in mammography.</p> <p>Diagnostic:</p> <p>Master's degree or doctorate from an accredited college or university in physics, biophysics, medical physics, radiological physics or health physics, engineering, or applied mathematics with a minor in physics; and completed a clinical residency applicable to this category from an accredited program, or completed one year of full time training in medical physics and an additional year of full time work experience under the direct supervision of a certified individual as provided in paragraph (D)(1) or (D)(2) of this rule or a radiation expert certified in diagnostic radiation-generating equipment in developing and performing oversight of quality assurance for diagnostic radiation-generating equipment.</p> |
| Examination requirements (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?</i>) | No examination. |

| 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>Each certified radiation expert shall obtain continuing education for each certification period in accordance with the following:</p> <ul style="list-style-type: none"> (1) Certified radiation experts having certification in one category specified in paragraph (A) of this rule shall obtain fifteen hours of continuing education pertaining to the category of certification; (2) Certified radiation experts having certification in two categories specified in paragraph (A) of this rule shall obtain twenty hours of continuing education pertaining to one or both categories of certification; and (3) Certified radiation experts having certification in three categories specified in paragraph (A) of this rule shall obtain twenty-five hours of continuing education pertaining to one or more categories of certification. (4) Individuals in active military service during the certification renewal period may have the continuing education period extended in accordance with section 5903.12 of the Revised Code. |
| Initial fee | \$100 per category |
| Duration | 2 Years |
| Renewal fee <i>(If different from initial fee, please explain why.)</i> | \$100 per category |
| Does the Department recognize uniform licensure requirements or allow for reciprocity? | No. |

| 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? | No. |
| Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department? | No, to be a CRE you must have certification |
| Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual? | No, they must meet the requirements in the Ohio Administrative Code 3701:1-66-03 |
| Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>) | N/A |

| Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation. |
|--|
| Ohio Revised Code 3748.04 |

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

Initial and Renewals for 2023 was \$20,000.00

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

The Federal Law does not require the state to regulate the occupation. There are Federal Regulations for MQSA 21 CFR Part 900 regulates the individual but not the state.

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

The regulation seeks to protect consumers and handlers from present, significant, and substantiated harms that threaten public health, safety, or welfare from radiation-generating equipment.

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

Yes, we make sure the individuals testing the equipment have the proper education and experience. There is nothing less restrictive.

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

Not at this time.

Certified radiation expert

Surrounding state comparison (LSC) (as of September 17, 2024)

Ohio law requires hospitals to develop a quality assurance program for all sources of radiation-generating equipment. A certified radiation expert must conduct oversight and maintenance of a hospital's quality assurance program. An individual may be licensed in three categories – diagnostic radiation-generating equipment, therapeutic radiation-generating equipment, or mammography radiation-generating equipment.⁸ To be issued a certified radiation expert license, an individual must pay a \$100 license fee and meet the requirements for one of the following categories:

- **Diagnostic equipment** – (1) certification from the American Board of Radiology (ABR) or American Board of Medical Physics (ABMP) or (2) a master's or doctorate degree in physics, biophysics, medical physics, radiological or health physics, engineering,

⁸ R.C. 3748.12 and 3748.13. See also Ohio Dept. of Health, [Certified Radiation Expert \(CRE\)](#).

or applied mathematics with a physics minor and either a clinical residency or one year of full-time training in medical physics and one year of full-time supervised work experience.

- **Therapeutic equipment** – (1) certification from the ABR, ABMP, or Canadian College of Physicists in Medicine or (2) a master's or doctorate degree in physics, medical physics, other physical science, engineering, or applied mathematics and either a clinical residency or one year of full-time training in medical physics and one year of full-time supervised work experience.
- **Mammography equipment** – (1) certification from the ABR or ABMP or (2) a master's degree or higher in a physical science with course work in physics and 20 hours of training in surveying mammography facilities and supervised experience surveying at least ten mammography x-ray units.

A license is valid for two years and may be renewed by completing continuing education and paying a \$100 per category of license held renewal fee. A license holder certified in one category must complete 15 hours of continuing education, 20 hours for two categories, and 25 hours for all three categories.⁹

Pennsylvania law specifies the education, training, and experience requirements for a qualified expert who conducts surveys of therapeutic x-ray systems or qualified medical physicist who conducts surveys and other quality control procedures for computed tomography x-ray systems. A qualified expert must hold a certification from the ABR, ABMP, or American Board of Health Physics and have additional training and experience if the expert works with radiation therapy calibrations or diagnostic x-ray performance evaluations. A qualified medical physicist must meet requirements similar to the Ohio requirements for a certified radiation expert license, by either holding a certification from a national certifying body or holding an appropriate degree with three years of relevant clinical training and experience.¹⁰

While Indiana, Kentucky, and West Virginia do not require a separate license to conduct oversight of a facility's quality assurance program, an individual conducting safety audits or other surveys of the facility generally must hold a private certification or meet specified education, training, and experience requirements.¹¹ Michigan law is silent regarding personnel qualifications for facilities utilizing radiation machines.

⁹ R.C. 3748.12; O.A.C. 3701:1-66-03.

¹⁰ 25 Pa. Code 215.2, 221.2, 221.73, and 221.204.

¹¹ See 410 Ind. Admin. Code 5-6.1-118; W. Va. Code R. 64-23-7; Ky. Cabinet for Health and Family Services, [Qualifications for Qualified Expert](#).

Radiologic occupations (X-ray machine operator, radiographer, radiation therapist, nuclear medicine technologist)

Survey response (DOH)

Description

Each radiologic licensee shall operate ionizing radiation-generating equipment or use radiopharmaceuticals in accordance with the documented quality assurance and radiation protection programs required under the rules adopted pursuant to Chapter 3748. of the Revised Code.

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

Radiographer is an individual who operates ionizing radiation-generating equipment, administers contrast, and determines procedure positioning and the dosage of ionizing radiation in order to perform a comprehensive scope of radiology procedures on human beings.

Radiation therapist is an individual who utilizes ionizing radiation-generating equipment including therapy simulator radiation-generating equipment for therapeutic purposes on human beings.

Nuclear medicine technologist is an individual, other than a licensed practitioner, who prepares and administers radio-pharmaceuticals to a patient and conducts in vivo or in vitro detection and measurement of radioactivity for medical purposes.

General x-ray machine operator is an individual who operates ionizing radiation-generating equipment in order to perform standard, radiology procedures; whose performance of such procedures is limited to specific body sites; and who does not, to any significant degree, determine procedure positioning or the dosage of radiation to which a patient is exposed.

| If the regulation is a registration, certification, or license requirement, please complete the following: | |
|---|--|
| Number issued annually | Calendar Year 2023 New Licenses General X-ray Machine Operator- 91 Radiographer- 996 Radiation Therapist- 114 Nuclear Medicine Technologist- 67 |
| Number renewed annually | Calendar Year 2023 Renewal Licenses General X-ray Machine Operator- 240 Radiographer- 5,452 Radiation Therapist- 369 Nuclear Medicine Technologist- 443 |
| Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years? | No. |
| Education or training requirements | Evidence that the applicant successfully completed an educational program for the applicable license category accredited by the department under rule 3701-72-03 of the Administrative Code. |
| Experience requirements | Evidence that the applicant successfully completed an educational program for the applicable license category accredited by the department under rule 3701-72-03 of the Administrative Code. |

| 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 Department receive any proceeds of those fees? If so, how are the proceeds used?</i>) | <p>GXMO exam is provided by RadEd. The exam is given at multiple test centers throughout Ohio. The cost of the examination is \$150.00. The Department does not receive any fees.</p> <p>Radiographer, Radiation Therapist, and Nuclear Medicine Technologist may submit proof of their active national license from American Registry of Radiologic Technologists or Nuclear Medicine Technology Certification Board.</p> <p>If the Radiographer, Radiation Therapist, and Nuclear Medicine Technologist does not have a national certification they can demonstrate the educational requirements to take the Ohio state examination administered by American Registry of Radiologic Technologists. The cost of the exam given by American Registry of Radiologic Technologists is \$150.00.</p> |
| Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>) | <p>GXMO- 12 CEs every two years</p> <p>Any individual applying to renew a general x-ray machine operator license shall have completed twelve CE credits before the license expiration date</p> <p>Radiographer, Radiation Therapist, and Nuclear Medicine Technologist- 24 CE's every two years</p> <p>Any individual applying to renew a radiographer, nuclear medicine technologist or radiation therapist license shall have completed twenty-four CE credits before the license expiration date.</p> <p>A radiographer, nuclear medicine technologist, or radiation therapist renewing a license who is currently certified and in good standings with the continuing education requirements of the "American Registry of Radiologic Technologists" may submit evidence of this certification as proof of meeting the continuing education requirement set forth in paragraph (J) of this rule. A nuclear medicine technologist renewing a license who is currently certified and in good standings with the continuing education requirements of the "Nuclear Medicine Technology Certification Board," may submit evidence of this certification, as proof of meeting the continuing education requirement set forth in paragraph (J) of this rule.</p> |

| If the regulation is a registration, certification, or license requirement, please complete the following: | |
|--|--|
| Initial fee | \$65.00 |
| Duration | Two years |
| Renewal fee <i>(If different from initial fee, please explain why.)</i> | \$45.00 |
| Does the Department recognize uniform licensure requirements or allow for reciprocity? | Yes, for Radiographer, Radiation Therapist, and Nuclear Medicine Technologist through American Registry of Radiologic Technologists and Nuclear Medicine Technology Certification Board. |
| Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation? | American Registry of Radiologic Technologists and Nuclear Medicine Technology Certification Board are the national certifications. If a Radiographer, Radiation Therapist, and Nuclear Medicine Technologist holds this certification they meet the examination and education requirements for a license. If they are not certified by American Registry of Radiologic Technologists and Nuclear Medicine Technology Certification Board they must take the Ohio examination provided by American Registry of Radiologic Technologists. General X-ray Machine Operators must take the Ohio examination provided by RadEd. |
| Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department? | No. |
| Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual? | No, they must meet requirements of Ohio Administrative Code 3701-72. |

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 Department respecting individuals engaged in the occupation.

Ohio Revised Code 4773.08

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

For Calendar Year 2023:

New Licenses Revenue: \$82,420.00

Renewal Licenses Revenue: \$300,040.00

All application fees received shall be deposited in the general operations fund specified in section [3701.83](#) of the Revised Code to be used for the administration and enforcement of Chapter 4773. of the Revised Code. The revenue is used to process the applications.

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

The Federal Law does not require the state to regulate the occupation.

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

The regulation seeks to prevent individuals who have not completed an educational program and passed an examination from operating radiation-generating equipment.

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

Yes, the Department reviews all licenses at each facility we inspect to assure everyone operating radiation-generating equipment holds the appropriate license.

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

Not at this time.

Surrounding state comparison (LSC) (as of September 12, 2024)

The radiologic license, in Ohio, covers four different occupations: X-ray machine operator, radiographer, radiation therapist, nuclear medicine technologist. Other states regulate these occupations differently. Thus, the report contains four tables to cover this license, to demonstrate the varying regulations.

| X-ray Machine Operator | | | | | | |
|--|---|---------------------|--|---------------------|---|---------------------|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Type of regulation (Name of regulation) | License (X-ray machine operator license) (R.C. 4773.02) | No clear equivalent | License (General limited x-ray machine operator license) (Ky. Rev. Stat. 311B.090) | No clear equivalent | License (Auxiliary personnel performing radiologic procedures) (63 P.S. 422.45) | No clear equivalent |
| Education or training | Educational program approved by the Ohio Department of Health and competency- | N/A | Postsecondary educational program with 240 classroom hours and 360 clinical hours approved | N/A | N/A | N/A |

| X-ray Machine Operator | | | | | | |
|------------------------|---|---------|---|----------|--|---------------|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | based clinical training modules (O.A.C. 3701-72-02, 3701-72-03, and 3701-72-04) | | by the Kentucky Board of Medical Imaging and Radiation Therapy (201 Ky. Admin. Regs. 46:081) | | | |
| Experience | Must be at least 18 years of age (R.C. 4773.03) | N/A | N/A | N/A | N/A | N/A |
| Exam | Yes, unless the applicant holds a certification from the American Registry of Radiologic Technologists (ARRT) or American Chiropractic Registry of Radiologic Technologists (R.C. 4773.03) | N/A | Yes; limited scope radiography exam administered by ARRT (201 Ky. Admin. Regs. 46:081) | N/A | Yes; limited exam in radiography administered by ARRT (49 Pa. Code 18.202 and 18.203) | N/A |
| Continuing education | 12 hours every two years | N/A | 12 hours every two years, with six hours in | N/A | N/A | N/A |

| X-ray Machine Operator | | | | | | |
|------------------------|-----------------------------|---------|--|----------|--------------------------------------|---------------|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | (O.A.C. 3701-72-02) | | radiation safety or medical imaging (201 Ky. Admin. Regs. 46:060 and 46:081) | | | |
| Initial licensure fee | \$65 (O.A.C. 3701-72-02) | N/A | \$100 license fee plus \$25 exam fee (waived for active duty military members) (Ky. Rev. Stat. 311B.140; 201 Ky. Admin. Regs. 46:020) | N/A | \$25 exam fee (49 Pa. Code 16.13) | N/A |
| License duration | Two years (R.C. 4773.03) | N/A | One year (201 Ky. Admin. Regs. 46:081) | N/A | N/A | N/A |
| Renewal fee | \$45 (O.A.C. 3701-72-02) | N/A | \$50 (waived for active duty military members) (Ky. Rev. Stat. 311B.140; 201 Ky. Admin. Regs. 46:020) | N/A | N/A | N/A |

| Radiographer | | | | | | |
|--|---|--|---|---------------------|--|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Type of regulation (Name of regulation) | License (Radiographer license) (R.C. 4773.02) | License (Radiologic technologist license) (Ind. Code 16-41-35-26) | License (Radiographer license) (Ky. Rev. Stat. 311B.090) | No clear equivalent | License (Auxiliary personnel – radiologic technologist) (63 P.S. 422.45) | License (Radiologic technologist license) (W. Va. Code 30-23-2) |
| Education or training | Educational program approved by the Ohio Department of Health (O.A.C. 3701-72-02 and 3701-72-03) | Radiologic technology certification issued by ARRT (410 Ind. Admin. Code 5.2-6-1) | Accredited radiography educational program and radiography certification issued by ARRT (210 Ky. Admin. Regs. 46:040; Ky. Bd. of Medical Imaging and Radiation Therapy, License Application - Medical Imaging or Radiation Therapy (PDF)) | N/A | Radiography certification issued by ARRT (49 Pa. Code 18.202) | High school diploma or equivalent and an accredited radiologic technology program from an approved school (W. Va. Code 30-23-9) |
| Experience | Must be at least 18 years of age (R.C. 4773.03) | N/A | N/A | N/A | N/A | N/A |

| Radiographer | | | | | | |
|-----------------------|---|--|---|----------|---|---|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Exam | Yes, unless the applicant holds an ARRT certification (R.C. 4773.03) | N/A | Yes; radiography exam administered by ARRT (201 Ky. Admin. Regs. 46:040) | N/A | Yes; radiography exam administered by ARRT (49 Pa. Code 18.202 and 18.203) | Yes (W. Va. Code 30-23-9) |
| Continuing education | 24 hours every two years (O.A.C. 3701-72-02) | N/A | 24 hours every two years (201 Ky. Admin. Regs. 46:060) | N/A | N/A | 24 hours every two years (W. Va. Code R. 18-2-3) |
| Initial licensure fee | \$65 (\$15 if the applicant holds an x-ray machine operator license) (O.A.C. 3701-72-02) | \$60 (Ind. Code 16-41-35-29; 410 Ind. Admin. Code 5.2-4-8) | \$100 (waived for active duty military members) (Ky. Rev. Stat. 311B.140; 201 Ky. Admin. Regs. 46:020) | N/A | \$25 exam fee (49 Pa. Code 16.13) | \$92 application fee plus \$92 exam fee (waived for low-income individuals and military members or their spouses) (W. Va. Code R. 18-1-2 and 18-1-4) |
| License duration | Two years (R.C. 4773.03) | Two years (Ind. Code 16-41-35-29; 410 Ind. Admin. Code 5.2-4-8) | One year (201 Ky. Admin. Regs. 46:040) | N/A | N/A | One year (W. Va. Code 30-23-22) |

| Radiographer | | | | | | |
|--------------|------------------------------------|--|---|----------|--------------|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | | <i>Admin. Code 5.2-4-2)</i> | | | | |
| Renewal fee | \$45 <i>(O.A.C. 3701-72-02)</i> | \$60 <i>(Ind. Code 16-41-35-29; 410 Ind. Admin. Code 5.2-4-8)</i> | \$50 (waived for active duty military members) <i>(Ky. Rev. Stat. 311B.140; 201 Ky. Admin. Regs. 46:020)</i> | N/A | N/A | \$60 (waived for military members or their spouses if the member is on active duty) <i>(W. Va. Code R. 18-1-2 and 18-1-4)</i> |

| Radiation Therapy Technologist | | | | | | |
|--|--|--|--|---------------------|---|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Type of regulation (Name of regulation) | License (Radiation therapy technologist license) <i>(R.C. 4773.02)</i> | License (Radiation therapist license) <i>(Ind. Code 16-41-35-26)</i> | License (Radiation therapist license) <i>(Ky. Rev. Stat. 311B.090)</i> | No clear equivalent | License (Auxiliary personnel – radiation therapist) <i>(63 P.S. 422.45)</i> | License (Radiation therapist license) <i>(W. Va. Code 30-23-2)</i> |
| Education or training | Educational program approved by the | Radiation therapy certification issued by ARRT | Accredited radiation therapist educational | N/A | Radiation therapy certification issued by ARRT | High school diploma or equivalent and an accredited |

| Radiation Therapy Technologist | | | | | | |
|--------------------------------|--|---------------------------------------|--|----------|---|---|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | Ohio Department of Health <i>(O.A.C. 3701-72-02 and 3701-72-03)</i> | <i>(410 Ind. Admin. Code 5.2-7-1)</i> | program and radiation therapy certification issued by ARRT <i>(210 Ky. Admin. Regs. 46:040; Ky. Bd. of Medical Imaging and Radiation Therapy, License Application - Medical Imaging or Radiation Therapy (PDF))</i> | | <i>(49 Pa. Code 18.202)</i> | radiation therapy program from an approved school <i>(W. Va. Code 30-23-9)</i> |
| Experience | Must be at least 18 years of age <i>(R.C. 4773.03)</i> | N/A | N/A | N/A | N/A | N/A |
| Exam | Yes, unless the applicant holds an ARRT certification <i>(R.C. 4773.03)</i> | N/A | Yes; radiation therapy exam administered by ARRT <i>(201 Ky. Admin. Regs. 46:040)</i> | N/A | Yes; radiation therapy technology exam administered by ARRT <i>(49 Pa. Code 18.202 and 18.203)</i> | Yes <i>(W. Va. Code 30-23-9)</i> |

| Radiation Therapy Technologist | | | | | | |
|--------------------------------|---|--|---|----------|--------------------------------------|---|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Continuing education | 24 hours every two years (O.A.C. 3701-72-02) | N/A | 24 hours every two years (201 Ky. Admin. Regs. 46:060) | N/A | N/A | 24 hours every two years (W. Va. Code R. 18-2-3) |
| Initial licensure fee | \$65 (O.A.C. 3701-72-02) | \$60 (410 Ind. Admin. Code 5.2-4-8) | \$100 (waived for active duty military members) (Ky. Rev. Stat. 311B.140; 201 Ky. Admin. Regs. 46:020) | N/A | \$25 exam fee (49 Pa. Code 16.13) | \$92 application fee plus \$92 exam fee (waived for low-income individuals and military members or their spouses) (W. Va. Code R. 18-1-2 and 18-1-4) |
| License duration | Two years (R.C. 4773.03) | Two years (Ind. Code 16-41-35-29; 410 Ind. Admin. Code 5.2-4-2) | One year (201 Ky. Admin. Regs. 46:040) | N/A | N/A | One year (W. Va. Code 30-23-22) |
| Renewal fee | \$45 (O.A.C. 3701-72-02) | \$60 (410 Ind. Admin. Code 5.2-4-8) | \$50 (waived for active duty military members) (Ky. Rev. Stat. 311B.140; 201 Ky. | N/A | N/A | \$60 (waived for military members or their spouses if the member is on active duty) |

| Radiation Therapy Technologist | | | | | | |
|--------------------------------|------|---------|-----------------------------|----------|--------------|---|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | | | <i>Admin. Regs. 46:020)</i> | | | <i>(W. Va. Code R. 18-1-2 and 18-1-4)</i> |

| Nuclear Medicine Technologist | | | | | | |
|--|--|--|--|---------------------|--|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Type of regulation (Name of regulation) | License (Nuclear medicine technologist license) <i>(R.C. 4773.02)</i> | License (Nuclear medicine technologist license) <i>(Ind. Code 16-41-35-26)</i> | License (Nuclear medicine technologist license) <i>(Ky. Rev. Stat. 311B.090)</i> | No clear equivalent | License (Auxiliary personnel – nuclear medicine technologist) <i>(63 P.S. 422.45)</i> | License (Nuclear medicine technologist license) <i>(W. Va. Code 30-23-2)</i> |
| Education or training | Educational program approved by the Ohio Department of Health <i>(O.A.C. 3701-72-02 and 3701-72-03)</i> | Nuclear medicine technology certification issued by ARRT or the Nuclear Medicine Technology Certification Board (NMTCB) <i>(410 Ind. Admin. Code 5.2-8-1)</i> | Accredited nuclear medicine technologist educational program and nuclear medicine technology certification issued by ARRT or NMTCB <i>(210 Ky. Admin. Regs. 46:040; Ky.</i> | N/A | Nuclear medicine technology certification issued by ARRT or NMTCB <i>(49 Pa. Code 18.202)</i> | High school diploma or equivalent and either an associate's or bachelor's degree in a relevant physical or biological science or with specified courses or an applicable |

| Nuclear Medicine Technologist | | | | | | |
|-------------------------------|---|---------|---|----------|--|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | | | <i>Bd. of Medical Imaging and Radiation Therapy, License Application - Medical Imaging or Radiation Therapy (PDF)</i> | | | national certification <i>(W. Va. Code 30-23-15)</i> |
| Experience | Must be at least 18 years of age <i>(R.C. 4773.03)</i> | N/A | N/A | N/A | N/A | N/A |
| Exam | Yes, unless the applicant holds an ARRT or NMTCB certification <i>(R.C. 4773.03)</i> | N/A | Yes; nuclear medicine technology exam administered by ARRT or NMTCB <i>(201 Ky. Admin. Regs. 46:040)</i> | N/A | Yes; nuclear medicine technology exam administered by ARRT <i>(49 Pa. Code 18.202 and 18.203)</i> | Yes <i>(W. Va. Code 30-23-15)</i> |
| Continuing education | 24 hours every two years <i>(O.A.C. 3701-72-02)</i> | N/A | 24 hours every two years <i>(201 Ky. Admin. Regs. 46:060)</i> | N/A | N/A | 24 hours every two years <i>(W. Va. Code R. 18-2-3)</i> |

| Nuclear Medicine Technologist | | | | | | |
|-------------------------------|-----------------------------|--|---|----------|--------------------------------------|---|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Initial licensure fee | \$65 (O.A.C. 3701-72-02) | \$60 (410 Ind. Admin. Code 5.2-4-8) | \$100 (waived for active duty military members) (Ky. Rev. Stat. 311B.140; 201 Ky. Admin. Regs. 46:020) | N/A | \$25 exam fee (49 Pa. Code 16.13) | \$92 application fee plus \$92 exam fee (waived for low-income individuals and military members or their spouses) (W. Va. Code R. 18-1-2 and 18-1-4) |
| License duration | Two years (R.C. 4773.03) | Two years (Ind. Code 16-41-35-29; 410 Ind. Admin. Code 5.2-4-2) | One year (201 Ky. Admin. Regs. 46:040) | N/A | N/A | One year (W. Va. Code 30-23-22) |
| Renewal fee | \$45 (O.A.C. 3701-72-02) | \$60 (410 Ind. Admin. Code 5.2-4-8) | \$50 (waived for active duty military members) (Ky. Rev. Stat. 311B.140; 201 Ky. Admin. Regs. 46:020) | N/A | N/A | \$60 (waived for military members or their spouses if the member is on active duty) (W. Va. Code R. 18-1-2 and 18-1-4) |

Radon mitigation contractor

Survey response (DOH)

| Description | |
|---|----|
| Radon mitigation contractor means a business or government entity which performs or authorizes employees to perform radon mitigation. | |
| Type <i>(License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)</i> | |
| License. | |
| If the regulation is a registration, certification, or license requirement, please complete the following: | |
| Number issued annually | 66 |
| Number renewed annually | 66 |

| 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 | The business must employ at least one licensed Mitigation specialist. |
| Experience requirements | N/A |
| Examination requirements (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?</i>) | N/A |
| Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>) | N/A |
| Initial fee | \$0 for a business where one Radon mitigation specialist has to own more than 50% of the business. There is an initial fee of \$800 if the owner employs multiple Radon Mitigation Specialist. |
| 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> | Same as initial fee structure. |
| Does the Department 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? | No. |
| Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department? | No. |
| Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual? | Yes, ODH could refuse to issue or renew a license. This would include reviewing history for non-compliance/enforcement issue history. Not renewing a license would mean an opportunity for a hearing under Chapter 119. |
| Other information <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i> | |

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

R.C. 3723/O.A.C. 3701-69

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

\$14,000 estimated annual revenue. The revenue used to administer the radon licensing program.

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

The US EPA has recognized "Radon Standards of Practice," established in coordination with American National Standards Institute (ANSI) & Indoor Environments Association. The US EPA Indoor Radon Reduction Act (IRAA) required the US EPA to create regulatory framework and the Radon Gas and Indoor Air Quality Research Act classified radon as a known human carcinogen. No, federal law does not require the state to regulate the occupation.

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

Lung Cancer prevention.

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.

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

Not at this time.

Surrounding state comparison (LSC) (as of September 3, 2024)

| Radon Mitigation Contractor | | | | | | |
|--|--|---------------------|---------------------|---------------------|---|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Type of regulation (Name of regulation) | Registration (Radon mitigation contractor license) <i>(R.C. 3723.02)</i> | No clear equivalent | No clear equivalent | No clear equivalent | Registration (Mitigator firm certification) <i>(63 P.S. 2006)</i> | License (Radon mitigation contractor license) <i>(W. Va. Code 16-34-3)</i> |
| Education or training | N/A | N/A | N/A | N/A | N/A | Training approved by the Director of Health <i>(W. Va. Code R. 64-78-5)</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 | Yes <i>(W. Va. Code R. 64-78-5)</i> |
| Continuing education | N/A | N/A | N/A | N/A | N/A | N/A |
| Initial licensure fee | \$800 (no fee if the applicant is a sole proprietor) | N/A | N/A | N/A | \$1,050 <i>(25 Pa. Code 240.999a, Appendix A)</i> | \$100 (no fee if the applicant is a sole proprietor) |

| Radon Mitigation Contractor | | | | | | |
|-----------------------------|-------------------------------------|---------|----------|----------|--|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | <i>(O.A.C. 3701-69-05)</i> | | | | | <i>(W. Va. Code R. 64-78-5 and 64-78-13)</i> |
| License duration | Two years <i>(R.C. 3723.06)</i> | N/A | N/A | N/A | Two years <i>(25 Pa. Code 240.202)</i> | One year <i>(W. Va. Code 16-34-5)</i> |
| Renewal fee | \$800 <i>(O.A.C. 3701-69-05)</i> | N/A | N/A | N/A | \$1,050 <i>(25 Pa. Code 240.999a, Appendix A)</i> | \$100 <i>(W. Va. Code R. 64-78-13)</i> |

Radon mitigation specialist

Survey response (DOH)

| Description |
|--|
| Radon mitigation specialist means an individual who performs radon testing; provides professional or expert advice on radon testing, radon exposure, health risks related to radon exposure, radon mitigation, or radon entry routes; provides on-site supervision of radon mitigation; or holds himself or herself out as doing any of the foregoing. |

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

License.

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

| | |
|---|-----------|
| Number issued annually | 103 |
| Number renewed annually | 103 |
| Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years? | No. |
| Education or training requirements | 40 hours. |
| Experience requirements | N/A |

| 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 Department receive any proceeds of those fees? If so, how are the proceeds used?</i>) | Exams are administered by independent third parties approved by the director, currently either National Radon Proficiency Program (cost \$150) or Nation Radon Safety Board (cost \$120). ODH does not receive revenue related to the examination requirements. |
| Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>) | During each two-year licensing period, successfully complete at least sixteen hours of the continuing education of which eight hours must be specific to radon mitigation that the director has approved for continuing education credit. |
| Initial fee | \$600 |
| Duration | 2 years |
| Renewal fee (<i>If different from initial fee, please explain why.</i>) | \$600 |
| Does the Department 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, NRPP and NRSB certifications. No, the above certifications could not 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 Department? | No. |
| Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual? | Yes, ODH could refuse to issue or renew a license. This would include reviewing history for non-compliance/enforcement issue history. Not renewing a license would mean an opportunity for a hearing under Chapter 119. |
| Other information <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i> | |
| Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation. | |
| R.C. 3723/O.A.C. 3701-69 | |

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

\$62,000 annual revenue. The annual revenue is used to administer the radon licensing program.

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

The US EPA has recognized “Radon Standards of Practice”, established in coordination with American National Standards Institute (ANSI) & Indoor Environments Association. The US EPA Indoor Radon Reduction Act (IRAA) required the US EPA to create regulatory framework and the Radon Gas and Indoor Air Quality Research Act classified radon as a known human carcinogen. No, federal law does not require the state to regulate the occupation.

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

Lung cancer prevention.

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.

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

Not at this time.

Surrounding state comparison (LSC) (as of September 3, 2024)

| Radon Mitigation Specialist | | | | | | |
|--|--|--|--|---------------------|--|---|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Type of regulation (Name of regulation) | License (Radon mitigation specialist license) (R.C. 3723.02) | License (Radon mitigator certificate) (Ind. Code 16-41-38-5) | License (Mitigation contractor certification) (Ky. Rev. Stat. 309.436) | No clear equivalent | License (Mitigator certification) (63 P.S. 2006) | License (Radon mitigation specialist license) (W. Va. Code 16-34-3) |

| Radon Mitigation Specialist | | | | | | |
|-----------------------------|--|---|--|----------|---|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Education or training | 16-hour radon measurement training course and 20-hour radon mitigation training course, including four hours of hands-on field work at a mitigation site <i>(O.A.C. 3701-69-04, 3701-69-06, and 3701-69-10)</i> | Radon mitigation specialist certification from the NRPP or NRSB <i>(410 Ind. Admin. Code 5.1-1-26; Ind. Dept. of Health, Application for Radon Tester/Mitigator License (PDF))</i> | Radon mitigation specialist certification from the NRPP or NRSB <i>(Ky. Rev. Stat. 309.430 and 309.440)</i> | N/A | Radon mitigation course approved by the Department of Environmental Protection <i>(25 Pa. Code 240.112)</i> | Training approved by the Director of Health <i>(W. Va. Code R. 64-78-5)</i> |
| Experience | N/A | N/A | N/A | N/A | One year of experience in radon mitigation system installation or three years of experience in architecture, engineering, electrical contracting, plumbing, carpentry, masonry, or related trades | N/A |

| Radon Mitigation Specialist | | | | | | |
|-----------------------------|---|--|--|----------|---|------------------------------------|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | | | | | (25 Pa. Code 240.112) | |
| Exam | Yes (O.A.C. 3701-69-04 and 3701-69-06) | Yes (410 Ind. Admin. Code 5.1-1-26) | N/A | N/A | Yes (25 Pa. Code 240.112) | Yes (W. Va. Code R. 64-78-5) |
| Continuing education | 16 hours every two years (O.A.C. 3701-69-08) | N/A | N/A | N/A | 16 hours every two years (25 Pa. Code 240.306) | N/A |
| Initial licensure fee | \$600 (O.A.C. 3701-69-04) | \$100 (410 Ind. Admin. Code 5.1-1-26) | \$500 (902 Ky. Admin. Regs. 95:040) | N/A | \$450 (25 Pa. Code 240.999a, Appendix A) | \$100 (W. Va. Code R. 64-78-13) |
| License duration | Two years (R.C. 3723.06) | Two years (410 Ind. Admin. Code 5.1-1-22) | Two years (902 Ky. Admin. Regs. 95:040) | N/A | Two years (25 Pa. Code 240.202) | One year (W. Va. Code 16-34-5) |
| Renewal fee | \$600 (O.A.C. 3701-69-04) | \$100 (410 Ind. Admin. Code 5.1-1-26) | \$500 (902 Ky. Admin. Regs. 95:040) | N/A | \$450 (25 Pa. Code 240.999a, Appendix A) | \$100 (W. Va. Code R. 64-78-13) |

Radon tester

Survey response (DOH)

Description

Radon tester means any individual who performs a test to determine the presence and concentration of radon; provides professional or expert advice on radon testing, radon exposure, or health risks related to radon exposure; or holds himself or herself out as doing any of the foregoing.

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

License.

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

Number issued annually

247

Number renewed annually

247

| 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 | 16 hours. |
| Experience requirements | N/A |
| Examination requirements (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?</i>) | Exams are administered by independent third parties approved by the director. Currently the exam options are either National Radon Proficiency Program (cost \$150) or National Radon Safety Board (cost \$120). ODH does not receive revenue related to the examination requirements. |
| Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>) | During each two-year licensing period, successfully complete at least sixteen hours of continuing education relevant to radon testing that the director has approved for continuing education credit. |
| Initial fee | \$400 |
| Duration | 2 years |
| Renewal fee (<i>If different from initial fee, please explain why.</i>) | \$400 |

| If the regulation is a registration, certification, or license requirement, please complete the following: | |
|---|---|
| Does the Department 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, NRPP and NRSV national certifications are available. They cannot 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 Department? | No. |
| Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual? | Yes, ODH could refuse to issue or renew a license. This would include reviewing history for non-compliance/enforcement issue history. Not renewing a license would mean an opportunity for a hearing under Chapter 119. |
| Other information <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i> | |

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

R.C. 3723/O.A.C. 3701-69

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

\$100,000 annual revenue. The revenue is used to administer the radon licensing program.

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

The US EPA has recognized “Radon Standards of Practice”, established in coordination with American national Standards Institute (ANSI) & Indoor Environments Association. The US EPA Indoor Radon Reduction Act (IRAA) required the US EPA to create regulatory framework and the Radon Gas and Indoor Air Quality Research Act classified radon as a known human carcinogen. No, federal law does not require the state to regulate the occupation.

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

Lung cancer prevention.

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.

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

Not at this time.

Surrounding state comparison (LSC) (as of September 3, 2024)

| Radon Tester | | | | | | |
|--|--|--|--|---------------------|---|---|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Type of regulation (Name of regulation) | License (Radon tester license) (R.C. 3723.02) | License (Primary or secondary radon tester certificate) (Ind. Code 16-41-38-5) | License (Measurement contractor certification) (Ky. Rev. Stat. 309.436) | No clear equivalent | License (Primary or secondary tester certification) (63 P.S. 2006) | License (Radon tester license) (W. Va. Code 16-34-3) |
| Education or training | 16-hour radon measurement training course (O.A.C. 3701-69-03, 3701-69-06, and 3701-69-10) | Applicable radon measurement certification from the National Radon Proficiency Program (NRPP) or National Radon Safety Board (NRSB) (410 Ind. Admin. Code 5.1-1-23 and 5.1-1-24; Ind. Dept. of Health, Application for Radon Tester/Mitigator License (PDF)) | Applicable radon measurement certification from the NRPP or NRSB (Ky. Rev. Stat. 309.430 and 309.438) | N/A | Radon measurement proficiency program approved by the Department of Environmental Protection (25 Pa. Code 240.102 and 240.307) | Training approved by the Director of Health (W. Va. Code R. 64-78-5) |
| Experience | N/A | N/A | N/A | N/A | N/A | N/A |

| Radon Tester | | | | | | |
|-----------------------|---|---|--|----------|--|-----------------------------------|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Exam | Yes (O.A.C. 3701-69-03 and 3701-69-06) | Yes (410 Ind. Admin. Code 5.1-1-23 and 5.1-1-24) | N/A | N/A | Yes (25 Pa. Code 240.102) | Yes (W. Va. Code R. 64-78-5) |
| Continuing education | 16 hours every two years (O.A.C. 3701-69-07) | N/A | N/A | N/A | 16 hours every two years (25 Pa. Code 240.306) | N/A |
| Initial licensure fee | \$400 (O.A.C. 3701-69-03) | \$100 (410 Ind. Admin. Code 5.1-1-23 and 5.1-1-24) | \$500 (902 Ky. Admin. Regs. 95:040) | N/A | \$525 (\$150 if an employee of a certified firm) (25 Pa. Code 240.999a, Appendix A) | \$50 (W. Va. Code R. 64-78-13) |
| License duration | Two years (R.C. 3723.06) | Two years (410 Ind. Admin. Code 5.1-1-22) | Two years (902 Ky. Admin. Regs. 95:040) | N/A | Two years (25 Pa. Code 240.202) | One year (W. Va. Code 16-34-5) |
| Renewal fee | \$400 (O.A.C. 3701-69-03) | \$100 (410 Ind. Admin. Code 5.1-1-23 and 5.1-1-24) | \$500 (902 Ky. Admin. Regs. 95:040) | N/A | \$525 (\$150 if an employee of a certified firm) (25 Pa. Code 240.999a, Appendix A) | \$50 (W. Va. Code R. 64-78-13) |

OHIO ENVIROMENTAL PROTECTION AGENCY

Table of Contents

| | |
|--|----|
| General information (EPA)..... | 1 |
| Certified operator of a construction and demolition debris facility..... | 3 |
| Certified professional under the Voluntary Action Program..... | 10 |
| Enhanced motor vehicle inspection and maintenance inspector | 18 |
| Public water system professional operator | 24 |
| Treatment works professional operator..... | 41 |
| Waiver repair technician..... | 63 |
| Water distribution professional operator | 70 |

General information (EPA)

Duties

The Ohio Environmental Protection Agency (EPA) protects human health and the environment by restoring contaminated land and water resources, and implements standards for air quality, drinking and stream water quality, wastewater treatment, and solid, infectious, and hazardous waste treatment and disposal. EPA issues permits governing installation and operation of pollution sources; provides oversight through inspections and air, water, and ground sampling; provides compliance assistance and environmental education to industry and the general public; and responds to spills and other emergencies. The Agency provides funding to local governments and organizations through grants for air pollution control, environmental education, watershed restoration, and acquires land and conservation easements to protect and improve water quality. The EPA also supports economic development by providing low-interest loans to local communities for wastewater and drinking water infrastructure projects.

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

Anne Vogel, Director. Mark Johnson, Assistant Director. Shelby Croft, Todd Anderson, Donna Waggoner, Susan Vance, Stephanie Reeves, Andrew Smith, Katherine Boyer, (P) Deputy Director.

All classified positions are selected by posting jobs on Ohiocareers.gov and following a structured interview process.

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

Ohio EPA's current budget is approximately \$271M and is expected to increase slightly for the next biennium, mainly due to increased personnel costs. The Agency's primary funding source is fees for permits, licenses and waste disposal, as well as ongoing federal grants for air quality, water quality, wastewater and drinking water infrastructure, environmental remediation and hazardous waste management. With the exception of funding awarded through IJJA, federal grant award amounts have been steady.

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

Workload has increased in the preceding 6 years; however, improvements to and additions of technology as well as continued process improvement and streamlining of work have been a successful solution to these increases. Anticipated workload in the Division of Air Pollution and Control (DAPC), and related administrative support for that division, is expected to increase significantly in the future based on public interest and demand as well as federal regulation changes.

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

1,129 permanent staff. The majority of employees are in the Environmental Specialist classification series (8586), Environmental Specialist 2 through Environmental Administrator. Additional staffing includes administrative support; administrative professionals, fiscal/budgeting, legal, IT/technology, communications/media, human resources/training staff.

Additionally, the agency hires 100 college interns each year.

Staffing levels are proportionate to the agency's current workload. An increased workload in DAPC will need to be addressed with additional staffing.

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

ORC 119

ERAC Appeal Process

Ohio Civil Service Employees Association (OCSEA) contractual discipline process is followed for union employees.

State Personnel Board of Review (SPBR) review process is available for discipline associated to classified employee.

Certified operator of a construction and demolition debris facility

Survey response (EPA)

| Description | |
|--|------------|
| These regulations require construction and demolition debris ("C&DD") facilities to have at least one certified operator that is on site or reasonably available each day during operations. The operator is responsible for overseeing all operations, being thoroughly familiar with proper operating procedures, the terms and conditions of the license, and the rules, and reviewing and signing the completed daily log for each day of operation. | |
| Type (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.) | |
| Government certification. | |
| If the regulation is a registration, certification, or license requirement, please complete the following: | |
| Number issued annually | Approx. 50 |
| Number renewed annually | Approx. 50 |

| 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 an increase in the last year due to the new C&DD Processing Facility program that began in 2022. |
| Education or training requirements | 10 training hours consisting of at least two hours of C&DD rules/laws and at least six hours of best management practices for C&DD facilities. |
| Experience requirements | Twelve months of work experience pertaining to the day to day operations at either a construction and demolition debris facility or construction and demolition debris processing facility or other experience deemed acceptable by the director of Ohio EPA. |
| Examination requirements (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Agency receive any proceeds of those fees? If so, how are the proceeds used?</i>) | No exam is required by rule. |
| Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>) | Same as the education training requirements above. |
| Initial fee | No fee is required. |
| Duration | The certification lasts 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: | |
|---|---|
| Does the Agency 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? | There aren't any similar national certifications that could be used as a substitute for Ohio EPA's regulation. |
| Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Agency? | No there are no circumstances where the individual can practice this occupation without being regulated by the Agency. |
| Is the Agency permitted to exercise discretion in determining whether to register, certify, or license an individual? | The only discretion the agency is permitted to use in certifying an operator is that if the operator has violated any of the C&DD laws and rules, then that operator's application can be denied. |
| Other information (Significant attributes or prerequisites to licensure not addressed in this chart.) | N/A |
| Oversight and disciplinary authority of the Agency respecting individuals engaged in the occupation. | |
| The Agency can deny, suspend, or revoke an individual's certification if that individual has violated any of the C&DD laws and rules. | |

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

No revenue is collected by Ohio EPA from this certification program.

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

Federal law does not require Ohio to regulate this occupation.

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

The regulations are intended to protect the public health, safety, and general welfare by requiring that C&DD facilities are operated by competent and knowledgeable individuals who know how to operate a C&DD facility in accordance with Ohio laws and rules.

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

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

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

There aren't any changes that the agency would like to see implemented.

Surrounding state comparison (LSC) (as of September 9, 2024)

| Construction and Demolition Debris (C&DD) Facility Operator | | | | | | |
|---|---|---|--|---------------------|---------------------|---|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Type of regulation (Name of regulation) | Yes (C&DD operator certificate) <i>(R.C. 3714.062(A))</i> | Yes (Construction/ Demolition site operator certificate) <i>(329 Ind. Admin. Code 12-7-1(a)(3) and 12-7-3(b)(3))</i> | Yes (Landfill manager/operator certificate) <i>(401 Ky. Admin. Regs. 47:070, section 3(1))</i> | No clear equivalent | No clear equivalent | License (Landfill manager certificate) <i>(W. Va. Code R. 33-1-4.3.a)</i> |

| Construction and Demolition Debris (C&DD) Facility Operator | | | | | | |
|---|---|---------|--|----------|--------------|---|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Education or training | At least ten hours of approved education training that covers laws governing C&DD facilities and best management practices <i>(O.A.C. 3745-400-26(B)(2))</i> | N/A | High school diploma or GED Attendance of a training course <i>(401 Ky. Admin. Regs. 47:070, section 7(1); Ky. Energy and Environment Cabinet, Applying for a Solid Waste Certification (PDF))</i> | N/A | N/A | Complete a course of instruction in solid waste management procedures and practices <i>(W. Va. Code R. 33-1-4.3.a)</i> |
| Experience | One year of work experience at a C&DD facility, a C&DD processing facility, a sanitary landfill facility, or other approved experience <i>(O.A.C. 3745-400-26(B)(1))</i> | N/A | At least two years of: (1) administrative experience in a related field (waste management, wastewater treatment, etc.), (2) postsecondary education, or (3) a combination of experience in a related field and postsecondary education | N/A | N/A | N/A |

| Construction and Demolition Debris (C&DD) Facility Operator | | | | | | |
|---|---|---|---|----------|--------------|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | | | <p>An applicant not meeting any of the above may still be considered on a case-by-case basis</p> <p><i>(Ky. Energy and Environment Cabinet, Applying for a Solid Waste Certification (PDF))</i></p> | | | |
| Exam | N/A | <p>Yes</p> <p><i>(329 Ind. Admin. Code 12-7-3(a))</i></p> | <p>Yes</p> <p><i>(401 Ky. Admin. Regs. 47:070, section 6(3))</i></p> | N/A | N/A | <p>Yes</p> <p><i>(W. Va. Code R. 33-1-4.3.d)</i></p> |
| Continuing education | <p>Ten hours per year (same training as for certification – see above)</p> <p><i>(O.A.C. 3745-400-26(B)(1))</i></p> | <p>Ten hours addressing six or more topics addressed in the regulations governing solid waste management</p> <p><i>(329 Ind. Admin. Code 12-7-6.5(3))</i></p> | N/A | N/A | N/A | <p>30 hours training in solid waste management every three years</p> <p><i>(W. Va. Code R. 33-1-4.3.d.1)</i></p> |

| Construction and Demolition Debris (C&DD) Facility Operator | | | | | | |
|---|---|--|--|----------|--------------|---------------|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Initial licensure fee | N/A | At least \$50 <i>(Ind. Code 13-15-10-5(a)(3) and (b))</i> | \$150 <i>(401 Ky. Admin. Regs. 47:070, section 14(1)(c))</i> | N/A | N/A | N/A |
| License duration | One year <i>(O.A.C. 3745-400-26(F)(1))</i> | Up to three years <i>(329 Ind. Admin. Code 12-7-3(f) and (g))</i> | Five years <i>(401 Ky. Admin. Regs. 47:070, section 8(2))</i> | N/A | N/A | N/A |
| Renewal fee | N/A | At least \$50 <i>(Ind. Code 13-15-10-5(a)(3) and (b))</i> | N/A | N/A | N/A | N/A |

Certified professional under the Voluntary Action Program

Survey response (EPA)

| Description |
|---|
| <p>The purpose of the Voluntary Action Program (VAP) is to give individuals or companies a way to investigate possible environmental contamination, clean it up if necessary and receive a legal release from the State of Ohio that no more cleanup is needed. The VAP maximizes resources and expertise in the private sector by utilizing qualified, experienced professionals such as engineers and scientists who are certified by Ohio EPA. These certified professionals (CPs) are responsible for verifying properties are cleaned up to the levels required by the program rules. The detailed program rules allow these qualified professionals and the volunteer that he or she represents to do the work without ongoing Agency involvement. Ohio EPA operates a certification program to ensure that only environmental professionals with the appropriate qualifications and experience are licensed as CPs. In addition, to help ensure high-quality work, CPs must meet annual continuing education</p> |

Description

requirements and be recertified by Ohio EPA each year. The certification only applies to the VAP and does not limit an environmental consultant's participation in similar non-VAP work, such as cleanups conducted under RCRA or BUSTR regulations.

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

Certification

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

Number issued annually

10 new certifications annually.

Number renewed annually

100

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 | Minimum of a bachelor's degree from a recognized educational institution in biology, chemistry, environmental sciences, geology, hydrogeology, toxicology, scientific subdisciplines of public health or hazardous waste management, appropriate areas of engineering, or in a curriculum determined to be equivalent by the director. Completion of 8-hour initial certification training. |
| Experience requirements | Eight years of relevant professional experience three of which are supervisory, or project management related. |
| Examination requirements (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Agency 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 twelve professional development hour units in the certification period. Credit is approved for attendance at and successful completion of any of the following: relevant college, courses, relevant continuing education courses, seminars, in-house courses, workshops, meetings, conventions, conferences pertaining to investigation, assessment, or remediation, of hazardous substances or petroleum. Credit is also approved for presentation and instruction at any of the following: courses, seminars, workshops, or other meetings identified above, instruction of courses in biology, chemistry, environmental sciences, geology, hydrogeology, toxicology, scientific subdisciplines, hazardous waste management, appropriate areas of engineering, other core courses that do otherwise qualify but demonstrate the certified professional's knowledge of the subject matter relevant to the investigation, assessment, or remediation of hazardous substances or petroleum. A minimum of six of the twelve professional development hour units in the certification period by attendance of courses and seminars conducted by Ohio EPA. A certified professional who has not submitted a no further action letter to the director in request of a covenant not to sue within the past four calendar years must also attend and complete the initial certification training. |

| If the regulation is a registration, certification, or license requirement, please complete the following: | |
|--|---|
| | Curriculum set and conducted by Ohio EPA includes relevant topics on pertaining to investigation, assessment, or remediation, of hazardous substances or petroleum, as well as VAP rule training, guidance updates, and case studies. |
| Initial fee | \$2500 |
| Duration | 1 Year |
| Renewal fee <i>(If different from initial fee, please explain why.)</i> | \$2000 - Renewal applications are shorter than initial applications and take fewer staff hours to review. The initial application also covers the cost of developing and updating the initial certification training. |
| Does the Agency 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? | No |
| Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Agency? | Yes. The certification only applies to the VAP and does not limit an environmental consultant's participation in similar non-VAP work, such as cleanups conducted under RCRA or BUSTR regulations. |
| Is the Agency 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.*)

The individual possesses the professional competence and knowledge to perform the tasks required of a certified professional. This determination shall be made by a review of evidence including, but not limited to, references, Ohio EPA comments on past work submitted to Ohio EPA, the application form, and other sources the director deems appropriate. To make this determination, the director may consider the following: proficiency of the individual, duration of the individual's relevant employment, previous performance of the individual with regard to various investigative methods used, including but not limited to, whether such experience includes work at sites where subsurface investigations that involved hazardous substances or petroleum occurred, previous performance of the individual with regard to past performance working with Ohio EPA, previous performance of the individual with regard to the various types of remedial systems designed and monitored, performance of the individual with regard to risk and exposure assessments, performance of the individual with regard to evaluating laboratory data quality and sufficiency to conduct a voluntary action, number of individuals and disciplines of other professionals supervised or coordinated by the individual, nature of conclusions reached and recommendations and opinions presented by the individual, any other factors the director deems relevant.

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

ORC 3746

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

Annually, the fees bring in approximately \$225,000. The revenue is used to fund 1 FTE of staff time to administer the certification and renewal process, and 0.25 FTE of staff time to provide ongoing training to the CPs each year, additional funds are used to administer the other aspects of the VAP program.

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).*)

The VAP provides a voluntary option to reducing environmental contamination, and thereby improving public health. The VAP certified professional program ensures environmental professionals working in the VAP have the professional experience, education and VAP specific training necessary to complete the complex remediation projects that go through the VAP.

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

Yes, the VAP has issued over 700 covenants not to sue, covering over 16,800 acres of land across Ohio.

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

No.

Surrounding state comparison (LSC) (as of August 22, 2024)

Under Ohio law, an individual must be licensed as a certified professional to conduct activities under the Voluntary Action Program.¹ To qualify, an individual needs to have obtained at least a bachelor's degree from a recognized educational institution in either: biology, chemistry, environmental sciences, geology, hydrogeology, toxicology, subdisciplines of public health or hazardous waste management, appropriate areas of engineering, or in a curriculum determined to be equivalent. The individual also has to complete an initial certification training consisting of eight hours of instruction pertaining to relevant laws, regulations, and standards of conduct. Along with the education requirements, an individual must also have at least eight years relevant professional experience with three of those years being supervisory or project management related. During the year the license is valid, an individual must

¹ O.A.C. 3745-300-02(C)(1)(a)(ii).

complete 12 hours of professional development units.² The individual must pay an initial licensure fee of \$2,500 and an annual renewal fee of \$2,000.³

Similarly, West Virginia law requires an individual wishing to practice as a remediation specialist in the state's Voluntary Remediation Program to be licensed.⁴ There are two tracks for education and experience that an individual can meet:

- Standard track:
 - Earned a bachelor's, master's, or doctorate degree from an accredited educational institution in: biology, chemistry, earth sciences, environmental sciences, geology, hydrogeology, microbiology, soil sciences, toxicology, scientific subdisciplines of public health, risk assessment, hazardous waste management, engineering, or in a curriculum the Secretary determines is equivalent; and
 - Have six years of relevant professional experience, with at least one year of those years being supervisory or project management related.
- Alternative track: Earned at least a high school diploma and have at least ten years of relevant professional experience, with at least one of those years being supervisory or project management related.⁵

There is also an examination an individual must pass before receiving a certificate.⁶ The license is valid for two years, during which, an individual must earn 12 hours of continuing education credit along with paying a \$400 for the renewal fee.⁷

² O.A.C. 3745-300-05.

³ O.A.C. 3745-300-03(B)(1) and (2).

⁴ W. Va. Code R. 60-3-5.1.a.

⁵ W. Va. Code R. 60-3-5.2.a, 60-3-5.2.b, 60-5.2.b.2, and 60-5.2.b.3.

⁶ W. Va. Code R. 60-3-5.3.

⁷ W. Va. Code R. 60-3-5.4.a and 60-3-5.5.a; W. Va. Dept. of Environmental Protection, [LRS Requirements](#).

Enhanced motor vehicle inspection and maintenance inspector

Survey response (EPA)

| Description | |
|--|-------------|
| Process to issue certification to individuals that conduct testing in Ohio's motor vehicle emissions testing program. | |
| Type (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.) | |
| Certificate to conduct the emissions test. | |
| If the regulation is a registration, certification, or license requirement, please complete the following: | |
| Number issued annually | 80 to 90. |
| Number renewed annually | 100 to 150. |

| 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 | 40 hour class on vehicle testing methods conducted by contractor that operates Ohio E Check program. |
| Experience requirements | None. |
| Examination requirements (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Agency receive any proceeds of those fees? If so, how are the proceeds used?</i>) | Applicants shall successfully complete the required training and score at least eighty per cent on the written examination and hands-on demonstration administered by Ohio EPA. No fees are charged. |
| Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>) | None. |
| 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 Agency 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 Agency? | No. |
| Is the Agency 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>) | Minimum age is 18. |

| Oversight and disciplinary authority of the Agency respecting individuals engaged in the occupation. |
|---|
| <p>The Ohio EPA monitors and conducts quality assurance audits. Discipline is handled by the contactor conducting the Ohio E-Check program but the Ohio EPA maintains the right to request a dismissal at our discretion.</p> |

How much revenue is derived from fees charged by the Agency 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?

40 CFR 51.367 sets the requirements.

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

Fraudulent testing.

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

Yes. No.

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

No.

Surrounding state comparison (LSC) (as of August 20, 2024)

| Motor Vehicle Emission Inspection and Maintenance Professionals | | | | | | |
|---|--|---|---|---|---|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Type of regulation (Name of regulation) | License (Certified inspector – tests motor vehicle emissions) <i>(R.C. 3704.14; O.A.C. 3745-26-13; 40 C.F.R. 51.367)</i> | License (Certified motor vehicle emission inspector) <i>(Ind. Code 13-17-5-5.1; 326 Ind. Admin. Code 13-1.1-15)</i> | No clear equivalent – Kentucky does not require emissions inspections | No clear equivalent – Michigan does not require emissions inspections | License (Certified emission inspector) <i>(67 Pa. Code 177.408)</i> | No clear equivalent – West Virginia does not require emissions inspections |

| Motor Vehicle Emission Inspection and Maintenance Professionals | | | | | | |
|---|---|--|----------|----------|---|---------------|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Education or training | Training that meets federal requirements (O.A.C. 3745-26-13) | Program of training approved by the Indiana Department of Environmental Management (326 Ind. Admin. Code 13-1.1-15) | N/A | N/A | Emission inspection training course approved by the Department of Transportation (67 Pa. Code 177.408) | N/A |
| Experience | Must be at least 18 years of age (O.A.C. 3745-26-13) | N/A | N/A | N/A | Must be at least 18 years of age with a valid driver's license (67 Pa. Code 177.408) | N/A |
| Exam | Yes (O.A.C. 3745-26-13) | Yes (326 Ind. Admin. Code 13-1.1-15) | N/A | N/A | Yes (67 Pa. Code 177.408) | N/A |
| Continuing education | No formal continuing education, but must attend and successfully complete a recertification | Refresher training and testing (326 Ind. Admin. Code 13-1.1-15) | N/A | N/A | Refresher training course for emission inspector (67 Pa. Code 177.408) | N/A |

| Motor Vehicle Emission Inspection and Maintenance Professionals | | | | | | |
|---|---|--|----------|----------|------------------------------------|---------------|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | course and test to renew license (O.A.C. 3745-26-13) | | | | | |
| Initial licensure fee | N/A | N/A | N/A | N/A | N/A | N/A |
| License duration | Two years (O.A.C. 3745-26-13) | One year (326 Ind. Admin. Code 13-1.1-15) | N/A | N/A | Two years (67 Pa. Code 177.408) | N/A |
| Renewal fee | N/A | N/A | N/A | N/A | N/A | N/A |

Public water system professional operator

Survey response for public water system professional operator A certification (EPA)

| Description |
|--|
| Public water system Class A (Water Supply) certification is an entry level certification serving smaller public water systems. |

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

Certification.

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

| | |
|---|--|
| Number issued annually | Certificates issued vary based on year, but in SFY24, 15 Class A water treatment certificates were issued. |
| Number renewed annually | Certificates renewed vary based on year, but in SFY24, 136 Class A water treatment certificates were renewed. |
| Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years? | No |
| Education or training requirements | Certification requires a minimum of a high school diploma, or the equivalent. |
| Experience requirements | 6 months (1,080 hours) of operating experience, or 3 years of working experience. Operating experience is hands on time operating a public water system. Working experience – means time spent at a job where a portion of the duties involve dealing with a public water system or treatment works. |

| If the regulation is a registration, certification, or license requirement, please complete the following: | |
|---|---|
| | This time can be reduced based on post high school education in an approved degree program, or successfully completing Basic Water courses through California State University – Sacramento, or the Operator Training Committee of Ohio, Inc. |
| Examination requirements (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Agency receive any proceeds of those fees? If so, how are the proceeds used?</i>) | Examinations are given by an approved third-party examination provider, Water Professionals International, through their testing contractor that has 10 testing locations in Ohio, locations in other states and locations in other countries. Third party exam providers can apply to Ohio EPA to be approved in accordance with provisions in OAC Rule 3745-7-19. Fees include the cost of the examination fee which is paid to the test administrator (currently \$112) and the certification fee (\$45) which is paid to Ohio EPA. Fees are used to cover a portion of the cost of the operator certification program. |
| Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>) | Class A operators must submit 8 contact hours to renew their license. Within the hour requirement, at least 50% of those hours must be on a topic related to operations and maintenance (O&M) in the field of water treatment. A 25% reduction in the contact hours requirement is also available if the operator holds multiple certificates. Ohio EPA approves courses for contact hours, in both water and wastewater, and determines if the topic is related to O&M, or 'other' (like safety or management courses) from over 455 training providers. In SFY24, there were 3,581 different courses offered 13,306 times to operators. |
| Initial fee | The initial fee is the application for certification fee discussed above \$45. |
| Duration | 2 years |
| Renewal fee (<i>If different from initial fee, please explain why.</i>) | \$25. The renewal fee is established in ORC 3745.11(O). |
| Does the Agency recognize uniform licensure requirements or allow for reciprocity? | Provisions in the operator certification rules allow for reciprocity. |

| 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? | There are no national registrations, certifications or licenses. |
| Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Agency? | Yes, an operator may work at a water treatment plant without being certified. The only person required to be certified is the operator of record for the plant. |
| Is the Agency permitted to exercise discretion in determining whether to register, certify, or license an individual? | <p>There are provisions in the operator certification rules that make an operator ineligible for certification, but the agency does not have discretion in determining whether to certify an individual. The provisions that make an operator ineligible are as follows:</p> <p>(1) Not have been convicted of, or plead guilty to, a criminal charge involving falsification, fraud, or terrorism.</p> <p>(2) At the time of application and prior to the examination date, not have a revoked or currently suspended Ohio professional operator certification.</p> <p>(3) Not have a professional operator certificate from any other state currently revoked or under suspension.</p> <p>(4) Not have performed the duties of a professional operator of record without a valid certificate of the appropriate field and classification, unless in accordance with the exemptions and exceptions contained in chapter 3745-7 of the Administrative Code.</p> |
| Other information (Significant attributes or prerequisites to licensure not addressed in this chart.) | <p>Applicants must have the ability to do the following:</p> <p>(a) Read and understand Chapters 6109. and 6111. of the Revised Code and the rules adopted thereunder.</p> <p>(b) Perform mathematical calculations required to operate in the field for which certification is being sought.</p> |

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

(c) Complete and maintain records and regulatory reporting forms required to document the proper operation of a public water system, treatment works, or sewerage systems.

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

The agency has oversight authority over certified professional operators. The agency can suspend or revoke the certificate of an operator. The Agency may also fine a certified professional operator. In cases of criminal activity, there are provisions that allow the criminal prosecution of a certified professional operator.

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

In SFY 2024, Ohio EPA received \$233,943 from certification and renewal fees associated with the operator certification program. That money is used to fund a portion of Ohio's operator certification program. Other funds are used to supplement the fees to fully fund the program.

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

U.S. EPA's Final Guidelines for the Certification and Recertification of the Operators of Community and Nontransient Noncommunity Public Water Systems; Notice, 64 FR 5915 (February 5, 1999) require the state to establish an operator certification program that meets the requirements of the guidelines. Failure to maintain a program will result in US EPA withholding 20% of the capitalization grant funds that support, Ohio's Drinking Water State Revolving Fund.

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

The regulation seeks to ensure that public water and wastewater systems are operated by well trained and qualified individuals to ensure the protection of public health. The regulations ensure the people in charge of the technical operation have the experience necessary to perform daily process control to guarantee protection of the public and the environment. The regulation is part of a multi barrier approach to ensuring that the citizens of Ohio have clean drinking water and are able to enjoy Ohio's natural resources.

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

Yes, the certification program ensures appropriately certified professional operators who have an appropriate amount of education, experience and technical expertise operate and oversee systems that distribute potable water to citizens of the state of Ohio. Failure to have qualified operators making process control decisions at treatment facilities would result in contamination of drinking water and pose a threat to citizens of the state of Ohio. These operators are essential for the protection of public health and the environment.

Yes, the regulation is very effective at preventing harm. Ohio EPA does not believe there is a less restrictive way to prevent harm.

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

We do not believe any major changes need to be implemented. Minor changes are handled through the State's five-year rule review process. Any changes that need to be made in the program are handled through this process. The operator certification rules are in the final stages of rule-making. Changes requested by stakeholders should be effective by the end of 2024.

Survey response for public water system professional operator I, II, III, and IV (EPA)

Description

Public water system operators (Water Supply) Class I, II, III, and IV oversee the technical operations of small to large public water systems through Ohio. They inspect and repair equipment, treat water by ensuring the proper dosage of chemicals, and testing is performed to ensure that the water sent to customers is adequate and safe to consume.

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

Certification.

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

| | |
|---|---|
| Number issued annually | The number of newly issued certificates vary by year, but in SFY24, 293 Water Treatment certificates (excluding Class A) were issued. |
| Number renewed annually | The number of renewed certificates vary by year, but in SFY24, 1,358 Water Treatment certificates (excluding Class A) were renewed. |
| 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 | Certification requires a minimum high school diploma, or its equivalent. |
| Experience requirements | <p>Water Treatment Class 1: 12 months operating experience</p> <p>Water Treatment Class 2: 36 months operating experience</p> <p>Water Treatment Class 3: 60 months operating experience and 12 months while holding a valid Class 2 certificate in the wastewater field.</p> <p>Water Treatment Class 4: 3 years of operating experience at a Class 3 or 4 facility, and 2 of those years, holding management experience.</p> <p>* Reductions available for Class 2 and 3 operators with post high school education in an approved field of study.</p> <p>*Substitution credit for experience requires are available for Class 2 and 3 operators based on successfully passes approved training in the field of water.</p> |
| Examination requirements (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Agency receive any proceeds of those fees? If so, how are the proceeds used?</i>) | Examinations are given by an approved third-party examination provider, Water Professionals International, through their testing contractor that has 10 testing locations in Ohio, locations in other states and locations in other countries. Third party exam providers can apply to Ohio EPA to be approved in accordance with provisions in OAC Rule 3745-7-19. Fees include the cost of the examination fee which is paid to the test administrator (currently \$112) and the certification fee (\$45) which is paid to Ohio EPA. Fees are used to cover a portion of the cost of the operator certification program. |
| Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>) | <p>Class I operator must submit 12 contact hours and Class II, III, IV operators must submit 24 hours to renew their license.</p> <p>Within the hour requirement, at least 50% of those hours must be on a topic related to operations and maintenance (O&M) in the field of wastewater. A 25% reduction in the contact hours requirement is also available if the operator holds multiple certificates. Ohio EPA approves courses for contact hours, in both water and wastewater, and determines if the topic</p> |

| If the regulation is a registration, certification, or license requirement, please complete the following: | |
|--|--|
| | is related to O&M, or 'other' (like safety or management courses) from over 455 training providers. In SFY24, there were 3,581 different courses offered 13,306 times to operators. |
| Initial fee | The initial fee is the application for certification fee discussed above \$45. |
| Duration | 2 years |
| Renewal fee <i>(If different from initial fee, please explain why.)</i> | Class A operator - \$25; Class I operator - \$35; Class II operator - \$45; Class III operator - \$55; Class IV operator - \$65 The renewal fees are established in ORC 3745.11(O). |
| Does the Agency recognize uniform licensure requirements or allow for reciprocity? | Provisions in the operator certification rules 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 national registrations, certifications or licenses. |
| Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Agency? | Yes, an operator may work at a water treatment plant without being certified. The only person required to be certified is the operator of record for the plant. |
| Is the Agency permitted to exercise discretion in determining whether to register, certify, or license an individual? | There are provisions in the operator certification rules that make an operator ineligible for certification, but the agency does not have discretion in determining whether to certify an individual. The provisions that make an operator ineligible are as follows: (1) Not have been convicted of, or plead guilty to, a criminal charge involving falsification, fraud, or terrorism. |

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

| | |
|--|---|
| | <p>(2) At the time of application and prior to the examination date, not have a revoked or currently suspended Ohio professional operator certification.</p> <p>(3) Not have a professional operator certificate from any other state currently revoked or under suspension.</p> <p>(4) Not have performed the duties of a professional operator of record without a valid certificate of the appropriate field and classification, unless in accordance with the exemptions and exceptions contained in chapter 3745-7 of the Administrative Code.</p> |
| <p>Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)</p> | <p>Applicants must have the ability to do the following:</p> <p>(a) Read and understand Chapters 6109. and 6111. of the Revised Code and the rules adopted thereunder.</p> <p>(b) Perform mathematical calculations required to operate in the field for which certification is being sought.</p> <p>(c) Complete and maintain records and regulatory reporting forms required to document the proper operation of a public water system, treatment works, or sewerage systems.</p> |

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

The agency has oversight authority over certified professional operators. The agency can suspend or revoke the certificate of an operator. The Agency may also fine a certified professional operator. In cases of criminal activity, there are provisions that allow the criminal prosecution of a certified professional operator.

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

In SFY 2024, Ohio EPA received \$233,943 from certification and renewal fees associated with the operator certification program. That money is used to fund a portion of Ohio's operator certification program. Other funds are used to supplement the fees to fully fund the program.

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

U.S. EPA's Final Guidelines for the Certification and Recertification of the Operators of Community and Nontransient Noncommunity Public Water Systems; Notice, 64 FR 5915 (February 5, 1999) require the state to establish an operator certification program that meets the requirements of the guidelines. Failure to maintain a program will result in US EPA withholding 20% of the capitalization grant funds that support, Ohio's Drinking Water State Revolving Fund.

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

The regulation seeks to ensure that public water and wastewater systems are operated by well trained and qualified individuals to ensure the protection of public health. The regulations ensure the people in charge of the technical operation have the experience necessary to perform daily process control to guarantee protection of the public and the environment. The regulation is part of a multi barrier approach to ensuring that the citizens of Ohio have clean drinking water and are able to enjoy Ohio's natural resources.

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

Yes, the certification program ensures appropriately certified professional operators who have an appropriate amount of education, experience and technical expertise operate and oversee systems that distribute potable water to citizens of the state of Ohio. Failure to have qualified operators making process control decisions at treatment facilities would result in contamination of drinking water and pose a threat to citizens of the state of Ohio. These operators are essential for the protection of public health and the environment.

Yes, the regulation is very effective at preventing harm. Ohio EPA does not believe there is a less restrictive way to prevent harm.

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

We do not believe any major changes need to be implemented. Minor changes are handled through the State's five-year rule review process. Any changes that need to be made in the program are handled through this process. The operator certification rules are in the final stages of rule-making. Changes requested by stakeholders should be effective by the end of 2024.

Surrounding state comparison (LSC) (as of August 15, 2024)

| Drinking Water Treatment Operator | | | | | | |
|--|---|---|--|--|--|---|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Type of regulation (Name of regulation) | License (Public Water System Professional Operator) <i>(O.A.C. 3745-7-02(A)(1), 3745-7-</i> | License (Certified operator of a public water system water treatment plant) <i>(327 Ind. Admin. Code 8-12-1 and 8-12-1.1)</i> | License (Water Treatment Plant Operator) <i>(Ky. Rev. Stat. 223.160)</i> | License (Treatment System Certified Operator) <i>(Mich. Admin. Code R. 325.11901 and 325.11905(1))</i> | License (Water System Operator) <i>(25 Pa. Code 302.104)</i> | License (Public Water System (PWS) Operator) <i>(W. Va. Code R. 64-4-4.1.4 to 64-4-4.1.7, 64-4-5.1, and 64-4-5.2)</i> |

| Drinking Water Treatment Operator | | | | | | |
|-----------------------------------|--|---|--|---|--|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | 05(A)(1) to (6), and 3754-7-06) | | | | | |
| Education or training | <p>High school diploma or equivalent</p> <p>Read and understand Ohio laws and regulations</p> <p>Be able to perform mathematical calculations for field operation</p> <p>Complete and maintain forms required for operating a public water system</p> <p>Completion of the Ohio EPA Professional Operator Certification Training course</p> <p>(O.A.C. 3745-7-06 (B)(5), (6), and (7))</p> | <p>High school diploma or equivalent</p> <p>Possess educational skills regarding computations, calculations, record-keeping, sanitation, and science principles, and read and write English</p> <p>Can maintain inventories, order supplies and equipment, and interpret chemical and bacteriological sample reports</p> <p>(327 Ind. Admin. Code 8-12-3(b) and 3.2(c))</p> | <p>Class IA-D, IIA, IIIA, IB-D, IIB-D, IIIB: High school diploma or GED</p> <p>Class IVA, IVB: Bachelor's degree in engineering or biological, environmental, physical, or chemical science, or equivalent</p> <p>(401 Ky. Admin. Regs. 11:040, section 2)</p> | <p>Educational points required to take exam</p> <p>(Mich. Admin. Code R. 325.11911; Mich. Dept. of Environment, Great Lakes, and Energy, State of Michigan Requirements for Certification, pages 6 through 9 (PDF))</p> | <p>High school diploma or GED or experience equivalency</p> <p>(25 Pa. Code 302.701)</p> | <p>Class 1D: Passing a commissioner-approved 1D course</p> <p>Class R: High school diploma or GED, passing commissioner-approved Class R course</p> <p>Class, I, II, III, IV: High school diploma or GED</p> <p>--Class I, II must pass an approved certification course;</p> <p>--Class III, IV must complete certain amounts of continuing education units (CEUs) which are earned from taking continuing education hour</p> |

| Drinking Water Treatment Operator | | | | | | |
|-----------------------------------|---|---|---|--|---|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | | | | | | <p>courses, college courses, or work experience</p> <p>(W. Va. Code R. Table 64-4A and Table 64-4B)</p> |
| Experience | <p>Class A: 520 to 1,040 hours of operating experience and one to three years of working experience</p> <p>Class I: One year of working experience</p> <p>Class II: Three years of operating experience</p> <p>Class III: Five years of operating experience including one year of operating experience at the Class II level</p> | <p>Grade WT 1: A minimum of one year of work experience operating a Class WT 1 water treatment plant (WTP)</p> <p>Grade WT 2: Either (1) one year in the operation of a Class WT 2 WTP or (2) two years in a Class WT 1 WTP</p> <p>Grade WT 3: Either (1) two years of operation of a Class WT 3 WTP or (2) completion of college-level</p> | <p>Class IA-D: One year of operation of a Subclass A PWS</p> <p>Class 1B-D: One year of operation of a Subclass A or B PWS</p> <p>Class IIA: Two years of operating a WTP with six months in a Class IIA, IIIA, or IVA WTP</p> <p>Class IIB-D: Two years of operating a WTP with six months in a Class 1A-D, IIB-D, or higher WTP</p> | <p>Experience points required to take exam</p> <p>(Mich. Admin. Code R. 325.11911; Mich. Dept. of Environment, Great Lakes, and Energy, State of Michigan Requirements for Certification, pages 6 through 9 (PDF))</p> | <p>Minimum experience requirements:</p> <p>Class A: Four years</p> <p>Class B: Three years</p> <p>Class C: Two years</p> <p>Class D, E: One year</p> <p>Class Dc, Dn: Six months</p> <p>*Experience requirements can be reduced by completing additional education beyond minimal education</p> | <p>Class R: N/A</p> <p>Class I: 2,000 hours at a PWS</p> <p>Class II: 4,000 hours at a Class II or higher PWS</p> <p>Class III: 8,000 hours at a Class I or higher PWS with at least 2,000 hours at a Class II or higher PWS</p> <p>Class IV: 10,000 hours at a Class 1 or higher PWS with at least 2,000 hours at a Class III or higher PWS</p> <p>(W. Va. Code R. Table 64-4a)</p> |

| Drinking Water Treatment Operator | | | | | | |
|-----------------------------------|---|--|--|----------|---|---------------|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | <p>Class IV: Three years of operating experience while in possession of a valid Class III certification with two of those years at a Class III or IV facility</p> <p><i>(O.A.C. 3745-7-06(B)(8) and (C)(2))</i></p> | <p>educational work in engineering, chemistry, or science</p> <p>Grade WT 4: Either (1) two years of operating a Class WT 3 WTP or (2) completion of college-level educational work in engineering, chemistry, or science</p> <p>Grade WT 5: Either (1) three years of operating a Class WT 5 WTP or (2) five years of operating a Class 4 WTP</p> <p>Also must complete college-level educational work</p> <p>Grade WT 6: Meet qualifications determined on</p> | <p>Class IIIA: Three years of operating a public WTP with one year in a Class IIA, IIIA, or IVA WTP</p> <p>Class IIIB: Three years of operating a public WTP with one year in a Class IIA, IIB-D, IIIA, IIIB, IVA, or IVB WTP</p> <p>Class IVA: One year of operating a Class IIIA or IVA public WTP</p> <p>Class IVB: One year of operating a Class IIIA, IIIB, IVA, or IVB public WTP</p> <p><i>(401 Ky. Admin. Regs. 11:040, section 2)</i></p> | | <p>requirements (described above)</p> <p><i>(25 Pa. Code 302.703)</i></p> | |

| Drinking Water Treatment Operator | | | | | | |
|-----------------------------------|---|---|---|---|---|---|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | | individual WTP basis <i>(327 Ind. Admin. Code 8-12-3.2(c))</i> | | | | |
| Exam | Yes <i>(O.A.C. 3745-7-06)</i> | Yes, unless exempted by statute or rule <i>(327 Ind. Admin. Code 8-12-3(a)(2))</i> | Yes <i>(401 Ky. Admin. Regs. 11:050, section 1(1)(b))</i> | Yes, except for Class F-5 (which class covers complete treatment systems for noncommunity supplies) <i>(Mich. Admin. Code R. 325.11912(1))</i> | Yes <i>(25 Pa. Code 302.702(b); Pa. Dept. of Environmental Protection, State Bd. of Certification of Water and Wastewater System Operators, Exam Schedule)</i> | Yes <i>(W. Va. Code R. 64-4-9 and Table 64-4A)</i> |
| Continuing education | Class A: Eight hours Class I: 12 hours Class II, III, IV: 24 hours <i>(O.A.C. 3745-7-15(D)(1))</i> | Grade WT 1: Ten hours Grade WT 2: 15 hours Grade WT 3: 25 hours Grade WT 4, WT 5, WT 6: 30 hours | Class I, II: 12 hours Class III, IV: 24 hours <i>(401 Ky. Admin. Regs. 11:050, section 3(5)(e))</i> | Class 1, 2: 24 hours Class 3: 24 hours Class 4: 12 hours Class 5: Nine hours <i>(Mich. Admin. Code R. 325.11915(2))</i> | Class A, B, C: 30 hours Class D, E: 15 hours Class Dc: Nine hours Class Dn: Six hours | Class 1D: N/A Class R: One hour Class I: 12 hours Class II, III, IV: 24 hours <i>(W. Va. Code R. 64-4-10.3)</i> |

| Drinking Water Treatment Operator | | | | | | |
|-----------------------------------|---|---|---|---|---|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | | <i>(327 Ind. Admin. Code 8-12-7.5(b))</i> | | | <i>(25 Pa. Code 302.803(a)(2))</i> | |
| Initial licensure fee | \$45 <i>(R.C. 3745.11(O))</i> | \$30 <i>(327 Ind. Admin. Code 8-12-5(a)(1))</i> | \$250 <i>(401 Ky. Admin. Regs. 11:060, section 1(1)(a))</i> | N/A | Class A, B, C, D: \$150 Class E, Dc: \$100 Class Dn: N/A <i>(25 Pa. Code 302.202(e))</i> | N/A |
| License duration | Two years <i>(O.A.C. 3745-7-15(A))</i> | Three years <i>(327 Ind. Admin. Code 8-12-5(a)(3) and 8-12-7.5(a))</i> | Two years <i>(401 Ky. Admin. Regs. 11:050, section 2(2))</i> | Three years <i>(Mich. Admin. Code R. 325.11915(1))</i> | Three years <i>(25 Pa. Code 302.802)</i> | Two years <i>(W. Va. Code R. 64-4-10.5)</i> |
| Renewal fee | Class A: \$25 Class I: \$35 Class II: \$45 Class III: \$55 Class IV: \$65 <i>(R.C. 3745.11(O))</i> | \$30 <i>(327 Ind. Admin. Code 8-12-5(a)(3))</i> | \$200 <i>(401 Ky. Admin. Regs. 11:060, section 1(1)(b))</i> | \$95 <i>(Mich. Comp. Laws 324.3110(3)(f))</i> | \$60 <i>(25 Pa. Code 302.202(e))</i> | N/A |

Treatment works professional operator

Survey response for sewage system professional operator I and II (EPA)

| Description | |
|---|--|
| Sewage system (Collection System) Class I and II operators repair and maintain wastewater collection systems such as sanitary sewers, storm drains and pump stations. They ensure that sanitary or storm water and collected appropriately and transferred to the wastewater treatment plant. | |
| Type (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.) | |
| Certification. | |
| If the regulation is a registration, certification, or license requirement, please complete the following: | |
| Number issued annually | The number of newly issued certificates vary by year, but in SFY24, 84 Wastewater Collection certificates were issued. |
| Number renewed annually | The number of renewed certificates vary by year, but in SFY24, 320 Wastewater Collection certificates were renewed. |

| 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 | Certification requires a high school diploma, or its equivalent |
| Experience requirements | <p>Wastewater Collection Class 1: 12 months operating experience</p> <p>Wastewater Collection Class 2: 36 months operating experience</p> <p>* Reductions available for Class 2 operators with post high school education in an approved field of study.</p> <p>*Substitution credit for experience requires are available for Class 2 operators based on successfully passes approved training in the field of water.</p> |
| Examination requirements (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Agency receive any proceeds of those fees? If so, how are the proceeds used?</i>) | Examinations are given by an approved third-party examination provider, Water Professionals International, through their testing contractor that has 10 testing locations in Ohio, locations in other states and locations in other countries. Third party exam providers can apply to Ohio EPA to be approved in accordance with provisions in OAC Rule 3745-7-19. Fees include the cost of the examination fee which is paid to the test administrator (currently \$112) and the certification fee (\$45) which is paid to Ohio EPA. Fees are used to cover a portion of the cost of the operator certification program. |
| Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>) | Wastewater Collection Class 1 and 2 operators must submit 12 contact hours to renew their certificate. Within the hour requirement, at least 50% of those hours must be on a topic related to operations and maintenance (O&M) in the field of wastewater. A 25% reduction in the contact hours requirement is also available if the operator holds multiple certificates. Ohio EPA approves courses for contact hours, in both water and wastewater, and determines if the topic is related to O&M, or 'other' (like safety or management courses) from over 455 training providers. In SFY24, there were 3,581 different courses offered 13,306 times to operators. |

| If the regulation is a registration, certification, or license requirement, please complete the following: | |
|--|---|
| Initial fee | The initial fee is the application for certification fee discussed above \$45. |
| Duration | 2 years |
| Renewal fee <i>(If different from initial fee, please explain why.)</i> | Class I operator - \$35; Class II operator - \$45 The renewal fees are established in ORC 3745.11(O). |
| Does the Agency recognize uniform licensure requirements or allow for reciprocity? | Provisions in the operator certification rules 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 national registrations, certifications or licenses. |
| Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Agency? | Yes, an operator may work at a wastewater collection system without being certified. The only person required to be certified is the operator of record for the system. |
| Is the Agency permitted to exercise discretion in determining whether to register, certify, or license an individual? | There are provisions in the operator certification rules that make an operator ineligible for certification, but the agency does not have discretion in determining whether to certify an individual. The provisions that make an operator ineligible are as follows: (1) Not have been convicted of, or plead guilty to, a criminal charge involving falsification, fraud, or terrorism. (2) At the time of application and prior to the examination date, not have a revoked or currently suspended Ohio professional operator certification. |

| If the regulation is a registration, certification, or license requirement, please complete the following: | |
|---|---|
| | <p>(3) Not have a professional operator certificate from any other state currently revoked or under suspension.</p> <p>(4) Not have performed the duties of a professional operator of record without a valid certificate of the appropriate field and classification, unless in accordance with the exemptions and exceptions contained in chapter 3745-7 of the Administrative Code.</p> |
| Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>) | <p>Applicants must have the ability to do the following:</p> <p>(a) Read and understand Chapters 6109. and 6111. of the Revised Code and the rules adopted thereunder.</p> <p>(b) Perform mathematical calculations required to operate in the field for which certification is being sought.</p> <p>(c) Complete and maintain records and regulatory reporting forms required to document the proper operation of a public water system, treatment works, or sewerage systems.</p> |
| Oversight and disciplinary authority of the Agency respecting individuals engaged in the occupation. | |
| <p>The agency has oversight authority over certified professional operators. The agency can suspend or revoke the certificate of an operator. The Agency may also fine a certified professional operator. In cases of criminal activity, there are provisions that allow the criminal prosecution of a certified professional operator.</p> | |

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

In SFY 2024, Ohio EPA received \$233,943 from certification and renewal fees associated with the operator certification program. That money is used to fund a portion of Ohio's operator certification program. Other funds are used to supplement the fees to fully fund the program.

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

U.S. EPA's Final Guidelines for the Certification and Recertification of the Operators of Community and Nontransient Noncommunity Public Water Systems; Notice, 64 FR 5915 (February 5, 1999) require the state to establish an operator certification program that meets the requirements of the guidelines for drinking water operators. Ohio's program was established in 1935 and wastewater treatment operators have been paired with the drinking water operators. Federal law does not require the regulation of wastewater treatment operators.

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

The regulation seeks to ensure that public water and wastewater systems are operated by well trained and qualified individuals to ensure the protection of public health. The regulations ensure the people in charge of the technical operation have the experience necessary to perform daily process control to guarantee protection of the public and the environment. The regulation is part of a multi barrier approach to ensuring that the citizens of Ohio have clean drinking water and are able to enjoy Ohio's natural resources.

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

Yes, the certification program ensures appropriately certified professional operators who have an appropriate amount of education, experience and technical expertise operate and oversee wastewater collection systems. Failure to have qualified operators making process control decisions in collection systems would result in sewer overflows that would contaminate the environment and streams that serve as supplies of drinking water. These operators are essential for the protection of public health and the environment.

Yes, the regulation is very effective at preventing harm. Ohio EPA does not believe there is a less restrictive way to prevent harm.

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

We do not believe any major changes need to be implemented. Minor changes are handled through the State's five-year rule review process. Any changes that need to be made in the program are handled through this process. The operator certification rules are in the final stages of rule-making. Changes requested by stakeholders should be effective by the end of 2024.

Survey response for treatment works professional operator A (EPA)**Description**

Treatment works (Wastewater Treatment) Class A certification is an entry level certification into the field of wastewater treatment.

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

Certification.

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

| | |
|---|--|
| Number issued annually | Newly issued wastewater treatment Class A certificates vary yearly, though in SFY24, 16 certificates were issued. |
| Number renewed annually | Wastewater Treatment Class A renewal certificates vary yearly, though in SFY24, 113 certificates were renewed (29 of these were limited Class A certificates). |
| 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 high school diploma, or its equivalent. |
| Experience requirements | 6 months (1,080 hours) of operating experience, or 3 years of working experience. Operating experience is hands on time operating a public water system. Working experience – means time spent at a job where a portion of the duties involve dealing with a public water system or treatment works. |

| If the regulation is a registration, certification, or license requirement, please complete the following: | |
|---|--|
| | This time can be reduced based on post high school education in an approved degree program, or successfully completing Basic Water courses through California State University – Sacramento, or the Operator Training Committee of Ohio, Inc. |
| Examination requirements (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Agency receive any proceeds of those fees? If so, how are the proceeds used?</i>) | Examinations are given by an approved third-party examination provider, Water Professionals International, through their testing contractor that has 10 testing locations in Ohio, locations in other states and locations in other countries. Third party exam providers can apply to Ohio EPA to be approved in accordance with provisions in OAC Rule 3745-7-19. Fees include the cost of the examination fee which is paid to the test administrator (currently \$112) and the certification fee (\$45) which is paid to Ohio EPA. Fees are used to cover a portion of the cost of the operator certification program. |
| Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>) | Class A operator must submit 8 contact hours. Within the hour requirement, at least 50% of those hours must be on a topic related to operations and maintenance (O&M) in the field of wastewater. A 25% reduction in the contact hours requirement is also available if the operator holds multiple certificates. Ohio EPA approves courses for contact hours, in both water and wastewater, and determines if the topic is related to O&M, or 'other' (like safety or management courses) from over 455 training providers. In SFY24, there were 3,581 different courses offered 13,306 times to operators. |
| Initial fee | The initial fee is the application for certification fee discussed above \$45. |
| Duration | 2 years. |
| Renewal fee (<i>If different from initial fee, please explain why.</i>) | \$25 The renewal fees are established in ORC 3745.11(O). |
| Does the Agency recognize uniform licensure requirements or allow for reciprocity? | Provisions in the operator certification rules allow for reciprocity. |

| 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? | There are no national registrations, certifications or licenses. |
| Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Agency? | Yes, an operator may work at a water treatment plant without being certified. The only person required to be certified is the operator of record for the plant. |
| Is the Agency permitted to exercise discretion in determining whether to register, certify, or license an individual? | <p>There are provisions in the operator certification rules that make an operator ineligible for certification, but the agency does not have discretion in determining whether to certify an individual. The provisions that make an operator ineligible are as follows:</p> <p>(1) Not have been convicted of, or plead guilty to, a criminal charge involving falsification, fraud, or terrorism.</p> <p>(2) At the time of application and prior to the examination date, not have a revoked or currently suspended Ohio professional operator certification.</p> <p>(3) Not have a professional operator certificate from any other state currently revoked or under suspension.</p> <p>(4) Not have performed the duties of a professional operator of record without a valid certificate of the appropriate field and classification, unless in accordance with the exemptions and exceptions contained in chapter 3745-7 of the Administrative Code.</p> |
| Other information (Significant attributes or prerequisites to licensure not addressed in this chart.) | <p>Applicants must have the ability to do the following:</p> <p>(a) Read and understand Chapters 6109. and 6111. of the Revised Code and the rules adopted thereunder.</p> <p>(b) Perform mathematical calculations required to operate in the field for which certification is being sought.</p> |

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

(c) Complete and maintain records and regulatory reporting forms required to document the proper operation of a public water system, treatment works, or sewerage systems.

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

The agency has oversight authority over certified professional operators. The agency can suspend or revoke the certificate of an operator. The Agency may also fine a certified professional operator. In cases of criminal activity, there are provisions that allow the criminal prosecution of a certified professional operator.

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

In SFY 2024, Ohio EPA received \$233,943 from certification and renewal fees associated with the operator certification program. That money is used to fund a portion of Ohio's operator certification program. Other funds are used to supplement the fees to fully fund the program.

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

U.S. EPA's Final Guidelines for the Certification and Recertification of the Operators of Community and Nontransient Noncommunity Public Water Systems; Notice, 64 FR 5915 (February 5, 1999) require the state to establish an operator certification program that meets the requirements of the guidelines for drinking water operators. Ohio's program was established in 1935 and wastewater treatment operators have been paired with the drinking water operators. Federal law does not require the regulation of wastewater treatment operators.

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

The regulation seeks to ensure that public water and wastewater systems are operated by well trained and qualified individuals to ensure the protection of public health. The regulations ensure the people in charge of the technical operation have the experience necessary to perform daily process control to guarantee protection of the public and the environment. The regulation is part of a multi barrier approach to ensuring that the citizens of Ohio have clean drinking water and are able to enjoy Ohio's natural resources.

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

Yes, the certification program ensures appropriately certified professional operators who have an appropriate amount of education, experience and technical expertise operate and oversee wastewater treatment plants. Failure to have qualified operators making process control decisions at treatment facilities would result in contamination of the environment and streams that serve as supplies of drinking water. These operators are essential for the protection of public health and the environment.

Yes, the regulation is very effective at preventing harm. Ohio EPA does not believe there is a less restrictive way to prevent harm.

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

We do not believe any major changes need to be implemented. Minor changes are handled through the State's five-year rule review process. Any changes that need to be made in the program are handled through this process. The operator certification rules are in the final stages of rule-making. Changes requested by stakeholders should be effective by the end of 2024.

Survey response for treatment works professional operator I, II, III, and IV (EPA)

Description

Treatment works (Wastewater Treatment) professional operators oversee the operations and maintenance of wastewater treatment plants. They ensure that effluent water exiting the treatment plant meets discharge permit standards set by the Ohio EPA's Division of Surface Water.

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

Certification.

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

| | |
|---|--|
| Number issued annually | The number of newly issued certificates vary by year, but in SFY24, 328 Wastewater Treatment certificates (excluding Class A) were issued. |
| Number renewed annually | The number of renewed certificates vary by year, but in SFY24, 1,537 Wastewater Treatment certificates (excluding Class A) were renewed. |
| 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 | Certification requires a minimum high school diploma, or its equivalent. |
| Experience requirements | <p>Wastewater Treatment Class 1: 12 months operating experience</p> <p>Wastewater Treatment Class 2: 36 months operating experience</p> <p>Wastewater Treatment Class 3: 60 months operating experience and 12 months while holding a valid Class 2 certificate in the wastewater field.</p> <p>Wastewater Treatment Class 4: 3 years of operating experience at a Class 3 or 4 facility, with 2 of those years, obtaining management experience.</p> <p>* Reductions available for Class 2 and 3 operators with post high school education in an approved field of study.</p> <p>*Substitution credit for experience requires are available for Class 2 and 3 operators based on successfully passes approved training in the field of water.</p> |
| Examination requirements (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Agency receive any proceeds of those fees? If so, how are the proceeds used?</i>) | Examinations are given by an approved third-party examination provider, Water Professionals International, through their testing contractor that has 10 testing locations in Ohio, locations in other states and locations in other countries. Third party exam providers can apply to Ohio EPA to be approved in accordance with provisions in OAC Rule 3745-7-19. Fees include the cost of the examination fee which is paid to the test administrator (currently \$112) and the certification fee (\$45) which is paid to Ohio EPA. Fees are used to cover a portion of the cost of the operator certification program. |
| Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>) | Class I operator must submit 12 contact hours and Class II, III, IV operators must submit 24 hours to renew their license. Within the hour requirement, at least 50% of those hours must be on a topic related to operations and maintenance (O&M) in the field of wastewater. A 25% reduction in the contact hours requirement is also available if the operator holds multiple certificates. Ohio EPA approves courses for contact hours, in both water and wastewater, and determines if the topic is related to O&M, or 'other' (like safety or management courses) from over 455 training providers. In SFY24, there were 3,581 different courses offered 13,306 times to operators. |

| If the regulation is a registration, certification, or license requirement, please complete the following: | |
|--|---|
| Initial fee | The initial fee is the application for certification fee discussed above \$45. |
| Duration | 2 years |
| Renewal fee <i>(If different from initial fee, please explain why.)</i> | Class I operator - \$35; Class II operator - \$45; Class III operator - \$55; Class IV operator - \$65 The renewal fees are established in ORC 3745.11(O). |
| Does the Agency recognize uniform licensure requirements or allow for reciprocity? | Provisions in the operator certification rules 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 national registrations, certifications or licenses. |
| Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Agency? | Yes, an operator may work at a wastewater treatment plant without being certified. The only person required to be certified is the operator of record for the facility. |
| Is the Agency permitted to exercise discretion in determining whether to register, certify, or license an individual? | There are provisions in the operator certification rules that make an operator ineligible for certification, but the agency does not have discretion in determining whether to certify an individual. The provisions that make an operator ineligible are as follows: (1) Not have been convicted of, or plead guilty to, a criminal charge involving falsification, fraud, or terrorism. (2) At the time of application and prior to the examination date, not have a revoked or currently suspended Ohio professional operator certification. |

| If the regulation is a registration, certification, or license requirement, please complete the following: | |
|---|---|
| | <p>(3) Not have a professional operator certificate from any other state currently revoked or under suspension.</p> <p>(4) Not have performed the duties of a professional operator of record without a valid certificate of the appropriate field and classification, unless in accordance with the exemptions and exceptions contained in chapter 3745-7 of the Administrative Code.</p> |
| Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>) | <p>Applicants must have the ability to do the following:</p> <p>(a) Read and understand Chapters 6109. and 6111. of the Revised Code and the rules adopted thereunder.</p> <p>(b) Perform mathematical calculations required to operate in the field for which certification is being sought.</p> <p>(c) Complete and maintain records and regulatory reporting forms required to document the proper operation of a public water system, treatment works, or sewerage systems.</p> |
| Oversight and disciplinary authority of the Agency respecting individuals engaged in the occupation. | |
| <p>The agency has oversight authority over certified professional operators. The agency can suspend or revoke the certificate of an operator. The Agency may also fine a certified professional operator. In cases of criminal activity, there are provisions that allow the criminal prosecution of a certified professional operator.</p> | |

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

In SFY 2024, Ohio EPA received \$233,943 from certification and renewal fees associated with the operator certification program. That money is used to fund a portion of Ohio's operator certification program. Other funds are used to supplement the fees to fully fund the program.

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

U.S. EPA's Final Guidelines for the Certification and Recertification of the Operators of Community and Nontransient Noncommunity Public Water Systems; Notice, 64 FR 5915 (February 5, 1999) require the state to establish an operator certification program that meets the requirements of the guidelines for drinking water operators. Ohio's program was established in 1935 and wastewater treatment operators have been paired with the drinking water operators. Federal law does not require the regulation of wastewater treatment operators.

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

The regulation seeks to ensure that public water and wastewater systems are operated by well trained and qualified individuals to ensure the protection of public health. The regulations ensure the people in charge of the technical operation have the experience necessary to perform daily process control to guarantee protection of the public and the environment. The regulation is part of a multi barrier approach to ensuring that the citizens of Ohio have clean drinking water and are able to enjoy Ohio's natural resources.

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

Yes, the certification program ensures appropriately certified professional operators who have an appropriate amount of education, experience and technical expertise operate and oversee wastewater treatment plants. Failure to have qualified operators making process control decisions at treatment facilities would result in contamination of the environment and streams that serve as supplies of drinking water. These operators are essential for the protection of public health and the environment.

Yes, the regulation is very effective at preventing harm. Ohio EPA does not believe there is a less restrictive way to prevent harm.

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

We do not believe any major changes need to be implemented. Minor changes are handled through the State's five-year rule review process. Any changes that need to be made in the program are handled through this process. The operator certification rules are in the final stages of rule-making. Changes requested by stakeholders should be effective by the end of 2024.

Surrounding state comparison (LSC) (as of July 26, 2024)

Indiana, Michigan, Pennsylvania, and West Virginia do not require a separate license for wastewater collection, but rather it is included in their wastewater treatment licenses. Ohio and Kentucky require a separate license for wastewater collection, however, the requirements are often parallel to the requirements for wastewater treatment licenses, and thus, are included in the table below.

| Wastewater System Operator | | | | | | |
|--|--|---|--|--|--|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Type of regulation (Name of regulation) | License (Treatment works professional | License (Nonindustrial wastewater treatment certified operator | License (Wastewater system operator certification | License (Municipal wastewater operator certification (Class | License (Wastewater operator certification (Class A, B, C, D, E)) | License (Wastewater operator certification (Class H, S, C, I, II, III, IV)) |

| Wastewater System Operator | | | | | | |
|----------------------------|---|--|---|--|---|---|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | operators (Class A, I, II, III, IV)) (Sewerage system (a.k.a. wastewater collection system) professional operators (Class I, II)) <i>(R.C. 6109.31 and 6111.46)</i> | (Class I-SP, I, II, III, IV)) (Wastewater treatment certified operator (Class A-SO, A, B, C, D)) <i>(Ind. Code 13-18-11-14; 327 Ind. Admin. Code 5-23-3 and 5-23-4)</i> | (Treatment Class I, II, III, IV)) (Collection Class I, II, III, IV) <i>(Ky. Rev. Stat. 224.73-110; 401 Ky. Admin. Regs. 11:030)</i> | A, B, C, D, L1, L2, SC)) <i>(Mich. Comp. Laws 324.3110; Mich. Admin. Code R. 299.2911)</i> | <i>(25 Pa. Code 302.104)</i> | <i>(W. Va. Code 16-1-9; W. Va. Code R. 64-5-4)</i> |
| Education or training | High school diploma or equivalent Completion of the OEPA Professional Operator Certification Training course <i>(O.A.C. 3745-7-06)</i> | High school diploma or equivalent or experience exemption (most of the classes) Class IV/Class D: Applicable associate's or bachelor's degree <i>(327 Ind. Admin. Code 5-23-9)</i> | Class I, II, III: High school diploma or equivalent Class IV: Applicable bachelor's degree <i>(401 Ky. Admin. Regs. 11:030)</i> | Class A: Applicable bachelor's degree or two years of completed college curriculum if applicant has additional specified experience Class B: One year of college within applicable curriculum | High school diploma or equivalent <i>(25 Pa. Code 302.701)</i> | High school diploma or equivalent, but will waive on written request, if completion of tenth grade, with a minimum 2.0 GPA <i>(W. Va. Code R. 64-5-7 and Table 64-5B)</i> Commissioner-approved |

| Wastewater System Operator | | | | | | |
|----------------------------|--|--|---|--|---|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | | | | Class C, D, L1, L2, SC: High school diploma or equivalent <i>(Mich. Admin. Code R. 299.2918)</i> | | certification course |
| Experience | Class A: 520 to 1,040 hours of operating experience (depending on education) and one to three years of working experience (depending on education) Class I: One year of operating experience Class II: Three years of operating experience Class III: Five years of operating experience including one year | Class I-SP/Class A-SO: Three months of acceptable work experience Class I/Class A: Nine months of acceptable work experience Class II/Class B: Two years of acceptable work experience Class III/Class C: Three years of acceptable work experience Class IV/Class D: Five years of acceptable work experience | Class I: One year of operating experience Class II: Two years of operating experience Class III: Three years of operating experience, partially in larger facility Class IV: Three years of operating experience, partially in larger facility <i>(401 Ky. Admin. Regs. 11:030)</i> | Class A: Possession of a Class B certificate and four years of operating experience at that level, two of which in a supervisory position or six years of operating experience at that level, if applicant does not have bachelor's degree Class B: Possession of a Class C certificate and four years of operating experience at that level, two of which in a | Class A: Four years of operating experience Class B: Three years of operating experience Class C: Two years of operating experience Class D: One year of operating experience Class E: One year of operating experience *A reduction of necessary experience is available if the applicant meets | 18 years of age, with potential waiver at 16 years on written request <i>(W. Va. Code R. 64-5-6)</i> Class H, S, C: N/A Class I: One year of operating experience as operator in training Class II: Two years of operating experience as Class I Class III: Four years of operating experience, one |

| Wastewater System Operator | | | | | | |
|----------------------------|--|--|--|--|---|---|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | as a Class II operator Class IV: Three years of operating experience as a Class III certification with specified management experience <i>(O.A.C. 3745-7-06)</i> | <i>(327 Ind. Admin. Code 5-23-9)</i> | | supervisory position Class C: Possession of a Class D certificate and two years of operating experience Class D, L1, L2, SC: One year of acceptable operating experience <i>(Mich. Admin. Code R. 299.2918)</i> | certain education requirements <i>(25 Pa. Code 302.703)</i> | year of which as a Class II Class IV: Five years of operating experience, two years of which as a Class III <i>(W. Va. Code R. Table 64-5B)</i> |
| Exam | Yes <i>(O.A.C. 3745-7-20)</i> | Yes <i>(327 Ind. Admin. Code 5-23-11)</i> | Yes <i>(401 Ky. Admin. Regs. 11:050)</i> | Yes <i>(Mich. Admin. Code R. 299.2918 and 299.2922)</i> | Yes <i>(25 Pa. Code 302.702)</i> | Yes <i>(W. Va. Code R. 64-5-6 and 64-5-9)</i> |
| Continuing education | Class A: Eight hours every renewal cycle Class I (treatment and collection), Class II (collection): 12 | Class I-SP/Class A-SO: Eight hours every renewal cycle Class I, II/Class A, B: 15 hours every renewal cycle | Class I, II: 12 hours every renewal cycle Class III, IV: 24 hours every renewal cycle | Class A, B: 24 hours every renewal cycle Class C, D, L1, L2: 12 hours every renewal cycle | Class A, B, C: 30 hours every renewal cycle (15 hours first three-year cycle) Class D, E: 15 hours every | Class S: Three hours every renewal cycle Class C: Six hours every renewal cycle |

| Wastewater System Operator | | | | | | |
|----------------------------|--|--|--|---|--|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | hours every renewal cycle Class II, III, and IV (treatment): 24 hours every renewal cycle (O.A.C. 3745-7-15) | Class III, IV/Class C, D: 30 hours every renewal cycle (327 Ind. Admin. Code 5-23-14) | (401 Ky. Admin. Regs. 11:050) | (Mich. Admin. Code R. 299.2925) | renewal cycle (eight hours first three-year cycle) (25 Pa. Code 302.803) | Class I, II: 12 hours every renewal cycle Class III, IV: 24 hours every renewal cycle Class H: N/A (W. Va. Code R. 64-5-10) |
| Initial licensure fee | \$45 plus exam fee of \$80 to \$145 depending on classification (R.C. 3745.11) | \$30 plus exam fee of \$45 (Ind. Code 13-18-11-5) | \$250 (401 Ky. Admin. Regs. 11:060) | Class A, B, C, D: \$70 Class L1, L2, SC: \$45 (Mich. Dept. of Environment, Great Lakes, and Energy: Water Resources Division, Application for Municipal Wastewater Treatment Plant Operator Certification (PDF)) | Class A, B, C, D: \$150 plus \$35 exam fee Class E: \$100 plus \$35 exam fee (25 Pa. Code 302.202) | Class H, S, C: \$100 Class I: \$125 Class II: 150 Class III: \$175 Class IV: \$200 (W. Va. Code R. Table 64-5A) |

| Wastewater System Operator | | | | | | |
|----------------------------|---|---|--|---|--------------------------------------|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| License duration | Two years (O.A.C. 3745-7-15) | Three years (Ind. Code 13-18-11-6.5) | Two years (401 Ky. Admin. Regs. 11:050) | Three years (Mich. Admin. Code R. 299.2924) | Three years (25 Pa. Code 302.301) | Two years (W. Va. Code R. 64-5-11) |
| Renewal fee | Class A: \$25 Class I: \$35 Class II: \$45 Class III: \$55 Class IV: \$65 (R.C. 3745.11) | \$30 (Ind. Code 13-18-11-6.5) | \$200 (401 Ky. Admin. Regs. 11:060) | \$95 (Mich. Dept. of Environment, Great Lakes, and Energy: Water Resources Division, Municipal Wastewater Treatment Plant Operator Certification Renewal Application (PDF)) | \$60 (25 Pa. Code 302.202) | Class H, S, C: \$100 Class I: \$125 Class II: 150 Class III: \$175 Class IV: \$200 (W. Va. Code R. Table 64-5A) |

Waiver repair technician

Survey response (EPA)

| Description | |
|---|-----|
| This is a technician who is qualified to perform emission related repairs for the E-Check vehicle testing program in the 7 county Cleveland area only. | |
| Type <i>(License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)</i> | |
| Ohio EPA/government certification. | |
| If the regulation is a registration, certification, or license requirement, please complete the following: | |
| Number issued annually | ~20 |
| Number renewed annually | ~7 |

| 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 significant decrease. |
| Education or training requirements | Must have technician ASE certification in Engine Performance (A8) and Electrical Systems (A6). |
| Experience requirements | No experience. |
| Examination requirements (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Agency receive any proceeds of those fees? If so, how are the proceeds used?</i>) | The company Automotive Service Excellence (ASE) charges to take their training courses and administer the exams. Depending on the course fees range from \$200 - \$300 per course for both course and exam. Just the exam ranges from \$30 - \$60. |
| Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>) | No continuing educational requirements. |
| Initial fee | See above Examination requirements. |
| Duration | 2 years. |
| Renewal fee (<i>If different from initial fee, please explain why.</i>) | Cost of exams ~ \$30 - \$60 |

| If the regulation is a registration, certification, or license requirement, please complete the following: | |
|---|-------|
| Does the Agency 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 Agency? | Yes. |
| Is the Agency 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> | None. |

| Oversight and disciplinary authority of the Agency respecting individuals engaged in the occupation. |
|--|
| There is no oversight other than if the agency were to receive a complaint. |

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

There are no fees so no revenue is derived.

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).*)

That customers select a technician qualified to make emissions related repairs to their vehicle.

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

Can be if customers select them. No.

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

No.

Surrounding state comparison (LSC) (as of August 20, 2024)

| Motor Vehicle Emissions Repair Professionals | | | | | | |
|--|---|--|---|---|--|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Type of regulation (Name of regulation) | License (Certified waiver repair technician) <i>(R.C. 3704.14; O.A.C. 3745-26-16)</i> | License (Certified I/M emission repair technician) <i>(326 Ind. Admin. Code 13-1.1-10)</i> | No clear equivalent – Kentucky does not require emissions inspections | No clear equivalent – Michigan does not require emissions inspections | License (Certified repair technician) <i>(67 Pa. Code 177.275)</i> | No clear equivalent – West Virginia does not require emissions inspections |

| Motor Vehicle Emissions Repair Professionals | | | | | | |
|--|---|---|----------|----------|--|---------------|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Education or training | <p>Training curriculum sponsored or approved by the Ohio Environmental Protection Agency; or</p> <p>Possesses current Automotive Service Excellence (ASE) certification in Engine Performance (A8) and Electrical Systems (A6) and in Automobile Advanced Engine Performance (L1)</p> <p><i>(O.A.C. 3745-26-16)</i></p> | <p>Successfully completes Department-approved emission and drive-ability training program</p> <p>Certified as an ASE L1 (Advanced Engine Performance) technician</p> <p><i>(326 Ind. Admin. Code 13-1.1-10)</i></p> | N/A | N/A | <p>Successfully completes a course pertaining to the Pennsylvania emission inspection program and regulations and either holds specified additional certifications or has completed training related to repairing emission control systems</p> <p><i>(67 Pa. Code 177.275)</i></p> | N/A |
| Experience | <p>Possesses current ASE certification in Engine Performance (A8) and Electrical Systems (A6), ensuring that the</p> | <p>Professionally engaged in emission/drive-ability repair</p> <p><i>(326 Ind. Admin. Code 13-1.1-10)</i></p> | N/A | N/A | <p>Must be at least 18 years of age and hold a valid driver's license</p> <p><i>(67 Pa. Code 177.275)</i></p> | N/A |

| Motor Vehicle Emissions Repair Professionals | | | | | | |
|--|--|---------|----------|----------|---|---------------|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | <p>technician has demonstrated competence in the area of basic emissions control systems.</p> <p>ASE certification in Automobile Advanced Engine Performance (L1) will be required of each applicant.</p> <p>(O.A.C. 3745-26-16)</p> | | | | | |
| Exam | <p>Yes, but may be waived by the Director of EPA (see "Education or Training," above)</p> <p>(O.A.C. 3745-26-16)</p> | N/A | N/A | N/A | <p>Yes</p> <p>(67 Pa. Code 177.275)</p> | N/A |
| Continuing education | <p>Additional training may be required</p> <p>(O.A.C. 3745-26-16)</p> | N/A | N/A | N/A | <p>Additional training may be required</p> <p>(67 Pa. Code 177.275)</p> | N/A |

| Motor Vehicle Emissions Repair Professionals | | | | | | |
|--|----------------------------------|---------|----------|----------|--------------|---------------|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Initial licensure fee | N/A | N/A | N/A | N/A | N/A | N/A |
| License duration | Two years (O.A.C. 3745-26-16) | N/A | N/A | N/A | N/A | N/A |
| Renewal fee | N/A | N/A | N/A | N/A | N/A | N/A |

Water distribution professional operator

Survey response (EPA)

(Operator I certification and operator II certification)

| Description |
|---|
| Water distribution operators repair and maintain drinking water piping and equipment (like water towers) ensuring that adequate pressure is maintained throughout the system and drinking water flows to its customers. |

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

Certification

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

| | |
|---|---|
| Number issued annually | Certificates issued vary based on year, but in SFY24, 141 water distribution certificates were issued. |
| Number renewed annually | Certificates renewed vary based on year, but in SFY24, 538 water distribution certificates were renewed. |
| Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years? | No. |
| Education or training requirements | Certification requires a minimum of a high school diploma, or its equivalent. |
| Experience requirements | <p>Water Treatment Class 1: 12 months operating experience</p> <p>Water Treatment Class 2: 36 months operating experience</p> <p>*Reductions available for Class 2 operators with post high school education in an approved field of study.</p> <p>*Substitution credit for experience requires are available for Class 2 operators based on successfully passes approved training in the field of water.</p> |

| 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 Agency receive any proceeds of those fees? If so, how are the proceeds used?</i>) | Examinations are given by an approved third-party examination provider, Water Professionals International, through their testing contractor that has 10 testing locations in Ohio, locations in other states and locations in other countries. Third party exam providers can apply to Ohio EPA to be approved in accordance with provisions in OAC Rule 3745-7-19. Fees include the cost of the examination fee which is paid to the test administrator (currently \$112) and the certification fee (\$45) which is paid to Ohio EPA. Fees are used to cover a portion of the cost of the operator certification program. |
| Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>) | Class I and II operators must submit 12 contact hours to renew their license. Within the hour requirement, at least 50% of those hours must be on a topic related to operations and maintenance (O&M) in the field of wastewater. A 25% reduction in the contact hours requirement is also available if the operator holds multiple certificates. Ohio EPA approves courses for contact hours, in both water and wastewater, and determines if the topic is related to O&M, or 'other' (like safety or management courses) from over 455 training providers. In SFY24, there were 3,581 different courses offered 13,306 times to operators. |
| Initial fee | The initial fee is the application for certification fee discussed above \$45. |
| Duration | 2 years |
| Renewal fee (<i>If different from initial fee, please explain why.</i>) | Class I operator - \$35; Class II operator - \$45 The renewal fees are established in ORC 3745.11(O). |
| Does the Agency recognize uniform licensure requirements or allow for reciprocity? | Provisions in the operator certification rules allow for reciprocity. |

| 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? | There are no national registrations, certifications or licenses. |
| Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Agency? | Yes, an operator may work on a distribution system without being certified. The only person required to be certified is the operator of record for the system. |
| Is the Agency permitted to exercise discretion in determining whether to register, certify, or license an individual? | <p>There are provisions in the operator certification rules that make an operator ineligible for certification, but the agency does not have discretion in determining whether to certify an individual. The provisions that make an operator ineligible are as follows:</p> <p>(1) Not have been convicted of, or plead guilty to, a criminal charge involving falsification, fraud, or terrorism.</p> <p>(2) At the time of application and prior to the examination date, not have a revoked or currently suspended Ohio professional operator certification.</p> <p>(3) Not have a professional operator certificate from any other state currently revoked or under suspension.</p> <p>(4) Not have performed the duties of a professional operator of record without a valid certificate of the appropriate field and classification, unless in accordance with the exemptions and exceptions contained in chapter 3745-7 of the Administrative Code.</p> |
| Other information (Significant attributes or prerequisites to licensure not addressed in this chart.) | <p>Applicants must have the ability to do the following:</p> <p>(a) Read and understand Chapters 6109. and 6111. of the Revised Code and the rules adopted thereunder.</p> <p>(b) Perform mathematical calculations required to operate in the field for which certification is being sought.</p> |

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

(c) Complete and maintain records and regulatory reporting forms required to document the proper operation of a public water system, treatment works, or sewerage systems.

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

The agency has oversight authority over certified professional operators. The agency can suspend or revoke the certificate of an operator. The Agency may also fine a certified professional operator. In cases of criminal activity, there are provisions that allow the criminal prosecution of a certified professional operator.

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

In SFY 2024, Ohio EPA received \$233,943 from certification and renewal fees associated with the operator certification program. That money is used to fund a portion of Ohio's operator certification program. Other funds are used to supplement the fees to fully fund the program.

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

Yes, U.S. EPA's Final Guidelines for the Certification and Recertification of the Operators of Community and Nontransient Noncommunity Public Water Systems; Notice, 64 FR 5915 (February 5, 1999) require the state to establish an operator certification program that meets the requirements of the guidelines. Failure to maintain a program will result in US EPA withholding 20% of the capitalization grant funds that support, Ohio's Drinking Water State Revolving Fund.

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

The regulation seeks to ensure that public water and wastewater systems are operated by well trained and qualified individuals to ensure the protection of public health. The regulations ensure the people in charge of the technical operation have the experience necessary to perform daily process control to guarantee protection of the public and the environment. The regulation is part of a multi barrier approach to ensuring that the citizens of Ohio have clean drinking water and are able to enjoy Ohio's natural resources.

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

Yes, the certification program ensures appropriately certified professional operators who have an appropriate amount of education, experience and technical expertise operate and oversee systems that distribute potable water to citizens of the state of Ohio. Failure to have qualified operators making process control decisions at treatment facilities would result in contamination of drinking water and pose a threat to citizens of the state of Ohio. These operators are essential for the protection of public health and the environment.

Yes, the regulation is very effective at preventing harm. Ohio EPA does not believe there is a less restrictive way to prevent harm.

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

We do not believe any major changes need to be implemented. Minor changes are handled through the State's five-year rule review process. Any changes that need to be made in the program are handled through this process. The operator certification rules are in the final stages of rule-making. Changes requested by stakeholders should be effective by the end of 2024.

Surrounding state comparison (LSC) (as of August 20, 2024)

| Drinking Water Distribution System Operator | | | | | | |
|---|---|---|---|---|--|---|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Type of regulation (Name of regulation) | License (Water Distribution Professional Operator Class I and II) (O.A.C. 3745-7-02 (A)(1)) | License (Water Distribution System (WDS) Operator) (327 Ind. Admin. Code 8-12-1.1) | License (WDS operator) (Ky. Rev. Stat. 223.160) | License (Water distribution operator) (Mich. Admin. Code R. 325.11905(1)) | License (Water distribution operator) (25 Pa. Code 302.104(a)) | License (WDS operator) (W. Va. Code R. 64-4-5.1) |
| Education or training | High school diploma or equivalent Read and understand Ohio laws and regulations Complete and maintain forms for operating a public water system (PWS) Completion of the OEPA Professional Operator Certification Training course | High school diploma or its equivalent Possess certain educational skills such as making simple calculations and other mathematical operations, reading and writing the English language, and understanding basic sanitation and science principles | Class ID, IID, IIID: High school diploma or GED Class IVD: A bachelor's degree in engineering or biological, environmental, physical, or chemical science, or equivalent (401 Ky. Admin. Reg. 11:040, section 2(2)) | Must meet certain educational point level to be licensed (point value commensurate with educational attainment) (Mich. Admin. Code R. 325.11911; Mich. Dept. of Environment, Great Lakes, and Energy, State of Michigan Requirements for Certification) | High school diploma or a GED (25 Pa. Code 302.701(a)) | High school diploma or GED Approved WDS course (W. Va. Code R. Table 64-4A) |

| Drinking Water Distribution System Operator | | | | | | |
|---|---|--|---|---|--|---|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | <i>(O.A.C. 3745-7-06 (B)(5), (6), and (7))</i> | <i>(327 Ind. Admin. Code 8-12-3(b) and 8-12-3.2(b))</i> | | <i>pages 6 through 9 (PDF)</i> | | |
| Experience | <p>Class I Professional Operator: One year of operating experience</p> <p>Class II Professional Operator: Three years of operating experience</p> <p><i>(O.A.C. 3745-7-05 (A)(6) and (7) and 3745-7-06(B)(8))</i></p> | <p>Grade DSS: A minimum of one year of acceptable work experience in the operation of a Class DSS WDS</p> <p>Grade DSM: Either (1) one year operation of a Class DSM WDS or (2) two years operation of a Class DSS WDS</p> <p>Grade DSL: One of the following (1) one year operation of a Class DSL WDS, (2) three years operation of a Class DSM WDS, (3) five years operation of a Class DSS WDS, or (4) other</p> | <p>Class ID: One year of operating a WDS</p> <p>Class IID: Two years of operating a WDS, six months of which must be in a WDS serving a population of at least 1,500</p> <p>Class IIID: Three years of operating a WDS, one year of which must be in a WDS serving a population of at least 1,500</p> <p>Class IVD: One year of operating a WDS serving a population of at least 15,000</p> | <p>Must meet certain experience point level to be licensed (point value commensurate with experience)</p> <p><i>(Mich. Admin. Code R. 325.11911; Mich. Dept. of Environment, Great Lakes, and Energy, State of Michigan Requirements for Certification pages 6 through 9 (PDF))</i></p> | <p>Class E: One year (but six months if certain education attained)</p> <p><i>(25 Pa. Code 302.703(e))</i></p> | <p>1,000 hours (six months full time) at a WDS or higher PWS</p> <p><i>(W. Va. Code R. Table 64-4A)</i></p> |

| Drinking Water Distribution System Operator | | | | | | |
|---|---|--|---|---|---|---|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | | approved work experience in various WDS (327 Ind. Admin. Code 8-12-3.2(b)) | (401 Ky. Admin. Reg. 11:040, section 2(2)) | | | |
| Exam | Yes (O.A.C. 3745-7-06) | Yes, unless exempted by statute or rule (327 Ind. Admin. Code 8-12-3(a)(2)) | Yes (401 Ky. Admin. Reg. 11:050, section 1(1)(b)) | Yes, but exams for S-5 certificates may be any combination of training, written or oral exams, or performance-based exams approved by the advisory board (Mich. Admin. Code R. 325.11912(1) and (4)) | Yes (Pa. Dept. of Environmental Protection, State Bd. of Certification of Water and Wastewater System Operators, Exam Schedule) | Yes (W. Va. Code R. Table 64-4A) |
| Continuing education | Class I, II: 12 hours (O.A.C. 3745-7-15(D)(1)) | Grade DSS: Ten hours Grade DSM, DSL: 15 hours (327 Ind. Admin. Code 8-12-7.5(b)) | Class ID, IID: 12 hours Class IIID, IVD: 24 hours (401 Ky. Admin. Reg. 11:050, section 3(5)(e)) | Class S-1, S-2, S-3: 24 hours Class S-4: 12 hours Class S-5: Nine hours | Class E: 15 hours (25 Pa. Code 302.803(a)(2)) | Six hours (W. Va. Code R. 64-4-10.3.3) |

| Drinking Water Distribution System Operator | | | | | | |
|---|---|---|--|---|--|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | | | | <i>(Mich. Admin. Code R. 325.11915(2))</i> | | |
| Initial licensure fee | \$45 <i>(R.C. 3745.11(O))</i> | \$30 <i>(327 Ind. Admin. Code 8-12-5(a)(1))</i> | \$250 <i>(401 Ky. Admin. Regs. 11:060, section 1(1)(a))</i> | Class S-1, S-2, S-3, S-4: \$70 Class S-5: \$45 <i>(Mich. Comp. Laws 324.3110(3)(c))</i> | \$100 <i>(25 Pa. Code 303.202(e))</i> | N/A |
| License duration | Two years <i>(R.C. 3745.11(O); O.A.C. 3745-7-17 (A))</i> | Three years <i>(327 Ind. Admin. Code 8-12-5(a)(3))</i> | Two years <i>(401 Ky. Admin. Regs. 11:050, section 2(2)(a))</i> | Three years <i>(Mich. Admin. Code R. 325.11915(1))</i> | Three years <i>(25 Pa. Code 302.301(f))</i> | Two years <i>(W. Va. Code R. 64-4-11)</i> |
| Renewal fee | Class I: \$35 Class II: \$45 <i>(R.C. 3745.11(O))</i> | \$30 <i>(327 Ind. Admin. Code 8-12-5(a)(3))</i> | \$200 <i>(401 Ky. Admin. Regs. 11:060, section 1(1)(b))</i> | \$95 <i>(Mich. Comp. Laws 324.3110(3)(f))</i> | \$60 <i>(25 Pa. Code 302.202(e))</i> | N/A |

STATE MEDICAL BOARD

Table of Contents

| | |
|--|-----|
| General information (MED) | 1 |
| Acupuncturist..... | 5 |
| Anesthesiologist assistant..... | 15 |
| Clinical research faculty certificate (for a physician or podiatrist licensed in another state or country) | 27 |
| Conceded eminence certificate (for physicians) | 36 |
| Dietitian..... | 44 |
| Genetic counselor | 56 |
| Respiratory care professional | 68 |
| Massage therapist..... | 81 |
| Mechanotherapist..... | 89 |
| Naprapath | 95 |
| Physician assistant | 100 |
| Physician certificate to recommend medical marijuana | 111 |
| Physician | 120 |
| Podiatrist..... | 136 |
| Radiologist assistant | 149 |
| Special activity certificate (for physicians licensed in another state or country)..... | 159 |
| Visiting clinical professional development certificate | 168 |
| Volunteer's certificate | 174 |

General information (MED)

Duties

The State Medical Board of Ohio (SMBO, Medical Board, board) issues licenses for and oversees the practice of allopathic physicians (MD), osteopathic physicians (DO), podiatric physicians (DPM) and massage therapists (LMT) under the authority of the Medical Practices Act, Chapter 4731, Ohio Revised Code (ORC). The Medical Board continues to regulate naprapaths and mechanotherapists licensed by the board before March 1992.

The Medical Board also regulates Physician Assistants, ORC Chapter 4730; Dietitians, ORC Chapter 4759; Anesthesiologist Assistants, ORC Chapter 4760; Respiratory Care Professionals, ORC Chapter 4761; Acupuncturists, ORC Chapter 4762; Radiologist Assistants, ORC Chapter 4774; and Genetic Counselors, ORC Chapter 4778.

The Medical Board's regulatory responsibilities include investigating complaints against applicants and licensees and taking disciplinary action against those who violate the public health and safety standards set by the General Assembly and the Medical Board.

Agency Mission:

-To protect and enhance the health and safety of the public through effective medical regulation.

Agency Goals:

-Ensure persons practicing medicine meet sufficient standards of education, training, competence and ethics.

-Define and advocate for standards of safe medical practice.

-Prohibit persons from practicing medicine whose violations are so egregious as to forfeit the privilege or who otherwise lack the legal authority.

-Provide information about the licensees of the Board, the Board's functions and operations, and the laws governing the practice of medicine.

-Achieve and maintain the highest possible levels of organizational efficacy.

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

President: Jonathan B. Feibel, MD

Vice President: Yeshwant P. Reddy, MD

Supervising Member: Harish Kakarala, MD

Secretary: Kim G. Rothermel, MD

Board Members: Betty Montgomery, Esq.; Mark A. Bechtel, MD; Michael L. Gonidakis, Esq.; Sherry Johnson, DO; Amol Soin, MD, MBA; Elaine Lewis, MD; Jennifer Brumby, Esq.; and John Boyle, DPM

The State Medical Board of Ohio is composed of twelve members: nine physicians (seven MDs, one DO, one DPM) and three non-physician public members. The board members are appointed by the governor and serve five-year terms. Appointment terms are staggered to provide continuity and board members may be reappointed. Two members are selected by their peers on the board to serve as the board's Secretary and Supervising Member. The Secretary and Supervising Member oversee the investigatory and enforcement processes.

Executive Director: Stephanie Loucka

The Executive Director oversees day-to-day operations of the agency and is appointed by the Board.

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

Fee revenue collected by the Board is deposited into the State Medical Board Operating Fund (5c60). Fund 5c60 is the Board's operating account into which receipts are deposited and from which expenses are paid. Each licensing Board or commission is generally expected to be self-sufficient, generating enough revenue to cover expenses.

Medical Board operations are funded exclusively through licensing and other authorized fees. The agency receives no funding from the state's general revenue sources. The board received \$13,487,122 in revenue in FY24.

The Board's spending authority is authorized by the legislature through the biennial budget process.

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

In 2018, the Board licensed and regulated over 86,327 active licensees, and in 2024, this figure has seen an increase of 15% to 101,481 active licensees in 2024. Since 2018, workload has increased due to passage of the Interstate Medical Licensure Compact as well as Senate Bill 131 that brought license reciprocity to Ohio.

With passage of the Physician Assistant Compact in Senate Bill 28, workload is expected to increase with additional licensees. While the Physician Assistant Compact is expected to become operational first, passage of the Interstate Massage Therapy Compact and anticipated passage of the Dietetics Compact will also increase workload.

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?)*

During FY24, 92 positions were authorized with 83 full-time and one part-time positions filled, as well as eight positions in the hiring process as of June 30, 2024. The board is organized into 7 departments that include: legal, investigations, hearing unit, licensure & renewals, operations, quality intervention, and enforcement. Staffing levels are sufficient for current initiatives, and open positions may be retooled to accommodate for changing needs (i.e. growing number of interstate compacts/compact licensees).

Legal

The Legal unit, headed by the board's Chief Legal Counsel, advises the board on legal matters. Among the functions of Legal is managing the rule promulgation process, responding to requests for public records, and ensuring that the board's orders are properly issued. The Legal Section may also get involved with the disciplinary process in cases that are more legally complex. If a licensee is issued a citation for a complex case and a hearing is not requested, the Legal staff will review the board's evidence to support the charges and prepare a Findings, Order, & Journal Entry (FOJE) for board review.

Investigations

Upon receipt of a complaint, an investigator may gather preliminary information before contacting the licensee under investigation. (Investigations may include multiple complaints.) Such activities may include interviewing the complainant, reviewing a controlled substance prescribing report or the subpoena of medical records. If allegations pose a serious risk to the public, the complaint may be sent directly to the Enforcement Section attorneys for review. When the investigator has gathered necessary information for the case, they will prepare a Report of Investigation (ROI). The ROI is reviewed and approved by the Investigator Supervisor. The report is then routed to the board's Secretary and Supervising Member for review. The Secretary and Supervising Member determine if the complaint should move forward for discipline or should be closed.

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?*)

Hearing Unit

The Medical Board's hearing examiners conduct the administrative hearings of practitioners. Following the conclusion of the administrative hearing, Hearing Unit attorneys prepare a Report & Recommendation (R&R) that includes the basis for the hearing, the findings of fact, conclusions of law, and a proposed sanction for consideration by the board members.

Licensure & Renewals

The licensure and public services department is responsible for processing license applications, issuing license verifications, complaint intake, and providing general customer service to licensees and the public. The department also conducts continuing education audits and reviews applications from schools for approval to offer massage therapy education in Ohio.

Operations

The operations unit at the board consists of several key areas responsible for assisting staff in their day-to-day functions. The areas that make up the operations unit are:

- Human Resources: Staffing, payroll, and benefits
- Fiscal: Purchasing and budgeting
- IT/Facilities: IT support and facilities/building management

Quality Intervention

Led by the board's Medical Director, the Standards Review Section, as part of the board's confidential investigatory process, addresses quality of care complaints. Standards Review coordinates contracts with physicians, and other industry professionals, to evaluate certain complaint allegations to determine if the minimal standard of care was provided to the patient. Standards Review focuses on intervention, with the goal of guiding licensees who are beginning to show poor practice patterns or who are failing to keep up with changes in practice standards. While some complaints are sent on for formal disciplinary action, most complaints evaluated by this Section are resolved via non-disciplinary means, such as issuing warning letters and recommending educational courses. In addition to Standards Review complaints, the Section manages remedial education referrals and caution letters for the Investigations Unit and Enforcement Unit.

Enforcement

Enforcement staff review the complaints referred to the Section by the Board's Secretary and Supervising Member and prepare the cases for possible disciplinary action. Enforcement attorneys prepare citations, as well as Summary Suspensions, Immediate Suspensions and Automatic Suspensions. They also negotiate Consent Agreements and Voluntary Surrenders.

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 complaints, takes disciplinary actions against those who violate regulations, and monitors licensees on probation. The complaints received and investigations conducted by the board cannot be publicly disclosed per Ohio Revised Code 4731.22(F).

Complaints inform the board of potential problems with a licensee's practice. Complaints are received from a variety of sources including the public, agency staff, state and national regulatory agencies, physicians, self-reports from licensees, hospitals, and others such as law enforcement and the media. Types of complaints received include patient care concerns, inappropriate prescribing issues, discrepancies in licensure application information, criminal activity, impairment due to substance misuse, ethical violations, and office practice management concerns.

Complaints are reviewed to determine if the board has jurisdiction over the subject of the complaint and if the allegations violate a Section of Ohio law or a rule enforced by the Medical Board. Complaints within the board's jurisdiction may then be sent to Investigations or to the appropriate department based on the nature of the issue. Investigators gather information on the alleged incident. Some cases, especially those alleging a licensee did not provide the correct standard of care, receive further examination by Standards Review. Investigators then provide a report to the board's Secretary and Supervising Member. Enforcement staff review the complaints referred to the Section by the board's Secretary and Supervising Member and prepare the cases for possible disciplinary action. At monthly meetings, the board members vote to ratify settlement agreements negotiated by Enforcement, take action on recommendations of the Hearing Unit and issue citations drafted by Enforcement.

Acupuncturist

Survey response (MED)

Description

Section 4762.01 of the Ohio Revised Code describes the practice of "acupuncture" as a form of health care performed by the insertion and removal of specialized needles, with or without the use of supplemental techniques, to specific areas of the human body.

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

License

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

| | |
|---|--|
| Number issued annually | 22 |
| Number renewed annually | 261 |
| Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years? | There has been an increase in licenses issued annually from FY 2018 (15) to FY 2024 (22). Renewals have remained relatively the same from FY 2018 (258) to FY 2024 (261). |
| Education or training requirements | Hold a current and active designation from the National Certification Commission for Acupuncture and Oriental Medicine as a diplomate in acupuncture or oriental medicine |
| Experience requirements | Not a license requirement. Clinical experience, if applicable, is determined by the individual's educational program. |

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?*)

Who administers the exam?

The National Certification Commission for Acupuncture and Oriental Medicine administers the exam.

How is the exam and administrator selected?

This exam and the administrator are the national standard for acupuncturists.

What fees are charged?

Acupuncture (AC) Certification Application: \$525

Does the Board receive any proceeds of those fees? If so, how are the proceeds used?

No

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

To be eligible for renewal of the Ohio license, an Acupuncturist must certify to the board that he or she has maintained certification by the National Commission on Certification of Acupuncture and Oriental Medicine (NCCAOM) by meeting the Commissions standards to hold current certification, including completion of continuing medical education requirements and passing periodic recertification requirements. The board may require a random sample of acupuncturists to submit materials documenting certification by the NCCAOM.

The Professional Development Activity or "PDA" program was created as NCCAOM's department of continuing education. The PDA program was created to provide an avenue for NCCAOM Diplomates to earn "PDA Points" (CEUs) for participating in approved programs that apply toward NCCAOM recertification requirements. In turn, the NCCAOM PDA Department partners with individuals and organizations to provide quality education programs.

| If the regulation is a registration, certification, or license requirement, please complete the following: | |
|--|--|
| Initial fee | Application \$100.00 Transaction fee \$3.50 Total due at submission \$103.50 |
| Duration | Licenses issued effective 10/17/19 and thereafter will expire two years after the original date of issuance: <ul style="list-style-type: none"> • for existing license holders, the renewal deadline will continue to be on the same date as it is currently • for new license holders this means renewal will occur on the two-year anniversary of initial issuance and every two years thereafter • pro-rated CME applies only to initial licenses issued prior to 10/17/2019 with less than 18 months of licensure. |
| Renewal fee <i>(If different from initial fee, please explain why.)</i> | Renewal fee \$100.00 Late renewal fee \$125.00 Transaction fee \$3.50 |
| Does the Board recognize uniform licensure requirements or allow for reciprocity? | Effective December 29, 2023, applicants of the Medical Board may be eligible for Ohio licensure if they meet one of three eligibility requirements: <ol style="list-style-type: none"> 1. Applicant holds a substantially similar out-of-state (OOS) occupational license, or holds a government certification in the same profession or occupation from a state that does not issue an occupational license for at least one year immediately preceding the date of application. Applicant must be in good standing in all jurisdictions the license is held; 2. Applicant has held a private certification for at least two years preceding the application date in a state that does not issue an OOS license or government certification for the respective profession or occupation. Applicant must be in good standing with the organization that issued the certification; or |

| If the regulation is a registration, certification, or license requirement, please complete the following: | |
|---|---|
| | 3. Applicant has been actively engaged in the profession or occupation in a state that does not issue an OOS license or government certification for the respective profession or occupation, or in the uniformed services. |
| 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 substitution for state regulation. |
| Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Board? | There are no circumstances outside of an individual participating in a training program as described in Section 4762.02 of the Ohio Revised Code. Chiropractors, who are regulated by the State Chiropractic Board, may practice acupuncture. |
| Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual? | Yes, authorized by Section 4762.13 of the Ohio Revised Code under certain circumstances. |
| 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. | |
| Refer to Section 4762.13 of the Ohio Revised Code. The Board may exercise administrative penalties such as limiting, revoking, or suspending an individual's license to practice, refusing to issue a license to an applicant, refusing to renew a license, refusing to reinstate a license, or reprimanding or placing on probation the holder of a 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?

Total - \$33,904 in FY 2023 and FY 2024

All revenue is deposited to a single fund and is used to support the board's regulatory responsibilities to issue licenses, investigate complaints, and take disciplinary action against those who violate public health and safety standards set by the General Assembly and the board.

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

The FDA has a regulation related to acupuncture needles that relates to the practice of acupuncturists. There is no federal law requiring the state to regulate acupuncturists.

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

The unregulated practice of acupuncture result in serious bodily harm or death to patients seeking care. Acupuncturists practice primarily with sharp objects, that when used incorrectly, can result in harm or death to the patient. Regulations ensure that only trained and licensed professionals provide acupuncture services.

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 preventing harm by holding professionals accountable and promoting high standards of care. By reviewing cases individually, the State Medical Board addresses substandard practices while encouraging professional development. Less restrictive regulation would increase the threat of harm.

In FY 2024, the board received 11 complaints pertaining to acupuncturists.

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

N/A

Surrounding state comparison (LSC) (as of August 6, 2024)

| Acupuncturist | | | | | | |
|--|--|---|---|---|---|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Type of regulation (Name of regulation) | License (License) <i>(R.C. 4762.02)</i> | License (License) <i>(Ind. Code 25-2.5-2-1)</i> | License (License) <i>(Ky. Rev. Stat. 311.674)</i> | License (License) <i>(Mich. Comp. Laws 333.16513)</i> | License (License) <i>(63 P.S. 1803)</i> | License (License) <i>(W. Va. Code 30-36-9)</i> |
| Education or training | Be designated as a diplomate in acupuncture by | Be certified as a diplomate in acupuncture by | Graduate from an approved program including | Be certified as a diplomate in | Complete an accredited acupuncture | Graduate from an approved program including |

| Acupuncturist | | | | | | |
|---------------|---|--|---|---|--|---|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | the National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM) <i>(R.C. 4762.03)</i> | NCCAOM, complete an accredited three-year postsecondary training or acupuncture college program, and complete an approved clean needle technique course <i>(Ind. Code 25-2.5-2-1)</i> | at least 1,800 hours of training including at least 300 clinical hours <i>(Ky. Rev. Stat. 311.674)</i> | acupuncture by NCCAOM <i>(Mich. Admin. Code R. 338.13013)</i> | education program, which leads to a master's degree, master's level certificate, or diploma or first professional degree and either NCCAOM certification or passage of the NCCAOM exam <i>(49 Pa. Code 18.11 and 18.13)</i> | at least 1,800 hours of training including 300 clinical hours, or passage of an exam, or meet experience requirements (described under "Exam" and "Experience," below) <i>(W. Va. Code 30-36-10)</i> |
| Experience | Must be at least 18 years of age <i>(R.C. 4762.03)</i> | N/A | N/A | Must be at least 18 years of age <i>(Mich. Comp. Laws 333.16515 and 333.16174)</i> | N/A | Must be at least 18 years of age; instead of meeting education requirements, apprentice for 2,700 hours within five years <i>(W. Va. Code 30-36-10)</i> |

| Acupuncturist | | | | | | |
|----------------------|---|--|--|--|--|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Exam ¹ | Yes (R.C. 4762.03) | Yes (Ind. Code 25-2.5-2-1) | Yes (Ky. Rev. Stat. 311.674) | Yes (Mich. Admin. Code R. 338.13013) | Yes (49 Pa. Code 18.13) | Instead of meeting education requirements, pass exam given by NCCAOM or equivalent (W. Va. Code 30-36-10) |
| Continuing education | 60 hours every four years to maintain current and active designation from NCCAOM, six of which must be in herb and drug interaction (R.C. 4762.06; NCCAOM, PDA/CEU Points Required) | 60 hours every four years to maintain current and active designation from NCCAOM (Ind. Code 25-2.5-2-5; NCCAOM, PDA/CEU Points Required) | 30 hours every two years (Ky. Rev. Stat. 311.682) | 30 hours every two years (Mich. Admin. Code R. 338.13031) | 30 hours every two years (63 P.S. 1806.1) | At least 15 hours every two years (W. Va. Code R. 32-9-6) |

¹ NCCAOM certification requires passage of an examination. See [The NCCAOM Certification in Acupuncture \(PDF\)](#).

| Acupuncturist | | | | | | |
|-----------------------|-----------------------------|--|---------------------------------------|---|--|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Initial licensure fee | \$100 (R.C. 4762.03) | \$150 (844 Ind. Admin. Code 13-2-6) | \$150 (201 Ky. Admin. Regs. 9:450) | \$475 (\$200 per year plus \$75 application processing fee) (Mich. Comp. Laws 333.16322) | \$30 (49 Pa. Code 16.13) | \$425 plus \$75 application fee (W. Va. Code R. 32-4-3) |
| License duration | Two years (R.C. 4762.04) | Two years (844 Ind. Admin. Code 13-4-1) | Two years (Ky. Rev. Stat. 311.674) | Two years (Mich. Admin. Code R. 338.13031) | Two years (63 P.S. 1803; 49 Pa. Code 18.14) | Two years (W. Va. Code R. 32-4-3) |
| Renewal fee | \$100 (R.C. 4762.06) | \$100 (844 Ind. Admin. Code 13-2-6) | \$150 (201 Ky. Admin. Regs. 9:450) | \$400 (\$200 per year) (Mich. Comp. Laws 333.16322) | \$40 (49 Pa. Code 16.13) | \$425 (W. Va. Code R. 32-4-3) |

Anesthesiologist assistant

Survey response (MED)

| Description | |
|---|-----|
| An individual who assists an anesthesiologist in developing and implementing anesthesia care plans for patients. | |
| Type <i>(License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)</i> | |
| License | |
| If the regulation is a registration, certification, or license requirement, please complete the following: | |
| Number issued annually | 39 |
| Number renewed annually | 261 |

| 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 an increase in initial licenses issued annually from FY 2018 (17) to FY 2024 (39). Renewals have decreased from FY 2018 (273) to FY 2024 (261). |
| Education or training requirements | <p>O.R.C. Section 4760.31:</p> <p>(A) A baccalaureate or higher degree program at an institution of higher education accredited by an organization recognized by the department of higher education. The program must have included courses in the following areas of study:</p> <ul style="list-style-type: none"> (1) General biology; (2) General chemistry; (3) Organic chemistry; (4) Physics; (5) Calculus <p>(B) A training program conducted for the purpose of preparing individuals to practice as anesthesiologist assistants. If the program was completed prior to May 31, 2000, the program must have been completed at case western reserve university or emory university in Atlanta, Georgia. If the program is completed on or after May 31, 2000, the program must be a graduate-level program accredited by the commission on accreditation of allied health education</p> |

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

programs or any of the commission's successor organizations. In either case, the training program must have included at least all of the following components:

- (1) Basic sciences of anesthesia: physiology, pathophysiology, anatomy, and biochemistry. The courses must be presented as a continuum of didactic courses designed to teach students the foundations of human biological existence on which clinical correlations to anesthesia practice are based.
- (2) Pharmacology for the anesthetic sciences. The course must include instruction in the anesthetic principles of pharmacology, pharmacodynamics, pharmacokinetics, uptake and distribution, intravenous anesthetics and narcotics, and volatile anesthetics.
- (3) Physics in anesthesia.
- (4) Fundamentals of anesthetic sciences, presented as a continuum of courses covering a series of topics in basic medical sciences with special emphasis on the effects of anesthetics on normal physiology and pathophysiology.
- (5) Patient instrumentation and monitoring, presented as a continuum of courses focusing on the design of, proper preparation of, and proper methods of resolving problems that arise with anesthesia equipment. The courses must provide a balance between the engineering concepts used in anesthesia instruments and the clinical application of anesthesia instruments.
- (6) Clinically based conferences in which techniques of anesthetic management, quality assurance issues, and current professional literature are reviewed from the perspective of practice improvement.
- (7) Clinical experience consisting of at least two thousand hours of direct patient contact, presented as a continuum of courses throughout the entirety of the program, beginning with a gradual introduction of the techniques for the anesthetic management of patients and culminating in the assimilation of the graduate of the program into the work force. Areas of instruction must include the following:
 - (a) Preoperative patient assessment;
 - (b) Indwelling vascular catheter placement, including intravenous and arterial catheters;

| If the regulation is a registration, certification, or license requirement, please complete the following: | |
|--|--|
| | <p>(c) Airway management, including mask airway and orotracheal intubation;</p> <p>(d) Intraoperative charting;</p> <p>(e) Administration and maintenance of anesthetic agents, narcotics, hypnotics, and muscle relaxants;</p> <p>(f) Administration and maintenance of volatile anesthetics;</p> <p>(g) Administration of blood products and fluid therapy;</p> <p>(h) Patient monitoring;</p> <p>(i) Postoperative management of patients;</p> <p>(j) Regional anesthesia techniques;</p> <p>(k) Administration of vasoactive substances for treatment of unacceptable patient hemodynamic status;</p> <p>(l) Specific clinical training in all the subspecialties of anesthesia, including pediatrics, neurosurgery, cardiovascular surgery, trauma, obstetrics, orthopedics, and vascular surgery.</p> <p>(8) Basic life support that qualifies the individual to administer cardiopulmonary resuscitation to patients in need. The course must include the instruction necessary to be certified in basic life support by the American red cross or the American heart association.</p> <p>(9) Advanced cardiac life support that qualifies the individual to participate in the pharmacologic intervention and management resuscitation efforts for a patient in full cardiac arrest. The course must include the instruction necessary to be certified in advanced cardiac life support by the American red cross or the American heart association.</p> |
| Experience requirements | Not a license requirement. Clinical experience, if applicable, is determined by the individual's educational program. |

| 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>) | <p><i>Who administers the exam?</i></p> <p>Certification exam administered through the National Commission for Certification of Anesthesiologist Assistants (NCCAA)</p> <p><i>How is the exam and administrator selected?</i></p> <p>This exam and the administrator are the national standard for anesthesiologist assistants.</p> <p><i>What fees are charged?</i></p> <p>Registration: \$1,400; Late Registration: \$1,775; Retake registration: \$150; Score Verification: \$100</p> <p><i>Does the Board receive any proceeds of those fees? If so, how are the proceeds used?</i></p> <p>The Board does not receive any proceeds of examination fees.</p> |
| Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>) | <p>Continued certification is contingent upon registration of 50 hours of eligible continuing medical education (CME) every two (2) years, including the year in which the CDQ Examination is taken. The curriculum is set through the NCCAA and includes: CAA Category I - Anesthesia CME and CAA Category II General Medicine & Professional Development CME.</p> |
| Initial fee | <p>Application \$100.00</p> <p>Transaction fee \$3.50</p> <p>Total due at submission \$103.50</p> |
| Duration | <p>Licenses issued effective 10/17/19 and thereafter will expire two years after the original date of issuance:</p> <p>for existing license holders, the renewal deadline will continue to be on the same date as it is currently</p> <p>for new license holders this means renewal will occur on the two-year anniversary of initial issuance and every two years thereafter</p> |

| If the regulation is a registration, certification, or license requirement, please complete the following: | |
|--|---|
| | pro-rated CME applies only to initial licenses issued prior to 10/17/2019 with less than 18 months of licensure. |
| Renewal fee <i>(If different from initial fee, please explain why.)</i> | Renewal fee \$100.00 Late renewal fee \$125.00 Restoration fee \$150.00 Transaction fee \$3.50 |
| Does the Board recognize uniform licensure requirements or allow for reciprocity? | Effective December 29, 2023, applicants of the Medical Board may be eligible for Ohio licensure if they meet one of three eligibility requirements: <ol style="list-style-type: none"> 1. Applicant holds a substantially similar out-of-state (OOS) occupational license, or holds a government certification in the same profession or occupation from a state that does not issue an occupational license for at least one year immediately preceding the date of application. Applicant must be in good standing in all jurisdictions the license is held; 2. Applicant has held a private certification for at least two years preceding the application date in a state that does not issue an OOS license or government certification for the respective profession or occupation. Applicant must be in good standing with the organization that issued the certification; or 3. Applicant has been actively engaged in the profession or occupation in a state that does not issue an OOS license or government certification for the respective profession or occupation, or in the uniformed services. |
| 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 substitution for state regulation. |

| 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? | There are no circumstances outside of an individual participating in a training program as described in Section 4760.02 of the Ohio Revised Code. |
| Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual? | Yes, authorized by Section 4760.13 of the Ohio Revised Code under certain circumstances. |
| 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. |
|---|
| Refer to Section 4760.13 of the Ohio Revised Code. The Board may exercise administrative penalties such as limiting, revoking, or suspending an individual's license to practice, refusing to issue a license to an applicant, refusing to renew a license, refusing to reinstate a license, or reprimanding or placing on probation the holder of a 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?

Total – \$39,750 in FY 2023 and FY 2024

All revenue is deposited to a single fund and is used to support the board's regulatory responsibilities to issue licenses, investigate complaints, and take disciplinary action against those who violate public health and safety standards set by the General Assembly and the board.

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

None. There is no federal law requiring the state to regulate anesthesiologist assistants.

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

The unsafe use of anesthesia, even under supervision of an anesthesiologist, may result in harm, or death, of a patient. The regulation of anesthesiologist assistants is crucial for preventing various harms associated with anesthesia care. It protects the public from potential risks related to improper administration or management of anesthesia during medical procedures.

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 preventing harm by holding professionals accountable and promoting high standards of care. By reviewing cases individually, the State Medical Board addresses substandard practices while encouraging professional development. Less restrictive regulation would increase the threat of harm.

In FY 2024, the board received 5 complaints pertaining to anesthesiologist assistants.

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

N/A

Surrounding state comparison (LSC) (as of August 1, 2024)

| Anesthesiologist Assistant | | | | | | |
|--|--|---|--|---------------------|---------------------|---------------------|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Type of regulation (Name of regulation) | License (License to practice) (R.C. 4760.02) | License (License) (Ind. Code 25-3.7-2-1 and 25-3.7-3-1) | License (Practice as anesthesiology assistant by licensed physician assistant (PA)) | No clear equivalent | No clear equivalent | No clear equivalent |

| Anesthesiologist Assistant | | | | | | |
|----------------------------|--|--|--|----------|--------------|---------------|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | | | <i>(Ky. Rev. Stat. 311.862 and 311.844)</i> | | | |
| Education or training | Meet all of the following: <ul style="list-style-type: none"> ▪ Complete a bachelor's or higher degree program that includes specified courses; ▪ Complete a graduate-level training program accredited by the Commission on Accreditation of Allied Health Education Programs | Meet all of the following: <ul style="list-style-type: none"> ▪ Obtain a bachelor's degree; ▪ Complete a CAAHEP-accredited medical-based program; ▪ Be certified by the NCCAA <i>(Ind. Code 25-3.7-2-1)</i> | Meet all of the following: <ul style="list-style-type: none"> ▪ Be a licensed PA; ▪ Graduate from an approved four-year PA program and a two-year approved and accredited anesthesiology program² <i>(Ky. Rev. Stat. 311.844 and 311.862)</i> | N/A | N/A | N/A |

² A physician assistant who has practiced as an anesthesiology assistant in Kentucky before July 15, 2002, may continue to practice if the PA has (1) met the practice, education, training, and licensure requirements for PAs and anesthesiology assistant education and training, (2) is a graduate of an approved Committee on Allied Health Education or the CAAHEP program designed for anesthesiology assistants, and (3) is employed by a supervising physician in anesthesia (Ky. Rev. Stat. 311.862(A)).

| Anesthesiologist Assistant | | | | | | |
|----------------------------|---|---|--|----------|--------------|---------------|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | (CAAHEP) that includes specified courses; ■ Be certified by the National Commission for Certification of Anesthesiologist Assistants (NCCAA) <i>(R.C. 4760.03 and 4760.031)</i> | | | | | |
| Experience | No, but there are enhanced supervision requirements during the first four years of practice <i>(R.C. 4760.08; O.A.C. 4731-24-03)</i> | N/A | N/A | N/A | N/A | N/A |
| Exam | Yes; NCCAA <i>(R.C. 4760.03)</i> | Yes; NCCAA <i>(Ind. Code 25-3.7-2-1)</i> | Yes <i>(Ky. Rev. Stat. 311.844)</i> | N/A | N/A | N/A |

| Anesthesiologist Assistant | | | | | | |
|----------------------------|--|--|---|----------|--------------|---------------|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Continuing education | Yes, 50 hours every two years <i>(R.C. 4760.06; NCCAA, Continuing Medical Education Handbook (PDF))</i> | Yes, 50 hours every two years <i>(Ind. Code 25-3.7-2-1; NCCAA, Continuing Medical Education Handbook (PDF))</i> | Yes, 100 hours every two years as part of the requirements related to PA licensure <i>(Ky. Rev. Stat. 311.844 and 311.862)</i> | N/A | N/A | N/A |
| Initial licensure fee | \$100 <i>(R.C. 4760.03)</i> | \$100 <i>(844 Ind. Admin. Code 15-1-6)</i> | \$100 <i>(201 Ky. Admin. Regs. 9:084)</i> | N/A | N/A | N/A |
| License duration | Two years <i>(R.C. 4760.04)</i> | Two years <i>(844 Ind. Admin. Code 15-1-6)</i> | Two years <i>(Ky. Rev. Stat. 311.844)</i> | N/A | N/A | N/A |
| Renewal fee | \$100 <i>(R.C. 4760.06)</i> | \$50 <i>(844 Ind. Admin. Code 15-1-6)</i> | \$150 <i>(201 Ky. Admin. Regs. 9:084)</i> | N/A | N/A | N/A |

Clinical research faculty certificate (for a physician or podiatrist licensed in another state or country)

Survey response (MED)

| Description | |
|--|---|
| The holder of a clinical research faculty certificate may practice medicine and surgery or osteopathic medicine and surgery only as is incidental to the certificate holder's teaching or research duties at the medical school or a teaching hospital affiliated with the school. | |
| Type (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.) | |
| Government certification | |
| If the regulation is a registration, certification, or license requirement, please complete the following: | |
| Number issued annually | 9 |
| Number renewed annually | 6 |

| 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>There has been an increase in initial certificates issued annually from FY 2018 (5) to FY 2024 (9).</p> <p>There has been no change in the renewal of the Clinical Research Faculty Certificates between FY 2018 and FY 2024 (7).</p> |
| Education or training requirements | There are no additional requirements to obtain the certificate as the applicant must hold a current, unrestricted license to obtain the certificate. |
| Experience requirements | <p>The applicant holds a current, unrestricted license to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery issued by another state or country;</p> <p>The applicant has been appointed to serve in this state on the academic staff of a medical school accredited by the liaison committee on medical education, an osteopathic medical school accredited by the American osteopathic association, or a college of podiatric medicine and surgery in good standing with the board.</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>) | No additional examination requirements. |
| Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>) | No additional CME requirements. |
| Initial fee | Transaction fee \$3.50 |
| Duration | Three-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> | Transaction fee \$3.50 |
| Does the Board recognize uniform licensure requirements or allow for reciprocity? | <p>Effective December 29, 2023, applicants of the Medical Board may be eligible for Ohio licensure if they meet one of three eligibility requirements:</p> <ol style="list-style-type: none"> 1. Applicant holds a substantially similar out-of-state (OOS) occupational license, or holds a government certification in the same profession or occupation from a state that does not issue an occupational license for at least one year immediately preceding the date of application. Applicant must be in good standing in all jurisdictions the license is held; 2. Applicant has held a private certification for at least two years preceding the application date in a state that does not issue an OOS license or government certification for the respective profession or occupation. Applicant must be in good standing with the organization that issued the certification; or 3. Applicant has been actively engaged in the profession or occupation in a state that does not issue an OOS license or government certification for the respective profession or occupation, or in the uniformed services. |
| 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 substitution for state regulation. |
| Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Board? | No. Individuals are prohibited to from the unlicensed and unauthorized practice of medicine under Sections 4731.41 and 4731.34 of the Ohio Revised Code. |
| Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual? | The board may revoke a certificate on receiving proof satisfactory to the board that the certificate holder has engaged in practice in this state outside the scope of the certificate or that there are grounds for action against the certificate holder under Section 4731.22 of the Revised 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.

Refer to Section [4731.22](#) of the Ohio Revised Code. The Board may exercise administrative penalties such as limiting, revoking, or suspending an individual's license to practice, refusing to issue a license to an applicant, refusing to renew a license, refusing to reinstate a license, or reprimanding or placing on probation the holder of a 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?**

Total - \$0

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

As prescribers, physicians are subject to federal regulations for medication disbursement and controlled substances (FDA and DEA). There is no federal law requiring the state to regulate physicians.

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

The regulation of physicians is crucial for preventing various harms associated with medical practice, including issues of malpractice. It protects the public from potential health risks that can arise from improper treatment or misdiagnosis. Regulations ensure that only qualified and licensed professionals provide medical care, safeguarding ethical practices and prioritizing patient safety.

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 preventing harm by holding professionals accountable and promoting high standards of care. By reviewing cases individually, the State Medical Board addresses substandard practices while encouraging professional development. Less restrictive regulation would increase the threat of harm.

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

N/A

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

| Physician Clinical Research Faculty | | | | | | |
|-------------------------------------|--|--|--|---|---|---|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Type of regulation | License | License | License | License | License | License |
| (Name of regulation) | (Clinical research faculty certificate) (Authorizes a physician or podiatrist licensed in another state or country to teach and perform research activities at a medical school or affiliated teaching hospital) (R.C. 4731.293) | (Temporary medical teaching permit) (Authorizes a physician licensed in another state to teach medicine at a medical educational institution) (Ind. Code 25-22.5-5-4(b)) | (Special faculty license) (Authorizes a physician licensed in another state or country to practice at a medical teaching institution and its affiliated hospitals) (Ky. Rev. Stat. 311.571(6)) | (Clinical academic limited license) (Authorizes a physician licensed in another state to practice only for an academic institution and only in connection with employment or other contractual relationship with that academic institution) (Mich. Admin. Code R. 338.2435; | (Institutional license) (Authorizes a physician licensed in another state to teach and practice medicine at a medical college, including its affiliates and hospitals) (49 Pa. Code 17.3) | (Limited license to practice medicine) (Authorizes a physician licensed in another state or country to practice at a medical school's medical center if appointed to a West Virginia medical school faculty) (W. Va. Code 30-3-11a) |

| Physician Clinical Research Faculty | | | | | | |
|-------------------------------------|------|---------|---|--|---|---|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | | | | LARA, <u>Michigan Medical Doctor Clinical Academic Limited License Licensing Guide (PDF)</u> | | |
| Education or training ³ | N/A | N/A | In addition to educational requirements for licensure, must be board certified in the physician's specialty (Ky. Rev. Stat. 311.571) | Graduation from medical school that meets requirements under Michigan law (Mich. Admin. Code R. 338.2435) | N/A | Graduation from an approved school of medicine with the degree of doctor of medicine or its equivalent (W. Va. Code 30-3-11a) |
| Experience | N/A | N/A | N/A | N/A | Be a graduate of an unaccredited medical college who has attained through professional growth and teaching experience the status of teacher | Completion of one year of approved graduate clinical training or a fellowship of at least one year, or has received training which the board determines |

³ Note that these licenses require an underlying physician license. See physician licensure table for education and training, experience, and exam requirements. This table notes only if requirements are mentioned in the statute authorizing the teaching license.

| Physician Clinical Research Faculty | | | | | | |
|-------------------------------------|------|---------------------------------------|--|---|--|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | | | | | or has achieved outstanding medical skills in a particular area of medicine and wish to practice, demonstrate or teach in that area, but not otherwise be licensed to do so (49 Pa. Code 173.3) | to be equivalent to or exceeds the one-year graduate clinical training or fellowship requirement (W. Va. Code 30-3-11a) |
| 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 | \$100 (844 Ind. Admin. Code 4-2-2) | \$300 (Ky. Rev. Stat. 311.571(6); 201 Ky. Admin. Regs. 9:041) | \$93.60 (LARA, Michigan Medical Doctor Clinical Academic Limited License Licensing Guide (PDF)) | \$35 (49 Pa. Code 16.13) | \$150 (W. Va. Code 30-3-11a) |

| Physician Clinical Research Faculty | | | | | | |
|-------------------------------------|--------------------------------|--|--|---|---|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| License duration | Three years (R.C. 4731.293) | One year (Ind. Code 25-22.5-5-4(b)) | One year (Ky. Rev. Stat. 311.571(6)) | One year, for a maximum of five years (LARA, Michigan Medical Doctor Clinical Academic Limited License Licensing Guide (PDF)) | Not longer than three years (49 Pa. Code 17.3) | Not longer than one year (W. Va. Code 30-3-11a) |
| Renewal fee | N/A | \$50 (844 Ind. Admin. Code 4-2-2) | \$150 (Ky. Rev. Stat. 311.571(6); 201 Ky. Admin. Regs. 9:041) | \$33 (LARA, Michigan Medical Doctor Clinical Academic Limited License Licensing Guide (PDF)) | N/A | N/A |

Conceded eminence certificate (for physicians)

Survey response (MED)

| Description | |
|---|----|
| <p>The holder of a certificate of conceded eminence may practice medicine and surgery or osteopathic medicine and surgery only within the clinical setting of the academic medical center with which the certificate holder is employed or for the affiliated physician group practice with which the certificate holder is employed. A certificate holder may supervise medical students, physicians participating in graduate medical education, advanced practice nurses and physician assistants when performing clinical services in the certificate holder's area of specialty.</p> | |
| Type (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.) | |
| Government certificate | |
| If the regulation is a registration, certification, or license requirement, please complete the following: | |
| Number issued annually | 14 |
| Number renewed annually | 11 |

| 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 an increase in initial certificates issued annually from FY 2018 (1) to FY 2024 (14). Renewals have increased from FY 2018 (5) to FY 2024 (11). |
| Education or training requirements | There are no additional requirements to obtain the certificate as the applicant must hold a current, unrestricted license in another state or country to obtain the certificate. |
| Experience requirements | <p>The applicant is an international medical graduate who holds a medical degree from an educational institution listed in the international medical education directory;</p> <p>(b) That the applicant has been appointed to serve in this state as a full-time faculty member of a medical school accredited by the liaison committee on medical education or an osteopathic medical school accredited by the American osteopathic association;</p> <p>(c) That the applicant has accepted an offer of employment with an academic medical center in this state or affiliated physician group practice in this state;</p> <p>(d) That the applicant holds a license in good standing in another state or country authorizing the practice of medicine and surgery or osteopathic medicine and surgery;</p> <p>(e) That the applicant has unique talents and extraordinary abilities not generally found within the applicant's specialty, as demonstrated by satisfying at least four of the following:</p> <p>(i) The applicant has achieved educational qualifications beyond those that are required for entry into the applicant's specialty, including advanced degrees, special certifications, or other academic credentials.</p> |

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

(ii) The applicant has written multiple articles in journals listed in the index medicus or an equivalent scholarly publication acceptable to the board.

(iii) The applicant has a sustained record of excellence in original research, at least some of which involves serving as the principal investigator or co-principal investigator for a research project.

(iv) The applicant has received nationally or internationally recognized prizes or awards for excellence.

(v) The applicant has participated in peer review in a field of specialization that is the same as or similar to the applicant's specialty.

(vi) The applicant has developed new procedures or treatments for complex medical problems that are recognized by peers as a significant advancement in the applicable field of medicine.

(vii) The applicant has held previous academic appointments with or been employed by a health care organization that has a distinguished national or international reputation.

(viii) The applicant has been the recipient of a national institutes of health or other competitive grant award.

(f) That the applicant has received staff membership or professional privileges from the academic medical center pursuant to standards adopted under Section 3701.351 of the Revised

| If the regulation is a registration, certification, or license requirement, please complete the following: | |
|--|---|
| | <p>Code on a basis that requires the applicant's medical education and graduate medical education to be at least equivalent to that of a physician educated and trained in the United States;</p> <p>(g) That the applicant has sufficient written and oral English skills to communicate effectively and reliably with patients, their families, and other professionals;</p> <p>(h) That the applicant will have professional liability insurance through the applicant's employment with the academic medical center or affiliated physician group practice.</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>) | No additional examination requirements. |
| Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>) | Satisfies the same continuing medical education requirements set forth in Section 4731.282 of the Revised Code that apply to a person who holds a certificate to practice medicine and surgery or osteopathic medicine and surgery issued under this chapter. |
| Initial fee | <p>Application \$1000.00</p> <p>Transaction fee \$3.50</p> <p>Total due at submission \$1003.50</p> |
| Duration | Valid for the shorter of two years or the duration of the certificate holder's employment with the academic medical center or affiliated physician group practice. |

| 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> | Application \$1000.00 Transaction fee \$3.50 Total due at submission \$1003.50 |
| Does the Board recognize uniform licensure requirements or allow for reciprocity? | Effective December 29, 2023, applicants of the Medical Board may be eligible for Ohio licensure if they meet one of three eligibility requirements: <ol style="list-style-type: none"> 1. Applicant holds a substantially similar out-of-state (OOS) occupational license, or holds a government certification in the same profession or occupation from a state that does not issue an occupational license for at least one year immediately preceding the date of application. Applicant must be in good standing in all jurisdictions the license is held; 2. Applicant has held a private certification for at least two years preceding the application date in a state that does not issue an OOS license or government certification for the respective profession or occupation. Applicant must be in good standing with the organization that issued the certification; or 3. Applicant has been actively engaged in the profession or occupation in a state that does not issue an OOS license or government certification for the respective profession or occupation, or in the uniformed services. |
| 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 substitution for state regulation. |
| Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Board? | No. Individuals are prohibited to from the unlicensed and unauthorized practice of medicine under Sections 4731.41 and 4731.34 of the Ohio 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 board may revoke a certificate issued under this Section on receiving proof satisfactory to the board that the certificate holder has engaged in practice in this state outside the scope of the certificate or that there are grounds for action against the certificate holder under Section 4731.22 of the Revised Code.

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.

Refer to Section [4731.22](#) of the Ohio Revised Code. The Board may exercise administrative penalties such as limiting, revoking, or suspending an individual's license to practice, refusing to issue a license to an applicant, refusing to renew a license, refusing to reinstate a license, or reprimanding or placing on probation the holder of a 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?

Total - \$42,000 in FY 2023 and FY 2024

All revenue is deposited to a single fund and is used to support the board's regulatory responsibilities to issue licenses, investigate complaints, and take disciplinary action against those who violate public health and safety standards set by the General Assembly and the board.

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

As prescribers, physicians are subject to federal regulations for medication disbursement and controlled substances (FDA and DEA). There is no federal law requiring the state to regulate physicians.

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

The regulation of physicians is crucial for preventing various harms associated with medical practice, including issues of malpractice. It protects the public from potential health risks that can arise from improper treatment or misdiagnosis. Regulations ensure that only qualified and licensed professionals provide medical care, safeguarding ethical practices and prioritizing patient safety.

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 preventing harm by holding professionals accountable and promoting high standards of care. By reviewing cases individually, the State Medical Board addresses substandard practices while encouraging professional development. Less restrictive regulation would increase the threat of harm.

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

N/A

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

It does not appear any surrounding states have an equivalent of Ohio's physician conceded eminence certificate, which constitutes a license. Ohio's license authorizes its holder to practice medicine only within the clinical setting of an academic medical center or affiliated physician group practice. To be eligible, an applicant must be an international medical graduate who holds a medical degree from an educational institution listed in the International Medical Education Directory and must hold a license in good standing in another state or country authorizing the practice of medicine and surgery or osteopathic medicine and surgery. In addition, the applicant must demonstrate having unique talents and extraordinary abilities not generally found within the applicant's specialty by meeting specified criteria.

The initial application fee is \$1,000, and a certificate of conceded eminence is good for the shorter of two years or the duration of the holder's employment with the academic medical center or affiliated physician group practice. The certificate may be renewed. The renewal fee is \$1,000, and 50 hours of continuing education is required.⁴

⁴ R.C. 4731.297 and 4731.282.

Dietitian

Survey response (MED)

| Description | |
|--|--------------------------------------|
| <p>“Practice of dietetics” means any of the following:</p> <ul style="list-style-type: none"> (1) Nutritional assessment to determine nutritional needs and to recommend appropriate nutritional intake, including enteral and parenteral nutrition; (2) Nutritional counseling or education as components of preventive, curative, and restorative health care; (3) Development, administration, evaluation, and consultation regarding nutritional care standards. <p>A Limited Permit is available for individuals who have met academic and pre-professional requirements and are planning to sit for the next available examination.</p> | |
| Type <i>(License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)</i> | |
| License | |
| If the regulation is a registration, certification, or license requirement, please complete the following: | |
| Number issued annually | Dietitian – 399; Limited Permit – 27 |

| If the regulation is a registration, certification, or license requirement, please complete the following: | |
|--|---|
| Number renewed annually | Dietitian – 3,716; Limited Permit – 7 |
| Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years? | <p>There has been an increase in initial licenses issued annually from FY 2018 (282) to FY 2024 (399).</p> <p>Renewals have decreased from FY 2018 (3,917) to FY 2024 (3,716).</p> <p>Limited Permits have seen a decrease in initial licenses issued annually from FY 2018 (30) to FY 2024 (27).</p> <p>Renewals have increased from FY 2018 (3) to FY 2024 (7).</p> |
| Education or training requirements | <p>Has received a baccalaureate or higher degree from an institution of higher education that is approved by the board or a regional accreditation agency that is recognized by the council on postsecondary accreditation, and has completed a program consistent with the academic standards for dietitians established by the academy of nutrition and dietetics;</p> <p>Has successfully completed a pre-professional dietetic experience approved by the academy of nutrition and dietetics, or experience approved by the board under division (A)(3) of Section 4759.05 of the Revised Code;</p> |
| Experience requirements | Not a license requirement. Clinical experience, if applicable, is determined by the individual's educational 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>) | <p><i>Who administers the exam?</i></p> <p>The competency examination approved by the Board for Ohio licensure is the exam offered by the Commission on Dietetic Registration (RD Exam).</p> <p><i>How is the exam and administrator selected?</i></p> <p>This exam and the administrator are the national standard for dietitians.</p> |

| If the regulation is a registration, certification, or license requirement, please complete the following: | |
|--|---|
| | <p><i>What fees are charged?</i></p> <p>It costs \$225 to take the exam.</p> <p><i>Does the Board receive any proceeds of those fees?</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>Licensees are required to complete continuing education in compliance with rule 4759-4-04:</p> <p>Registered dietitians must complete the continuing education required to hold current registration with the Commission on Dietetic Registration</p> <p>If the licensee is not a registered dietitian, the licensee must complete 30 hours of continuing education every two year registration period, and shall use and document a learning process for that registration period that is consistent with the Commission on Dietetic Registration.</p> <p>Every two year registration period, all licensed dietitians are required to complete at least one hour of continuing education related to ethics or laws, rules, and regulations governing the practice of dietetics.</p> <p>Continuing education hours shall be earned by completing activities approved by the commission on dietetic registration, academy of nutrition and dietetics, or the Ohio academy of nutrition and dietetics.</p> |
| <p>Initial fee</p> | <p>Dietitian Application \$225.00 plus \$3.50 transaction fee</p> <p>Limited Permit Application (expires six months from the date of issuance) \$65.00 plus \$3.50 transaction fee</p> |

| If the regulation is a registration, certification, or license requirement, please complete the following: | |
|--|--|
| Duration | <p>A license shall be valid for a two-year period unless revoked or suspended by the board and shall expire on the date that is two years after the date of issuance. A license may be renewed for additional two-year periods.</p> <p>Limited Permits expire six months from the date of issuance.</p> |
| Renewal fee <i>(If different from initial fee, please explain why.)</i> | <p>Renewal \$180.00</p> <p>Late renewal fee \$205.00</p> <p>Restoration \$230.00</p> <p>Limited Permit License Renewal \$65.00</p> <p>Transaction fee \$3.50</p> |
| Does the Board recognize uniform licensure requirements or allow for reciprocity? | <p>Effective December 29, 2023, applicants of the Medical Board may be eligible for Ohio licensure if they meet one of three eligibility requirements:</p> <ol style="list-style-type: none"> 1. Applicant holds a substantially similar out-of-state (OOS) occupational license, or holds a government certification in the same profession or occupation from a state that does not issue an occupational license for at least one year immediately preceding the date of application. Applicant must be in good standing in all jurisdictions the license is held; 2. Applicant has held a private certification for at least two years preceding the application date in a state that does not issue an OOS license or government certification for the respective profession or occupation. Applicant must be in good standing with the organization that issued the certification; or 3. Applicant has been actively engaged in the profession or occupation in a state that does not issue an OOS license or government certification for the respective profession or occupation, or in the uniformed services. |

| 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? | There are no similar national registrations, certifications, or licenses that could be used as a substitution for state regulation. |
| Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Board? | Yes. Dietitians may supervise individuals such as a dietetic technician, or dietetic technician registered, or nutrition associate who practice elements of the occupation without being licensed. |
| Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual? | Yes, authorized by Section 4759.07 of the Ohio Revised Code under certain circumstances. |
| 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. |
|---|
| Refer to Section 4759.07 of the Ohio Revised Code. The Board may exercise administrative penalties such as limiting, revoking, or suspending an individual's license to practice, refusing to issue a license to an applicant, refusing to renew a license, refusing to reinstate a license, or reprimanding or placing on probation the holder of a 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?

Dietitian - \$942,910 in FY 2023 and FY 2024

Limited Permit - \$5,200 in FY 2023 and FY 2024

All revenue is deposited to a single fund and is used to support the board's regulatory responsibilities to issue licenses, investigate complaints, and take disciplinary action against those who violate public health and safety standards set by the General Assembly and the board.

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

None. There is no federal law requiring the state to regulate dietitians.

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

The regulation of dietitians is essential for preventing various harms associated with improper nutrition advice. It protects the public from health risks that can arise from inappropriate dietary recommendations, such as malnutrition or exacerbation of medical conditions. Regulations also prevent fraud by stopping unqualified individuals from misrepresenting themselves as dietitians, ensuring ethical practices and prioritizing patient safety. Ultimately, these standards maintain high-quality care and promote effective, evidence-based nutritional practices.

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 preventing harm by holding professionals accountable and promoting high standards of care. By reviewing cases individually, the State Medical Board addresses substandard practices while encouraging professional development. Less restrictive regulation would increase the threat of harm.

In FY 2024, the board received 40 complaints pertaining to dietitians. Of those, the board took 3 actions that included 2 reprimands and 1 probation.

In addition, the board received 6 complaints pertaining to limited permit holders.

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

N/A

Surrounding state comparison for dietitians (LSC) (as of August 1, 2024)

| Dietician | | | | | | |
|--|---|--|---|--|--|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Type of regulation (Name of regulation) | License (License) <i>(R.C. 4759.02)</i> | Certification (License) <i>(Ind. Code 25-14.5-7-1 and 25-14.5-7-3)</i> | License (License) <i>(Ky. Rev. Stat. 310.070)</i> | License, but not until 18 months after Michigan Board of Dietetics and Nutrition's initial rules are effective | Certification (License) <i>(63 P.S. 213.1)</i> | Certification (License) <i>(W. Va. Code 30-35-1)</i> |

| Dietician | | | | | | |
|-----------------------|--|--|--|---|--|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | | | | (License) <i>(Mich. Comp. Laws 333.18353)</i> | | |
| Education or training | Has received a bachelor's or higher degree from an approved institution of higher education and has completed a program consistent with the academic standards for dietitians established by the Academy of Nutrition and Dietetics <i>(R.C. 4759.06)</i> | Has received a bachelor's or higher degree from an accredited college or university and has completed a major course of study in human nutrition, nutrition education, food and nutrition, and dietetics or food systems management <i>(Ind. Code 25-14.5-3-1; 844 Ind. Admin. Code 19-1-3)</i> | Be a graduate of an approved bachelor's or postbaccalaureate degree program, with a major course of study in human nutrition, food and nutrition, dietetics, food systems management, or equivalent <i>(Ky. Rev. Stat. 310.021)</i> | Has received a bachelor's, master's, or doctoral degree from an approved college or university and has completed an accredited didactic program in dietetics <i>(Mich. Comp. Laws 333.18357)</i> | Has received a bachelor's or higher degree from an approved college or university, including a major course of study in human nutrition, food and nutrition, dietetics, or food systems management <i>(63 P.S. 216)</i> | Has completed a major course of study in human nutrition, dietetics, food systems management, or the equivalent thereof and possesses a bachelor's or postbaccalaureate degree <i>(W. Va. Code 30-35-7)</i> |
| Experience | Has successfully completed an approved preprofessional | 900 hours of documented, supervised | Has successfully completed a documented supervised | Has completed a planned, documented supervised practice | Has completed a planned continuous preprofessional experience | Has completed a planned continuous professional experience |

| Dietician | | | | | | |
|----------------------|--|---|---|---|--|---|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | dietetic experience (R.C. 4759.06) | practice experience (Ind. Code 25-14.5-3-3; 844 Ind. Admin. Code 19-1-3) | practice experience (Ky. Rev. Stat. 310.021) | experience of at least 1,000 hours (Mich. Comp. Laws 333.18357) | component in dietetic practice of at least 900 supervised hours (63 P.S. 216) | component of at least 900 supervised hours (W. Va. Code 30-35-7) |
| Exam | Yes (R.C. 4759.06) | Yes (Ind. Code 25-14.5-4-1; 844 Ind. Admin. Code 19-1-1) | Yes (Ky. Rev. Stat. 310.021) | Yes (Mich. Comp. Laws 333.18357) | Yes (63 P.S. 216) | Yes (W. Va. Code 30-35-7) |
| Continuing education | Must complete either the continuing education required to hold registration with the Commission on Dietetic Registration or 30 hours every two years (O.A.C. 4759-4-04) | Yes, 30 hours every two years (844 Ind. Admin. Code 19-1-6) | Yes, 15 hours annually (201 Ky. Admin. Regs. 33:030) | Yes, with the number of hours to be set in Board rule (Mich. Comp. Laws 333.18359) | Yes, 30 hours every two years (63 P.S. 221) | Yes, 20 hours every two years (W. Va. Code R. 31-1-7) |

| Dietician | | | | | | |
|-----------------------|-----------------------------|---------------------------------------|---------------------------------------|--|------------------------------|-----------------------------------|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Initial licensure fee | \$225 (R.C. 4759.08) | \$20 (844 Ind. Admin. Code 19-3-1) | \$50 (201 Ky. Admin. Regs. 33:010) | \$55 per year plus \$75 application processing fee (Mich. Comp. Laws 333.16346) | \$95 (49 Pa. Code 21.705) | \$69 (W. Va. Code R. 31-1-4) |
| License duration | Two years (R.C. 4759.06) | Two years (Ind. Code 25-14.5-6-3) | One year (Ky. Rev. Stat. 310.050) | Unclear, but license fee is per year (Mich. Comp. Laws 333.18357 and 333.16346) | Two years (63 P.S. 221) | One year (W. Va. Code 30-35-8) |
| Renewal fee | \$180 (R.C. 4759.08) | \$20 (844 Ind. Admin. Code 19-3-1) | \$50 (201 Ky. Admin. Regs. 33:010) | \$55 per year (Mich. Comp. Laws 333.16346) | \$71 (49 Pa. Code 21.705) | \$69 (W. Va. Code R. 31-1-4) |

Surrounding state comparison for dietitian (limited permit) (LSC) (as of August 1, 2024)

| Limited Permit to Practice Dietetics | | | | | | |
|--|--|---------|----------|---|--------------|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Type of regulation (Name of regulation) | License (Limited permit) (R.C. 4759.06(G)) | N/A | N/A | License (Temporary permit) (Mich. Comp. Laws 333.18353) | N/A | Certification (Provisional permit) (W. Va. Code 30-35-6) |

| Limited Permit to Practice Dietetics | | | | | | |
|--------------------------------------|--|---------|----------|---|--------------|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Education or training | Has received a bachelor's or higher degree from an approved institution of higher education and has completed a program consistent with the academic standards for dietitians established by the Academy of Nutrition and Dietetics <i>(R.C. 4759.06)</i> | N/A | N/A | Has received a bachelor's, master's, or doctoral degree from an approved college or university and has completed an accredited didactic program in dietetics <i>(Mich. Comp. Laws 333.18357)</i> | N/A | Has completed a major course of study in human nutrition, dietetics, food systems management, or the equivalent thereof and possesses a bachelor's or postbaccalaureate degree <i>(W. Va. Code 30-35-6 and 30-35-7)</i> |
| Experience | Has successfully completed an approved preprofessional dietetic experience <i>(R.C. 4759.06)</i> | N/A | N/A | Has completed a planned, documented supervised practice experience of at least 1,000 hours <i>(Mich. Comp. Laws 333.18357)</i> | N/A | Has completed a planned continuous professional experience component of at least 900 supervised hours |

| Limited Permit to Practice Dietetics | | | | | | |
|--------------------------------------|--|---------|----------|--|--------------|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | | | | | | <i>(W. Va. Code 30-35-7; W. Va. Code R. 31-1-6)</i> |
| Exam | N/A | N/A | N/A | N/A | N/A | N/A |
| Continuing education | N/A | N/A | N/A | N/A | N/A | Ten hours per year <i>(W. Va. Code R. 31-1-6)</i> |
| Initial licensure fee | \$65 <i>(R.C. 4759.08)</i> | N/A | N/A | \$55 plus \$75 application processing fee <i>(Mich. Comp. Laws 333.16346)</i> | N/A | \$50 <i>(W. Va. Code 30-35-6)</i> |
| License duration | Six months with one renewal allowed <i>(O.A.C. 4759-4-08)</i> | N/A | N/A | One year without an option to renew <i>(Mich. Comp. Laws 333.18361)</i> | N/A | One year with annual renewals for up to three years <i>(W. Va. Code 30-35-6; W. Va. Code R. 31-1-6)</i> |
| Renewal fee | \$65 <i>(R.C. 4759.08)</i> | N/A | N/A | N/A | N/A | \$50 <i>(W. Va. Code 30-35-6)</i> |

Genetic counselor

Survey response (MED)

Description

Genetic Counselor

A health professional who specializes in medical genetics and counseling to help patients understand and manage genetic conditions.

Special Activity

The state medical board may issue a license to practice as a genetic counselor, designated as a special activity license, to an individual from another state seeking to practice in this state genetic counseling associated with a rare disease.

Supervised Practice

A supervised practice license authorizes the holder to engage in the activities authorized by section 4778.11 of the Revised Code while the holder is under the general supervision of a genetic counselor licensed under section 4778.05 of the Revised Code or a physician.

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

License

| If the regulation is a registration, certification, or license requirement, please complete the following: | |
|---|---|
| Number issued annually | Genetic Counselor: 59; Special Activity: 0; Supervised Practice: 0 |
| Number renewed annually | Genetic Counselor: 418; Special Activity: 0; Supervised Practice: 0 |
| Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years? | There has been an increase in initial licenses issued annually from FY 2018 (58) to FY 2024 (59). Renewals have increased from FY 2018 (248) to FY 2024 (418). |
| Education or training requirements | Hold a master's degree or higher degree from a genetic counseling graduate program accredited by the American Board of Genetic Counseling (ABGC) |
| Experience requirements | <p>Not a license requirement. Clinical experience, if applicable, is determined by the individual's educational program.</p> <p>An applicant for a special activity license shall submit to the board all of the following information:</p> <p>(1) Evidence that the applicant holds a current, unrestricted license to practice genetic counseling issued by another state or, if the applicant practices genetic counseling in another state that does not license genetic counselors, evidence that the applicant is a certified genetic counselor;</p> <p>(2) Evidence that the applicant has actively practiced genetic counseling within the two-year period immediately preceding application;</p> |

| If the regulation is a registration, certification, or license requirement, please complete the following: | |
|--|---|
| | (3) The name of the applicant's sponsoring institution or organization, a statement of need for genetic counseling from the sponsoring institution or organization, and the name of the rare disease for which the applicant will be practicing genetic counseling in this state. |
| 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><i>Who administers the exam?</i> The American Board of Genetic Counseling administers the exam.</p> <p><i>How is the exam and administrator selected?</i> This exam and the administrator are the national standard for Genetic Counselors.</p> <p><i>What fees are charged?</i> First-Time Applicants: \$675 Repeat Applicants: \$500</p> <p><i>Does the Board receive any proceeds of those fees?</i> No.</p> |
| Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>) | Thirty hours of continuing education in genetic counseling that has been approved by the national society of genetic counselors or American Board of Genetic Counseling (ABGC). |
| Initial fee | <p>Application \$200.00</p> <p>Transaction fee \$3.50</p> <p>Total due at submission \$203.50</p> <p>Special Activity License \$25.00</p> |

| If the regulation is a registration, certification, or license requirement, please complete the following: | |
|--|---|
| Duration | <p>Licenses issued effective 10/17/19 and thereafter will expire two years after the original date of issuance:</p> <ul style="list-style-type: none"> for existing license holders, the renewal deadline will continue to be on the same date as it is currently for new license holders this means renewal will occur on the two-year anniversary of initial issuance and every two years thereafter pro-rated CME applies only to initial licenses issued prior to 10/17/2019 with less than 18 months of licensure. <p>Special Activity License – The shorter of thirty days or the duration of the genetic counseling associated with the rare disease for which the license was issued.</p> |
| Renewal fee <i>(If different from initial fee, please explain why.)</i> | <p>Renewal fee \$150.00</p> <p>Late renewal fee \$175.00</p> <p>Transaction fee \$3.50</p> <p>Special Activity License – No Renewals</p> |
| Does the Board recognize uniform licensure requirements or allow for reciprocity? | <p>Effective December 29, 2023, applicants of the Medical Board may be eligible for Ohio licensure if they meet one of three eligibility requirements:</p> <ol style="list-style-type: none"> 1. Applicant holds a substantially similar out-of-state (OOS) occupational license, or holds a government certification in the same profession or occupation from a state that does not issue an occupational license for at least one year immediately preceding the date of application. Applicant must be in good standing in all jurisdictions the license is held; 2. Applicant has held a private certification for at least two years preceding the application date in a state that does not issue an OOS license or government certification for the respective profession or occupation. Applicant must be in good standing with the organization that issued the certification; or |

| If the regulation is a registration, certification, or license requirement, please complete the following: | |
|--|---|
| | 3. Applicant has been actively engaged in the profession or occupation in a state that does not issue an OOS license or government certification for the respective profession or occupation, or in the uniformed services. |
| 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 substitution for state regulation. |
| Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Board? | There are no circumstances outside of an individual participating in a training program as described in Section 4778.02 of the Ohio Revised Code. |
| Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual? | Yes, authorized by Section 4778.14 of the Ohio Revised Code under certain circumstances. |
| 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. |
|---|
| Refer to Section 4778.14 of the Ohio Revised Code. The Board may exercise administrative penalties such as limiting, revoking, or suspending an individual's license to practice, refusing to issue a license to an applicant, refusing to renew a license, refusing to reinstate a license, or reprimanding or placing on probation the holder of a 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?

Genetic Counselor - \$102,700 in FY 2023 and FY 2024

All revenue is deposited to a single fund and is used to support the board's regulatory responsibilities to issue licenses, investigate complaints, and take disciplinary action against those who violate public health and safety standards set by the General Assembly and the board.

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

None. There is no federal law requiring the state to regulate genetic counselors.

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

The regulation of genetic counselors is crucial for preventing various harms associated with genetic advice and testing. It protects the public from health risks that can arise from inaccurate or inappropriate genetic information. Regulations also help prevent fraud by ensuring that only qualified professionals provide genetic counseling, safeguarding ethical practices and prioritizing patient well-being.

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 preventing harm by holding professionals accountable and promoting high standards of care. By reviewing cases individually, the State Medical Board addresses substandard practices while encouraging professional development. Less restrictive regulation would increase the threat of harm.

In FY 2024, the board received 1 complaint pertaining to genetic counselors.

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

N/A

Surrounding state comparison for genetic counselor and supervised practice license (LSC) (as of August 1, 2024)

| Genetic Counselor | | | | | | |
|--|--|---|--|--|---|---------------------|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Type of regulation (Name of regulation) | License (License to practice) (R.C. 4778.02) | License (License) (Ind. Code 25-17.3-4-1 and 25-17.3-5-1) | License (License) (Ky. Rev. Stat. 311.691) | License (License) (Mich. Comp. Laws 333.17093) | License (License) (63 P.S. 422.13d) | No clear equivalent |

| Genetic Counselor | | | | | | |
|-----------------------|--|--|---|---|--|---------------------|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | License (Supervised practice license (SPL)) (R.C. 4778.08) | License (Temporary license) (Ind. Code 25-17.3-4-2) | License (Temporary license) (Ky. Rev. Stat. 311.695) | License (Temporary license) (Mich. Comp. Laws 333.17094) | License (Temporary provisional license) (63 P.S. 422.13d) | No clear equivalent |
| Education or training | For license, must have: <ul style="list-style-type: none"> A master's or higher degree from an American Board of Genetic Counseling, Inc. (ABGC)-accredited program; Genetic counselor certification (R.C. 4778.03) For SPL, must: <ul style="list-style-type: none"> Meet requirements for a licensed genetic counselor, | For license, must have attained either: <ul style="list-style-type: none"> A master's degree from an ABGC-accredited genetic counseling training program; A doctoral degree from an accredited medical genetics training program (Ind. Code 25-17.3-4-1) | For license, must have: <ul style="list-style-type: none"> A master's degree from an ABGC-accredited program in genetic counseling; Certification as a genetic counselor by ABGC or ABMGG or as a medical geneticist by ABMGG For temporary license, must have: | For license, must have: <ul style="list-style-type: none"> A master's degree from an ABGC-accredited program in genetic counseling; Certification through ABGC or ABMGG (Mich. Comp. Laws 333.17092; Mich. Admin. Code R. 338.2461; ABGC, Certification Requirements) For temporary license, must have: | For license, must have either: <ul style="list-style-type: none"> A master's or doctoral degree in human genetics or genetic counseling; Met the ABGC or ABMGG certification requirements For provisional license, must have: <ul style="list-style-type: none"> A master's or doctoral degree in human genetics or genetic counseling; | N/A |

| Genetic Counselor | | | | | | |
|-------------------|--|--|--|--|--|---------------|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | <p>other than being certified; and</p> <ul style="list-style-type: none"> Be in active candidate status with ABGC <p>(R.C. 4778.03 and 4778.08)</p> | <p>For temporary license, must:</p> <ul style="list-style-type: none"> Meet all requirements for genetic counselor license except exam; Have an active candidate status <p>(Ind. Code 25-17.3-4-1 and 25-17.3-4-2)</p> | <ul style="list-style-type: none"> A master's degree from an ABGC-accredited program in genetic counseling Active candidate status with ABGC <p>(Ky. Rev. Stat. 311.695; ABGC, Certification Requirements)</p> | <ul style="list-style-type: none"> A master's degree from an ABGC-accredited program in genetic counseling; ABGC or ABMGG active candidate status <p>(Mich. Comp. Laws 333.17094; MBPL, Genetic Counselor Licensing Guide (PDF); ABGC, Certification Requirements)</p> | <ul style="list-style-type: none"> ABGC or ABMGG active candidate status <p>(63 P.S. 422.13d)</p> | |
| Experience | <p>For license, must be at least 18 years of age</p> <p>For SPL, must work under the general supervision of a licensed genetic counselor or physician</p> | <p>For license, N/A</p> <p>For temporary license, must work under the direct supervision of a licensed genetic counselor or physician</p> | <p>For license, N/A</p> <p>For temporary license, must be entered in a genetic supervision contract and work under the direct supervision of a licensed genetic</p> | <p>For license, N/A</p> <p>For temporary license, must work under the supervision of a qualified supervisor at all times</p> <p>(Mich. Comp. Laws 333.17094; MBPL,</p> | <p>For license, must be at least 21 years of age</p> <p>For provisional license, must:</p> <ul style="list-style-type: none"> Be at least 21 years of age; Work under the supervision of a | N/A |

| Genetic Counselor | | | | | | |
|----------------------|---|---|---|---|--|---------------|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | (R.C. 4778.08) | (Ind. Code 25-17.3-4-2) | counselor or physician (Ky. Rev. Stat. 311.695) | Genetic Counselor Licensing Guide (PDF) | genetic counselor or licensed physician (63 P.S. 422.13d) | |
| Exam | For license, yes; ABGC/ABMGG (R.C. 4778.03; ABGC, Certification FAQs ; ABMGG, Board Eligibility and Active Candidate Status Policy (PDF)) For SPL, N/A | For license, yes; ABGC (Ind. Code 25-17.3-4-1; ABGC, Certification FAQs) For temporary license, N/A | For license, yes; ABGC (ABGC, Certification FAQs) For temporary license, N/A | For license, yes; ABGC/ABMGG (Mich. Comp. Laws 333.17092; ABGC, Certification FAQs ; ABMGG, Board Eligibility and Active Candidate Status Policy (PDF)) | For license, yes; ABGC/ABMGG (63 P.S. 422.13d) For provisional license, N/A | N/A |
| Continuing education | For license, 30 hours every two years (R.C. 4778.06) For SPL, N/A | For license, 50 hours every two years (Ind. Code 25-17.3-4-6; Ind. Professional Licensing Agency (PLA), Genetic Counselors) | For license, 30 hours every two years (Ky. Rev. Stat. 311.697) For temporary license, N/A | For license, 75 hours every three years (Mich. Admin. Code R. 338.2471 and 338.2473) For temporary license, N/A | For license, 30 hours every two years (63 P.S. 422.13d) For provisional license, N/A | N/A |

| Genetic Counselor | | | | | | |
|-----------------------|---|---|--|--|--|---------------|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | | Licensing Information For temporary license, N/A | | | | |
| Initial licensure fee | For license and SPL, \$200 <i>(R.C. 4778.03 and 4778.08)</i> | For license, \$40 For temporary license, \$10 <i>(844 Ind. Admin. Code 14-3-1; PLA, Genetic Counselors Licensing Information)</i> | For license and temporary license, \$150 <i>(201 Ky. Admin. Regs. 9:480)</i> | For license, \$240.15 For temporary license, \$126 <i>(Mich. Comp. Laws 333.16338; MPBL, Genetic Counselor Licensing Guide (PDF))</i> | For license and provisional license, \$50 <i>(63 P.S. 422.13d; Pa. State Bd. of Medicine, Genetic Counselor)</i> | N/A |
| License duration | For license, two years <i>(R.C. 4778.05)</i> For SPL, one year, nonrenewable <i>(R.C. 4778.08)</i> | For license, two years <i>(Ind. Code 25-17.3-4-5)</i> For temporary license, expires on the earliest of the following: <ul style="list-style-type: none"> ▪ The date a genetic counselor | For license, two years <i>(Ky. Rev. Stat. 311.697)</i> For temporary license, one year from date issued and expires on the earliest of the following: <ul style="list-style-type: none"> ▪ The date a genetic counselor | For license, three years <i>(Mich. Admin. Code R. 338.2471; MBPL, Genetic Counselor Licensing Guide (PDF))</i> For temporary license, one year and can be renewed up to four times | For license, two years For provisional license, until the earliest of the following: <ul style="list-style-type: none"> ▪ ABGC/ABMGG certification; ▪ Two exam cycles have elapsed <i>(63 P.S. 422.13d)</i> | N/A |

| Genetic Counselor | | | | | | |
|-------------------|---|--|--|---|--|---------------|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | | license is issued; <ul style="list-style-type: none"> 30 days after losing ABGC active candidate status; The date printed on the temporary license <i>(Ind. Code 25-17.3-4-2)</i> | license is issued; <ul style="list-style-type: none"> 30 days after failing certification exam; The date printed on the license <i>(Ky. Rev. Stat. 311.695)</i> | <i>(Mich. Comp. Laws 333.16338; MBPL, Genetic Counselor Licensing Guide (PDF))</i> | | |
| Renewal fee | For license, \$150 <i>(R.C. 4778.06)</i> For SPL, N/A | For license, \$30 <i>(844 Ind. Admin. Code 14-3-1)</i> For temporary license, N/A | For license, \$150 <i>(201 Ky. Admin. Regs. 9:480)</i> For temporary license, N/A | For license, \$240.15 For temporary license, \$126 <i>(Mich. Comp. Laws 333.16338; MBPL, Genetic Counselor Licensing Guide (PDF))</i> | For license, \$75 <i>(Pa. State Bd. of Medicine, Genetic Counselor)</i> For provisional license, N/A | N/A |

Surrounding state comparison for genetic counselor special activity license (LSC) (as of August 1, 2024)

Under Ohio law, the State Medical Board can issue a license to practice as a genetic counselor, designated as a special activity license, to an individual from another state seeking to practice in Ohio genetic counseling associated with a rare disease. The applicant

must have (1) a current, unrestricted genetic counselor license in another state or, if the applicant practices in a state that does not license genetic counselors, certification for genetic counseling, (2) actively practiced genetic counseling within the two-year period immediately preceding application, and (3) a sponsoring institution or organization. The applicant must pay a \$25 fee. The special activity license is valid for 30 days or the duration the genetic counseling associated with the rare disease. The license is nonrenewable.⁵

Indiana, Kentucky, Michigan, Pennsylvania, and West Virginia do not offer a separate license for an individual from another state seeking to practice genetic counseling associated with a rare disease.

Respiratory care professional

Survey response (MED)

| Description |
|---|
| <p>“Respiratory care professional” means a person who is licensed to practice the full range of services described in “Respiratory care”, which means rendering or offering to render to individuals, groups, organizations, or the public any service involving the evaluation of cardiopulmonary function, the treatment of cardiopulmonary impairment, the assessment of treatment effectiveness, and the care of patients with deficiencies and abnormalities associated with the cardiopulmonary system.</p> <p>L1 – A person issued a limited permit shall practice respiratory care only under the supervision of a respiratory care professional. A permit may be held for a maximum of three years, but not to exceed one year after the date of graduation from a respiratory care educational program. An applicant for a Limited Permit (L1) must provide proof of meeting one of the following requirements:</p> <ul style="list-style-type: none"> • Is enrolled in and is in good standing in a respiratory care educational program that meets the requirements of rule 4761-4-01 of the Administrative Code; or • Is a graduate of a respiratory care educational program that meets the requirements of rule 4761-4-01 of the Administrative Code. <p>L2 – Is employed as a provider of respiratory care in this state and was employed as a provider of respiratory care in this state prior to March 14, 1989, as provided by division (B)(1)(b) of Section 4761.05 of the Revised Code. To renew, they must be in compliance with continuing education and supply proof of current employment.</p> |

⁵ R.C. 4778.09.

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

Respiratory Therapists, L1 Permit Holders, and L2 Permit Holders receive an occupational license through the State Medical Board of Ohio.

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

| | |
|---|--|
| Number issued annually | RCP – 644; L1 – 237; L2 – 0 |
| Number renewed annually | RCP – 7,150; L1 – 129; L2 – 1 |
| Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years? | For RCPs, there has been increase from FY 2018 (8,633) to FY 2024 (9,443). L1s have seen a decrease from FY 2018 (375) to FY 2024 (282) L2s have seen a decrease from FY 2018 (8) to FY 2024 (2) |
| Education or training requirements | That the person has successfully completed the requirements of an educational program approved by the board that includes instruction in the biological and physical sciences, pharmacology, respiratory care theory, procedures, and clinical practice, and cardiopulmonary rehabilitation techniques; That the person has passed an examination approved under rules adopted by the board that tests the applicant's knowledge of the basic and clinical sciences relating to respiratory care theory and practice, professional skills and judgment in the utilization of respiratory care techniques, and such other subjects as the board considers useful in determining fitness to practice. |

| If the regulation is a registration, certification, or license requirement, please complete the following: | |
|--|--|
| Experience requirements | No experience requirements outside those required to fulfill the requirements of an education 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>) | <p><i>Who administers the exam?</i></p> <p>An applicant for an initial Respiratory Care Professional license must have successfully completed both examinations (TMC and CSE) required to earn the Registered Respiratory Therapist (RRT) credential offered by the National Board for Respiratory Care.</p> <p><i>How is the exam and administrator selected?</i></p> <p>NBRC offers the national standard for examinations.</p> <p><i>What fees are charged?</i></p> <p>TMC: \$190 for new applicants and \$150 for repeat applicants.</p> <p>CSE: \$200 for both new and repeat applicants.</p> <p><i>Does the Board receive any proceeds of those fees?</i></p> <p>No</p> |
| Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>) | <p>On or before the biennial renewal date, a license holder shall complete twenty hours of continuing education, or pass a reexamination in accordance with the board's renewal requirements.</p> <p>On or before the annual renewal date, the holder of a limited permit (L2) shall complete ten hours of continuing education or pass a reexamination in accordance with the board's renewal requirements.</p> <p>All license holders and limited permit (L2) holders must complete one hour of continuing education on Ohio respiratory care law or professional ethics as set forth in rule 4761-9-04 of the Administrative Cod</p> |
| Initial fee | <p>Application Respiratory Care Professional \$75.00</p> <p>Application Limited Permit (L1) \$20.00</p> |

| If the regulation is a registration, certification, or license requirement, please complete the following: | |
|--|--|
| | <p>Application Limited Permit (L2) N/A</p> <p>Transaction fee \$3.50</p> |
| Duration | <p>Licenses issued effective 10/17/19 and thereafter will expire two years after the original date of issuance:</p> <ul style="list-style-type: none"> • for existing license holders, the renewal deadline will continue to be on the same date as it is currently • for new license holders this means renewal will occur on the two-year anniversary of initial issuance and every two years thereafter • pro-rated CME applies only to initial licenses issued prior to 10/17/2019 with less than 18 months of licensure <p>L1 permits issued effective 10/17/19 and thereafter will expire one year after the original date of issuance</p> <ul style="list-style-type: none"> • for existing L1 permit holders, the renewal deadline will continue to be on the same date as it is currently <p>L2 permits expire annually on 6/30</p> |
| Renewal fee <i>(If different from initial fee, please explain why.)</i> | <p>Respiratory Care Professional</p> <ul style="list-style-type: none"> • Renewal fee \$75.00 • Late renewal fee \$100.00 • Restoration fee \$125.00 • Transaction fee \$3.50 <p>Limited Permit (L1)</p> <ul style="list-style-type: none"> • Renewal fee \$10.00 • Late renewal fee N/A |

| If the regulation is a registration, certification, or license requirement, please complete the following: | |
|--|--|
| | <ul style="list-style-type: none"> • Restoration fee N/A • Transaction fee \$3.50 <p>Limited Permit (L2)</p> <ul style="list-style-type: none"> • Renewal fee \$35.00 • Late renewal fee N/A • Restoration fee N/A • Transaction fee \$3.50 |
| Does the Board recognize uniform licensure requirements or allow for reciprocity? | <p>Effective December 29, 2023, applicants of the Medical Board may be eligible for Ohio licensure if they meet one of three eligibility requirements:</p> <ol style="list-style-type: none"> 1. Applicant holds a substantially similar out-of-state (OOS) occupational license, or holds a government certification in the same profession or occupation from a state that does not issue an occupational license for at least one year immediately preceding the date of application. Applicant must be in good standing in all jurisdictions the license is held; 2. Applicant has held a private certification for at least two years preceding the application date in a state that does not issue an OOS license or government certification for the respective profession or occupation. Applicant must be in good standing with the organization that issued the certification; or 3. Applicant has been actively engaged in the profession or occupation in a state that does not issue an OOS license or government certification for the respective profession or occupation, or in the uniformed services. |
| Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation? | <p>There are no similar national registrations, certifications, or licenses that could be used as a substitution 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?

As per Section 4761.10 of the Ohio Revised Code, no person shall offer or render respiratory care services, or represent that the person is a respiratory care professional, respiratory therapist, respiratory technologist, respiratory care technician, respiratory practitioner, inhalation therapist, inhalation technologist, or inhalation therapy technician, or to have any similar title or to provide these services under a similar description, unless the person holds a license or limited permit issued under this chapter. No partnership, association, or corporation shall advertise or otherwise offer to provide or convey the impression that it is providing respiratory care unless an individual holding a license or limited permit issued under this chapter is employed by or under contract with the partnership, association, or corporation and will be performing the respiratory care services to which reference is made.

The following exemptions apply:

(1) In the case of a hospital or nursing facility, some limited aspects of respiratory care services such as measuring blood pressure and taking blood samples may be performed by persons demonstrating current competence in such procedures, as long as the person acts under the direction of a physician or the delegation of a registered nurse and the person does not represent that the person is engaged in the practice of respiratory care. The above limited aspects of respiratory care do not include any of the following: the administration of aerosol medication, the maintenance of patients on mechanical ventilators, aspiration, and the application and maintenance of artificial airways.

(2) In the case of a facility, institution, or other setting that exists for a purpose substantially other than the provision of health care, if nursing tasks are delegated by a registered nurse as provided in Chapter 4723. of the Revised Code and the rules adopted under it, respiratory care tasks may be performed under that delegation by persons demonstrating current competence in performing the tasks, as long as the person does not represent that the person is engaged in the practice of respiratory care.

(3) A polysomnographic technologist credentialed by an organization the state medical board recognizes, a trainee under the direct supervision of a polysomnographic technologist

| If the regulation is a registration, certification, or license requirement, please complete the following: | |
|---|--|
| | <p>credentialed by an organization the board recognizes, or a person the board recognizes as being eligible to be credentialed as a polysomnographic technologist may perform the respiratory care tasks specified in rules adopted under Section 4761.03 of the Revised Code, as long as both of the following apply:</p> <p>(a) The tasks are performed in the diagnosis and therapeutic intervention of sleep-related breathing disorders and under the general supervision of a physician.</p> <p>(b) The person performing the tasks does not represent that the person is engaged in the practice of respiratory care.</p> |
| Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual? | The Board may exercise discretion under authority granted in Section 4761.09 of the Ohio Revised Code. |
| 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>Refer to Section 4761.09 of the Ohio Revised Code. The Board may exercise administrative penalties such as limiting, revoking, or suspending an individual's license to practice, refusing to issue a license to an applicant, refusing to renew a license, refusing to reinstate a license, or reprimanding or placing on probation the holder of a license.</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?

Respiratory Care Professional - \$665,004 in FY 2023 and FY 2024

L1 Limited Permit - \$10,505 in FY 2023 and FY 2024

L2 Limited Permit - \$120 in FY 2023 and FY 2024

All revenue is deposited to a single fund and is used to support the board's regulatory responsibilities to issue licenses, investigate complaints, and take disciplinary action against those who violate public health and safety standards set by the General Assembly and the board.

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

None. There is no federal law requiring the state to regulate respiratory therapists.

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

The regulation of respiratory therapists is crucial for preventing various harms associated with respiratory care. It protects the public from potential risks related to improper treatment or unqualified practitioners in managing respiratory conditions. Regulations ensure that only trained and licensed professionals provide respiratory therapy.

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 preventing harm by holding professionals accountable and promoting high standards of care. By reviewing cases individually, the State Medical Board addresses substandard practices while encouraging professional development. Less restrictive regulation would increase the threat of harm.

In FY 2024, the board received 189 complaints pertaining to respiratory therapists. Of those, the board took 24 actions including 1 revocation and 2 suspensions.

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

N/A

Surrounding state comparison (LSC) (as of August 1, 2024)

| Respiratory Care Professional | | | | | | |
|--|--|---|--------------------------------------|--|--|---|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Type of regulation (Name of regulation) | License (License to practice) (R.C. 4761.10) | License (License) (Ind. Code 25-34.5-3-1) | License (Mandatory certification) | License (License) (Mich. Comp. Laws 333.18707) | License (License) (63 P.S. 422.13a) ⁷ | License (License) (W. Va. Code 30-34-1) |

⁷ Respiratory therapists in Pennsylvania can be licensed by either the State Board of Medicine or the State Board of Osteopathic Medicine. The Pennsylvania Society for Respiratory Care indicates there is no substantive difference between the licensures. This table cites licensure by the State Board of Medicine. (Pennsylvania Society for Respiratory Care, [Obtaining an RT License in PA - Holders of Out of State RT License.](#))

| Respiratory Care Professional | | | | | | |
|-------------------------------|--|---|---|---|---|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | License (Limited permit to practice ⁶) (R.C. 4761.10) | License (Student permit) (Ind. Code 25-34.5-2-14) | (Ky. Rev. Stat. 314A.110) License (Limited mandatory certification (LMC)) (Ky. Rev. Stat. 314A.110) | No clear equivalent | No clear equivalent | License (Temporary student permit (TSP)) (W. Va. Code 30-34-9) |
| Education or training | For license, must have completed the requirements of an approved educational program that includes specified instruction (R.C. 4761.04) For limited permit, must be a student in good standing in an approved respiratory care educational program | For license, must have: <ul style="list-style-type: none"> ▪ Graduated from an approved school or program; ▪ Completed a U.S. military training program in respiratory care; or ▪ Completed sufficient postsecondary education to be | For license, must have a registered respiratory therapist (RRT) or certified respiratory therapist (CRT) credential issued by the National Board for Respiratory Care (NBRC) (Ky. Rev. Stat. 314A.110) For LMC, in order to be employed for compensation, | Must have: <ul style="list-style-type: none"> ▪ Completed an approved respiratory therapist training program; ▪ At least an associate's degree; and ▪ A respiratory care credential from NBRC (Mich. Comp. Laws 333.18709) | Must have graduated from an approved program (63 P.S. 422.13a) | For license, must have completed an approved respiratory care educational program (W. Va. Code 30-34-8) For TSP, must be enrolled in a respiratory care educational program and have completed certain curriculum and clinical hours |

⁶ The surrounding state comparison addresses only the L1 limited permit, as the L2 limited permit is no longer issued (just renewed) in Ohio.

| Respiratory Care Professional | | | | | | |
|-------------------------------|---|---|---|----------|--------------|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | <i>(R.C. 4761.05)</i> | credentialed by an approved national respiratory care practitioner organization <i>(Ind. Code 25-34.5-2-8)</i> For student permit, must be a student in good standing in an approved school or program <i>(Ind. Code 25-34.5-2-14)</i> | must be a student enrolled in an accredited program <i>(Ky. Rev. Stat. 314A.110)</i> | | | <i>(W. Va. Code 30-34-9)</i> |
| Experience | For license, N/A For limited permit, must be under the supervision of a respiratory care professional <i>(R.C. 4761.05)</i> | For license, N/A For student permit, must be under the proximate supervision of a practitioner <i>(Ind. Code 25-34.5-2-14)</i> | For license, N/A For LMC, must be under the direct supervision of a licensed respiratory therapist <i>(Ky. Rev. Stat. 314A.110)</i> | N/A | N/A | For license, N/A For TSP, must be under supervision of a licensed respiratory therapist employee of the same department who is present and available to |

| Respiratory Care Professional | | | | | | |
|-------------------------------|--|--|---|--|--|---|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | | | | | | the student at all times <i>(W. Va. Code 30-34-9)</i> |
| Exam | For license, yes; NBRC <i>(R.C. 4761.04; O.A.C. 4761-5-01))</i> For limited permit, N/A | For license, yes <i>(Ind. Code 25-34.5-2-8)</i> For student permit, N/A | For license, yes; NBRC <i>(Ky. Rev. Stat. 314A.110)</i> For LMC, N/A | Yes <i>(Mich. Comp. Laws 333.18709)</i> | Yes; NBRC <i>(63 P.S. 422.13a)</i> | For license, yes; NBRC <i>(W. Va. Code 30-34-8)</i> For TSP, N/A |
| Continuing education | For license, 20 hours every two years For limited permit, ten hours every year <i>(O.A.C. 4761-9-02)</i> | For license, 15 hours every two years <i>(844 Ind. Admin. Code 11-5-3)</i> For student permit, N/A | For license, 24 hours every two years <i>(201 Ky. Admin. Regs. 29:050)</i> For LMC, N/A | N/A | 30 hours every two years <i>(63 P.S. 422.36a)</i> | For license, 20 units every two years <i>(W. Va. Code R. 30-3-3)</i> For TSP, enrollment in at least nine semester hours and making satisfactory progress in core curriculum and clinic rotations |

| Respiratory Care Professional | | | | | | |
|-------------------------------|--|---|---|---|--------------------------------|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | | | | | | (W. Va. Code 30-34-9) |
| Initial licensure fee | For license, \$75 For limited permit, \$20 (R.C. 4761.07) | For license, \$50 For student permit, \$25 (844 Ind. Admin. Code 11-2-1.1) | For license, \$150 For LMC, \$60 (201 Ky. Admin. Regs. 29:015) | \$187.40 (Mich. Bureau of Professional Licensing (MBPL), Respiratory Therapist Licensing Guide (PDF)) | \$30 (49 Pa. Code 16.13) | For license, \$200 (W. Va. Code 30-34-7) For TSP, \$75 (W. Va. Code R. 30-9-2) |
| License duration | For license, two years For limited permit, one year (R.C. 4761.06) | For license, two years (Ind. Code 25-34.5-2-10) For student permit, two years (Ind. Code 25-34.5-2-14) | For license, two years For LMC, not to exceed three years (Ky. Rev. Stat. 314A.110) | Two years (Mich. Admin. Code R. 338.7001a) | Two years (63 P.S. 422.36a) | For license, one year (W. Va. Code 30-34-7) For TSP, six months (W. Va. Code 30-34-9) |
| Renewal fee | For license, \$75 For limited permit, \$10 (R.C. 4761.07) | For license, \$50 (844 Ind. Admin. Code 11-2-1.1) For student permit, N/A | For license, \$135 (201 Ky. Admin. Regs. 29:015) For LMC, N/A | \$165.40 (MBPL, Respiratory Therapist Licensing Guide (PDF)) | \$25 (49 Pa. Code 16.13) | For license, \$65 (W. Va. Code R. 30-2-4) For TSP, \$25 (W. Va. Code R. 30-9-2) |

Massage therapist

Survey response (MED)

| Description | |
|--|-------|
| <p>Massage therapy is the treatment of disorders of the human body by the manipulation of soft tissue through the systematic external application of massage techniques including touch, stroking, friction, vibration, percussion, kneading, stretching, compression, and joint movements within the normal physiologic range of motion; and adjunctive thereto, the external application of water, heat, cold, topical preparations, and mechanical devices.</p> | |
| Type (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.) | |
| <p>License</p> | |
| If the regulation is a registration, certification, or license requirement, please complete the following: | |
| Number issued annually | 522 |
| Number renewed annually | 5,138 |

| 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>There has been an increase in initial licenses issued annually from FY 2018 (517) to FY 2024 (522).</p> <p>Renewals have decreased from FY 2018 (6,374) to FY 2024 (5,138).</p> |
| Education or training requirements | <p>A diploma or certificate from a school, college or institution in good standing as determined by the board, showing the completion of the required courses of instruction</p> <p>or</p> <p>A diploma or certificate from a school, college or institution in another state or jurisdiction showing completion of a course of instruction meeting the requirements of Ohio Revised Code 4731.19(A)(3)(a). Note: House Bill 442, passed by the Ohio legislature and signed by Governor DeWine, became effective April 12, 2021. The new law changes the massage therapy course of instruction requirements in Ohio. The legislature amended R.C. 4713.19(A)(3)(a) to require 600 education hours.</p> <p>or</p> <p>For not less than five years preceding application, a current license, registration or certificate in good standing in another state for massage therapy</p> <p>In addition, applicants must have passed the MBLEx (Massage and Bodywork Licensing Exam).</p> |
| Experience requirements | Not a license requirement. Clinical experience, if applicable, is determined by the individual's educational 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>) | <p><i>Who administers the exam?</i></p> <p>The Federation of State Massage Therapy Boards administers the exams.</p> <p><i>How is the exam and administrator selected?</i></p> |

| If the regulation is a registration, certification, or license requirement, please complete the following: | |
|---|---|
| | <p>This exam and the administrator are the national standard for massage therapists.</p> <p><i>What fees are charged?</i></p> <p>The current fee to take and retake the MBLEx is \$265.</p> <p><i>Does the Board receive any proceeds of those fees?</i></p> <p>No</p> |
| Continuing education requirements <i>(Including a description of the curriculum and the process of setting it.)</i> | <p>There are no continuing education requirements for maintenance of licensure in Ohio for Massage Therapists.</p> |
| Initial fee | <p>Application \$150.00</p> <p>Transaction fee \$3.50</p> <p>Total due at submission \$153.50</p> |
| Duration | <p>Two years</p> |
| Renewal fee <i>(If different from initial fee, please explain why.)</i> | <p>Renewal fee \$100.00</p> <p>Late renewal fee \$125.00</p> <p>Transaction fee \$3.50</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? | <p>Effective December 29, 2023, applicants of the Medical Board may be eligible for Ohio licensure if they meet one of three eligibility requirements:</p> <ol style="list-style-type: none"> 1. Applicant holds a substantially similar out-of-state (OOS) occupational license, or holds a government certification in the same profession or occupation from a state that does not issue an occupational license for at least one year immediately preceding the date of application. Applicant must be in good standing in all jurisdictions the license is held; 2. Applicant has held a private certification for at least two years preceding the application date in a state that does not issue an OOS license or government certification for the respective profession or occupation. Applicant must be in good standing with the organization that issued the certification; or 3. Applicant has been actively engaged in the profession or occupation in a state that does not issue an OOS license or government certification for the respective profession or occupation, or in the uniformed services. |
| 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 substitution for state regulation. |
| Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Board? | Yes, individuals may practice "Relaxation massage." While not in law, it is the term that people commonly use to describe non-therapeutic massage. Non-therapeutic massage does not treat any health condition. Non-therapeutic massage may be regulated by local governments such as cities or townships. |
| Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual? | Yes, authorized by Section 4731.22 of the Ohio Revised Code under certain circumstances. |

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.

Refer to Section [4731.22](#) of the Ohio Revised Code. The Board may exercise administrative penalties such as limiting, revoking, or suspending an individual's license to practice, refusing to issue a license to an applicant, refusing to renew a license, refusing to reinstate a license, or reprimanding or placing on probation the holder of a 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?

Total - \$1,310,087 in FY 2023 and FY 2024

All revenue is deposited to a single fund and is used to support the board's regulatory responsibilities to issue licenses, investigate complaints, and take disciplinary action against those who violate public health and safety standards set by the General Assembly and the board.

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

None. There is no federal law requiring the state to regulate massage therapists.

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

The regulation of massage therapists is essential for preventing various harms associated with massage therapy, including issues of sexual misconduct. It protects the public from potential injuries that can arise from improper techniques or unqualified practitioners, while also addressing the risk of inappropriate behavior during sessions.

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 preventing harm by holding professionals accountable and promoting high standards of care. By reviewing cases individually, the State Medical Board addresses substandard practices while encouraging professional development. Less restrictive regulation would increase the threat of harm.

In FY 2024, the board received 338 complaints pertaining to massage therapists. Of those, the board took 69 actions including 17 permanent revocations, 3 revocations, 4 definite suspensions, and 8 indefinite suspensions.

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

N/A

Surrounding state comparison (LSC) (as of August 1, 2024)

| Massage Therapist | | | | | | |
|--|--|--|---|--|--|---|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Type of regulation (Name of regulation) | License (License to practice a limited branch of medicine) <i>(R.C. 4731.15 and 4731.41)</i> | License (License; sometimes referred to as certification) <i>(Ind. Code 25-21.8-4-1)</i> | License (License) <i>(Ky. Rev. Stat. 309.353)</i> | License (License) <i>(Mich. Comp. Laws 333.17957)</i> | License (License) <i>(63 P.S. 627.14)</i> | License (License) <i>(W. Va. Code 30-37-1)</i> |
| Education or training | Must have a diploma or certificate from an approved school, college, or institution showing the completion of at least 600 hours | Has successfully completed a massage therapy school or program that requires at least 625 hours of instruction | Has successfully completed an approved massage therapy training program consisting of at least 600 hours, or an approved associate's degree program | Has successfully completed a massage therapy program consisting of at least 625 hours of classroom instruction | Has completed an approved massage program of at least 600 hours of in-class, postsecondary education instruction that includes training in HIV and related | Has completed an approved massage education program of at least 625 hours of supervised instruction |

| Massage Therapist | | | | | | |
|-----------------------|---|--|--|---|---|---|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | <i>(R.C. 4731.19)</i> | <i>(Ind. Code 25-21.8-4-2)</i> | <i>(Ky. Rev. Stat. 309.358)</i> | <i>(Mich. Comp. Laws 333.17959)</i> | risks and training in cardiopulmonary resuscitation <i>(63 P.S. 627.5)</i> | <i>(W. Va. Code 30-37-7)</i> |
| Experience | Must be at least 18 years of age <i>(R.C. 4731.19)</i> | Must be at least 18 years of age <i>(Ind. Code 25-21.8-4-2)</i> | Must be at least 18 years of age <i>(Ky. Rev. Stat. 309.358)</i> | Must be at least 18 years of age <i>(Mich. Comp. Laws 333.17959)</i> | N/A | N/A |
| Exam | Yes <i>(R.C. 4731.19)</i> | Yes <i>(Ind. Code 25-21.8-4-2)</i> | Yes <i>(Ky. Rev. Stat. 309.358)</i> | Yes <i>(Mich. Comp. Laws 333.17959 and 333.17961)</i> | Yes <i>(63 P.S. 627.5)</i> | Yes <i>(W. Va. Code 30-37-7)</i> |
| Continuing education | N/A | 24 hours every four years <i>(Ind. Code 25-21.8-6-2)</i> | 12 hours, with three in ethics, every two years <i>(Ky. Rev. Stat. 309.361)</i> | 18 hours every three years <i>(Mich. Comp. Laws 333.17965)</i> | 24 hours every two years <i>(63 P.S. 627.6)</i> | 24 hours every two years <i>(W. Va. Code R. 194-1-3)</i> |
| Initial licensure fee | \$150 <i>(R.C. 4731.19)</i> | \$100 <i>(847 Ind. Admin. Code 2-1-1)</i> | \$200 <i>(201 Ky. Admin. Regs. 42:020)</i> | \$270.10 <i>(LARA, Michigan Massage Therapy Licensing Guide (PDF))</i> | \$100 <i>(49 Pa. Code 20.3)</i> | \$350 <i>(W. Va. Code R. 194-4-2)</i> |

| Massage Therapist | | | | | | |
|-------------------|-----------------------------|---------------------------------------|--|---|------------------------------|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| License duration | Two years (R.C. 4731.15) | Four years (Ind. Code 25-21.8-6-1) | Two years (Ky. Rev. Stat. 309.361) | Three years (Mich. Comp. Laws 333.17957 and 333.17965) | Two years (63 P.S. 627.6) | Two years (W. Va. Code 30-37-7; W. Va. Code R. 194-1-3) |
| Renewal fee | \$100 (R.C. 4731.15) | \$150 (847 Ind. Admin. Code 2-1-1) | \$200 (201 Ky. Admin. Regs. 42:020) | \$248.10 (LARA, Michigan Massage Therapy Licensing Guide (PDF)) | \$175 (49 Pa. Code 20.3) | \$200 (W. Va. Code R. 194-4-2) |

Mechanotherapist

Survey response (MED)

| Description |
|--|
| <p>A practitioner who treats disease by manual, physical, or mechanical means.</p> <p>In Ohio, their scope of practice is limited to disorders of the musculoskeletal system which are amenable to treatment by the listed techniques and which are identifiable by examination and diagnosis as described as:</p> <ul style="list-style-type: none"> (1) Advised or supervised exercise; (2) Massage or manipulation; (3) Application of air, water, heat, cold, sound or infrared rays; or (4) Electrical neuromuscular stimulation. |

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

License

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

| | |
|---|---|
| Number issued annually | 0 |
| Number renewed annually | 1 |
| Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years? | No change. |
| Education or training requirements | Mechanotherapists must complete a course of study appropriate for certification to practice mechanotherapy on or before November 3, 1985. |
| Experience requirements | N/A |

| 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>) | N/A |
| Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>) | There are no continuing education requirements for maintenance of licensure in Ohio for Mechanotherapists. Mechanotherapists who received a certificate to practice from the board prior to March 2, 1992, may continue to practice mechanotherapy. |
| Initial fee | N/A |
| Duration | Two years |
| Renewal fee (<i>If different from initial fee, please explain why.</i>) | Renewal fee: \$100 Late Renewal Fee: \$125 |
| Does the Board recognize uniform licensure requirements or allow for reciprocity? | Per 4731.151 (C), Chapter 4796. of the Revised Code does not apply to a certificate to practice naprapathy or mechanotherapy issued under this section. |
| 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 substitution for state regulation. |

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

New licensees for this occupation have not been accepted since March 2nd, 1992.

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

Refer to Section 4731.22 of the Ohio Revised Code. The Board may exercise administrative penalties such as limiting, revoking, or suspending an individual's license to practice, refusing to issue a license to an applicant, refusing to renew a license, refusing to reinstate a license, or reprimanding or placing on probation the holder of a 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?

Total - \$400 in FY 2023 and FY 2024

All revenue is deposited to a single fund and is used to support the board's regulatory responsibilities to issue licenses, investigate complaints, and take disciplinary action against those who violate public health and safety standards set by the General Assembly and the board.

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

None. There is no federal law requiring the state to regulate mechanotherapists.

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

The regulation of mechanotherapists is essential for preventing various bodily harms associated with the various techniques and equipments used to address any disorder of the musculoskeletal system. It protects the public from potential injuries that can arise from improper techniques or unqualified practitioners.

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 preventing harm by holding professionals accountable and promoting high standards of care. By reviewing cases individually, the State Medical Board addresses substandard practices while encouraging professional development. Less restrictive regulation would increase the threat of harm.

In FY 2024, the board received no complaints pertaining to mechanotherapists.

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

N/A

Surrounding state comparison (LSC) (as of August 6, 2024)

The practice of mechanotherapy is not regulated in Indiana, Kentucky, Michigan, Pennsylvania, or West Virginia. In Ohio, the State Medical Board no longer issues certificates to practice for mechanotherapists, but statutory law authorizes an individual holding a certificate issued before March 1992 to continue to practice.⁸ Such individuals must renew their certificates every two years, including by submitting a \$100 renewal fee.⁹ According to the Board in its FY 2024 Annual Report, as of June 30, 2024, there were five active mechanotherapist certificates in Ohio.

⁸ R.C. 4731.151(B).

⁹ R.C. 4731.15.

Naprapath

Survey response (MED)

| Description | |
|---|---|
| <p>Naprapathy is the treatment of diseased spinal connective tissue and ligaments by hand only. A practitioner of naprapathy shall not examine patients except by written and verbal inquiry, visual inspection and observation, and touch. Such practitioners shall not diagnose a patient's condition, but may determine whether or not application of naprapathy is advisable.</p> | |
| Type (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.) | |
| <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 |

| 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 | 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>) | There are no continuing education requirements for maintenance of licensure in Ohio for Naprapaths. Naprapaths who received a certificate to practice from the state medical board prior to March 2, 1992, may continue to practice naprapathy |
| Initial fee | N/A |
| Duration | Two Years |
| Renewal fee (<i>If different from initial fee, please explain why.</i>) | Renewal fee: \$100 Late Renewal Fee: \$125 |

| 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? | Per 4731.151 (C), Chapter 4796. of the Revised Code does not apply to a certificate to practice naprapathy or mechanotherapy issued under this section. |
| 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 substitution for state regulation. |
| 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 (Significant attributes or prerequisites to licensure not addressed in this chart.) | New licensees for this occupation have not been accepted since March 2 nd , 1992. |

| Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation. |
|---|
| Refer to Section 4731.22 of the Ohio Revised Code. The Board may exercise administrative penalties such as limiting, revoking, or suspending an individual's license to practice, refusing to issue a license to an applicant, refusing to renew a license, refusing to reinstate a license, or reprimanding or placing on probation the holder of a 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?

Total- \$100 in FY 2023 and FY 2024

All revenue is deposited to a single fund and is used to support the board's regulatory responsibilities to issue licenses, investigate complaints, and take disciplinary action against those who violate public health and safety standards set by the General Assembly and the board.

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

None. There is no federal law requiring the state to regulate naprapaths.

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

The regulation of naprapathy essential for preventing various bodily harms associated with the various examination techniques used to address any treatment of diseased spinal connective tissue and ligaments. It protects the public from potential injuries that can arise from improper techniques or unqualified practitioners.

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 preventing harm by holding professionals accountable and promoting high standards of care. By reviewing cases individually, the State Medical Board addresses substandard practices while encouraging professional development. Less restrictive regulation would increase the threat of harm.

In FY 2024, the board received no complaints pertaining to naprapaths.

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

N/A

Surrounding state comparison (LSC)

Similar to mechanotherapy, Ohio's neighboring states do not regulate the practice of naprapathy. According to the American Naprapathic Association, Ohio is one of only four states that do, with the others being Illinois, Nevada, and New Mexico.¹⁰ Like mechanotherapists, the State Medical Board no longer issues certificates to practice for naprapaths, but statutory law authorizes an individual holding a certificate issued before March 1992 to continue to practice.¹¹ To do so, the holder must renew the certificate every two years, including by submitting a \$100 renewal fee.¹² The Board's FY 2024 Annual Report notes that, as of June 30, 2024, there was one active naprapath certificate in Ohio.

¹⁰ American Naprapathic Association, [Frequently Asked Questions](#).

¹¹ R.C. 4731.151(A).

¹² R.C. 4731.15.

Physician assistant

Survey response (MED)

| Description | |
|--|-------|
| A skilled professional qualified by academic and clinical training to provide services to patients as a physician assistant under the supervision, control, and direction of one or more physicians who are responsible for the physician assistant's performance. | |
| Type (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.) | |
| License | |
| If the regulation is a registration, certification, or license requirement, please complete the following: | |
| Number issued annually | 595 |
| Number renewed annually | 4,463 |

| 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>There has been an increase in initial licenses issued annually from FY 2018 (475) to FY 2024 (595).</p> <p>Renewals have increased from FY 2018 (3,429) to FY 2024 (4,463).</p> |
| Education or training requirements | <p>To be eligible to receive a license to practice as a physician assistant, an applicant must meet all the following requirements:</p> <ol style="list-style-type: none"> 1. The applicant shall be at least eighteen years of age 2. The applicant shall be of good moral character 3. The applicant shall have the results of a criminal records check (FBI and Ohio BCI) submitted to the Board 4. The applicant shall hold current Certification by the National Commission on Certification of Physician Assistants (NCCPA) 5. The applicant must meet one or more of the routes listed below: <ul style="list-style-type: none"> Route 1 - The applicant shall hold a master's or higher degree obtained from a program accredited by the Accreditation Review Commission on Education for the Physician Assistant program (ARC-PA). Route 2* (see note below) - The applicant shall hold a current, valid license or other form of authority to practice as a physician assistant issued by another jurisdiction and have been in active practice in any jurisdiction throughout the two-year period immediately preceding the date of application. Route 3* (see note below) - The applicant shall hold a degree obtained from a program accredited by the Accreditation Review Commission on Education for the Physician Assistant (ARC-PA) and meet either of the following experience requirements: <ul style="list-style-type: none"> (a) Have experience practicing as a physician assistant for at least two consecutive years, immediately preceding the date of application, while on active duty, with evidence of service under honorable conditions, in any of the armed forces of the United States or the national |

| If the regulation is a registration, certification, or license requirement, please complete the following: | |
|--|---|
| | <p>guard of any state, including any experience attained while practicing as a physician assistant at a health care facility or clinic operated by the United States Department of Veterans Affairs.</p> <p>(b) Have experience practicing as a physician assistant for at least two consecutive years, immediately preceding the date of application, while on active duty in the United States Public Health Service commissioned corps.</p> <p>Route 4 - The applicant shall hold both of the following degrees:</p> <p>(a) A degree other than a master's or higher degree obtained from a program accredited by the Accreditation Review Commission on Education for the Physician Assistant (ARCPA)</p> <p>(b) A Master's or higher degree in a course of study with clinical relevance to the practice of physician assistants and obtained from a program accredited by regional or specialized and professional accrediting agency recognized by the Council for Higher Education Accreditation (CHEA).</p> <p>Route 5* (see note below) - The applicant shall hold a degree obtained as a result of being enrolled on January 1, 2008, in a program in this state that was accredited by the Accreditation Review Commission on Education for the Physician Assistant (ARC-PA) but did not grant a Master's or higher degree to individuals enrolled in the program on that date, and completing the program on or before December 31, 2009.</p> <p><i>*Unless the applicant had prescriptive authority while practicing as a physician assistant in another jurisdiction, in the military, or in the public health service, the license issued to an applicant who qualifies under Route 2, Route 3 and/or Route 5 above does not authorize the holder to exercise physician-delegated prescriptive authority.</i></p> |
| Experience requirements | No additional experience requirements from what is required by educational and training programs. |

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?*)

Who administers the exam?

The Physician Assistant National Certifying Examination is administered by the National Commission on Certification of Physician Assistants.

How is the exam and administrator selected?

This examination is the national standard.

What fees are charged?

\$550

Does the Board receive any proceeds of those fees?

No

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

CME required for renewal of a license to practice as a physician assistant

According to Ohio Revised Code Section 4730.14(B), to be eligible for renewal of your license as a physician assistant you shall certify to the board that you have maintained certification by the National Commission on Certification of Physician Assistants (NCCPA) or a successor organization that is recognized by the board.

CME required for renewal of a physician assistant license that includes a valid prescriber number

According to Ohio Revised Code Section 4730.49, to be eligible for renewal of your license as a physician assistant with a valid prescriber number, you shall meet the requirements discussed above and complete every two years at least twelve hours of continuing education in pharmacology from an accredited institution recognized by the board.

| If the regulation is a registration, certification, or license requirement, please complete the following: | |
|--|--|
| | If the holder of a physician assistant license, including a valid prescriber number, prescribes opioid analgesics or benzodiazepines, the holder must certify whether access to the drug database established and maintained by the State Board of Pharmacy has been granted. |
| Initial fee | <p>Application \$400.00</p> <p>Transaction fee \$3.50</p> <p>Total due at submission \$403.50</p> |
| Duration | <p>Licenses issued effective 10/17/19 and thereafter will expire two years after the original date of issuance:</p> <ul style="list-style-type: none"> • for existing license holders, the renewal deadline will continue to be on the same date as it is currently • for new license holders this means renewal will occur on the two-year anniversary of initial issuance and every two years thereafter • pro-rated CME applies only to initial licenses issued prior to 10/17/2019 with less than 18 months of licensure. |
| Renewal fee <i>(If different from initial fee, please explain why.)</i> | <p>Renewal fee \$200.00</p> <p>Late renewal fee \$250.00</p> <p>Restoration fee \$300.00</p> <p>Transaction fee \$3.50</p> |
| Does the Board recognize uniform licensure requirements or allow for reciprocity? | <p>Effective December 29, 2023, applicants of the Medical Board may be eligible for Ohio licensure if they meet one of three eligibility requirements:</p> <ol style="list-style-type: none"> 1. Applicant holds a substantially similar out-of-state (OOS) occupational license, or holds a government certification in the same profession or occupation from a state that does not issue an occupational license for at least one year immediately preceding the date of application. Applicant must be in good standing in all jurisdictions the license is held; |

| If the regulation is a registration, certification, or license requirement, please complete the following: | |
|--|--|
| | <ol style="list-style-type: none"> 2. Applicant has held a private certification for at least two years preceding the application date in a state that does not issue an OOS license or government certification for the respective profession or occupation. Applicant must be in good standing with the organization that issued the certification; or 3. Applicant has been actively engaged in the profession or occupation in a state that does not issue an OOS license or government certification for the respective profession or occupation, or in the uniformed services. |
| 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? | As per Section 4730.02 of the Ohio Revised Code, no person shall hold that person out as being able to function as a physician assistant, or use any words or letters indicating or implying that the person is a physician assistant, without a current, valid license to practice as a physician assistant issued pursuant to this chapter. |
| Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual? | <p>The state medical board shall review each application for a license to practice as a physician assistant received under Section 4730.10 of the Revised Code. Not later than sixty days after receiving a complete application, the board shall determine whether the applicant meets the requirements to receive the license, as specified in Section 4730.11 of the Revised Code.</p> <p>If the board determines that an applicant meets the requirements to receive the license, the secretary of the board shall register the applicant as a physician assistant and issue to the applicant a license to practice as a physician assistant.</p> <p>The board is delegated discretion under certain circumstances under Section 4730.25 of the Ohio Revised Code.</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.

Refer to Section [4730.25](#) of the Ohio Revised Code. The Board may exercise administrative penalties such as limiting, revoking, or suspending an individual's license to practice, refusing to issue a license to an applicant, refusing to renew a license, refusing to reinstate a license, or reprimanding or placing on probation the holder of a 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?

Total - \$1,495,039 in FY 2023 and FY 2024

All revenue is deposited to a single fund and is used to support the board's regulatory responsibilities to issue licenses, investigate complaints, and take disciplinary action against those who violate public health and safety standards set by the General Assembly and the board.

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

As prescribers, physician assistants are subject to federal regulations for medication disbursement and controlled substances (FDA and DEA). There is no federal law requiring the state to regulate physician assistants.

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

The regulation of physician assistants is crucial for preventing various harms associated with medical practice, particularly given their ability to prescribe medications. It protects the public from potential injuries that can arise from improper treatment or unqualified practitioners.

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 preventing harm by holding professionals accountable and promoting high standards of care. By reviewing cases individually, the State Medical Board addresses substandard practices while encouraging professional development. Less restrictive regulation would increase the threat of harm.

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

N/A

Surrounding state comparison (LSC) (as of August 1, 2024)

| Physician Assistant | | | | | | |
|--|---|---|---|---|---|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Type of regulation (Name of regulation) | License (License to practice) (R.C. 4730.02) | License (License) (Ind. Code 25-27.5-4-1) | License (License) (Ky. Rev. Stat. 311.844) | License (License) (Mich. Comp. Laws 333.17011) | License (License) (63 P.S. 422.36) | License (License) (W. Va. Code 30-3E-4) |
| Education or training | Must have either: <ul style="list-style-type: none"> ▪ A master's or higher degree from a recognized accredited program; or ▪ A degree other than a master's or higher obtained from a recognized | Must have completed an educational program accredited by an approved program Must hold current certification by NCCPA (Ind. Code 25-27.5-4-1) | Must be a graduate of an approved program Must hold current certification by NCCPA (Ky. Rev. Stat. 311.844) | Must be a graduate of an approved program (Mich. Comp. Laws 333.17062) | Must do the following: <ul style="list-style-type: none"> ▪ Complete a certified program for physician assistants; ▪ Obtained a bachelor's or higher degree and completed at least 60 clock | Must have obtained a bachelor's or master's degree from an accredited program for physician's assistants Must hold current certification by NCCPA |

| Physician Assistant | | | | | | |
|---------------------|---|--|---|---|---|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | <p>accredited program and a master's or higher degree from a course of study with clinical relevance</p> <p>Must hold current certification by the National Commission on Certification of Physician Assistants (NCCPA)</p> <p>(R.C. 4730.11)</p> | | | | <p>hours of didactic instruction in pharmacology;</p> <ul style="list-style-type: none"> ▪ Hold current certification by NCCPA <p>(63 P.S. 422.36)</p> | (W. Va. Code 30-3E-4) |
| Experience | <p>Must be at least 18 years of age</p> <p>(R.C. 4730.11)</p> | N/A | N/A | <p>Must be at least 18 years of age</p> <p>(Mich. Comp. Laws 333.16174 and 333.17062)</p> | N/A | N/A |
| Exam | <p>Yes; NCCPA</p> <p>(R.C. 4730.11; NCCPA, Become Certified)</p> | <p>Yes; NCCPA</p> <p>(Ind. Code 25-27.5-4-1)</p> | <p>Yes; NCCPA</p> <p>(Ky. Rev. Stat. 311.844 and 311.846)</p> | <p>Yes; NCCPA</p> <p>(Mich. Comp. Laws 333.17064; Mich.</p> | <p>Yes; NCCPA</p> <p>(49 Pa. Code 18.122 and 18.141)</p> | <p>Yes, NCCPA</p> <p>(W. Va. Code 30-3E-4)</p> |

| Physician Assistant | | | | | | |
|-----------------------|---|---|---|--|---|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | | | | Admin. Code R. 338.6301) | | |
| Continuing education | 100 hours every two years (O.A.C. 4730-1-06) | 100 hours every two years (844 Ind. Admin. Code 2.2-2-3; NCCPA, Continuing Medical Education) | 100 hours every two years (Ky. Rev. Stat. 311.844) | N/A (MBPL, Physician's Assistant FAQs (PDF)) | 100 hours every two years (63 P.S. 422.36; NCCPA, Continuing Medical Education) | 100 hours every two years (W. Va. Code R. 11-1B-14) |
| Initial licensure fee | \$400 (R.C. 4730.10) | \$100 (844 Ind. Admin. Code 2.2-2-8) | \$100 (201 Ky. Admin. Regs. 9:084) | \$50 per year plus \$30 processing fee (Mich. Comp. Laws 333.16337) | \$30 (49 Pa. Code 16.13) | \$200 (W. Va. Code R. 11-4-3) |
| License duration | Two years (R.C. 4730.14) | Two years (Ind. Code 25-27.5-4-5) | Two years (Ky. Rev. Stat. 311.844) | Two years (MBPL, Physician's Assistant FAQs (PDF)) | Two years (63 P.S. 422.36) | Two years (W. Va. Code 30-3E-6) |
| Renewal fee | \$200 (R.C. 4730.14) | \$50 (844 Ind. Admin. Code 2.2-2-8) | \$150 (201 Ky. Admin. Regs. 9:084) | \$121.20 (MBPL, Michigan Physician Assistant (PA) Licensing Guide (PDF)) | \$40 (63 P.S. 422.36) | \$100 (W. Va. Code R. 11-4-3) |

Physician certificate to recommend medical marijuana

Survey response (MED)

| Description | |
|---|----|
| A licensed physician seeking to recommend treatment with medical marijuana shall apply to the state medical board for a certificate to recommend. | |
| Type <i>(License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)</i> | |
| Government certificate | |
| If the regulation is a registration, certification, or license requirement, please complete the following: | |
| Number issued annually | 36 |
| 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? | Not applicable. This certificate did not exist in FY 2018. |
| Education or training requirements | There are no additional requirements to obtain the certificate as the applicant must hold a current, unrestricted license to obtain the certificate. |
| Experience requirements | <p>(1) The applicant holds an active, unrestricted license to practice medicine and surgery or osteopathic medicine and surgery under Section 4731.14, 4731.11, or 4731.299 of the Revised Code;</p> <p>(2) The applicant has been granted access to and is not under any prohibition for access to the drug database established and maintained by the board of pharmacy pursuant to Section 4729.75 of the Revised Code.</p> <p>(3) The applicant holds an active registration with the drug enforcement administration</p> <p>(4) The applicant has not been denied a license to prescribe, possess, dispense, administer, supply, or sell a controlled substance by the drug enforcement administration or appropriate issuing body of any state or jurisdiction, based, in whole or in part, on the applicant's inappropriate prescribing, personally furnishing, dispensing, administering, supplying or selling a controlled substance or other dangerous drug.</p> <p>(5) The applicant has not held a license issued by the drug enforcement administration or a state licensing administration in any jurisdiction, under which the person may prescribe, personally furnish, dispense, possess, administer, supply or sell a controlled substance, that has ever been</p> |

| If the regulation is a registration, certification, or license requirement, please complete the following: | |
|--|--|
| | <p>restricted, based, in whole or in part, on the applicant's inappropriate prescribing, dispensing, administering, supplying, or selling a controlled substance or other dangerous drug.</p> <p>(6) The applicant has not been subject to disciplinary action by any licensing entity that was based, in whole or in part, on the applicant's inappropriate prescribing, personally furnishing, dispensing, diverting, administering, supplying or selling a controlled substance or other dangerous drug.</p> <p>(7) The applicant has completed at least two hours of continuing medical education in a course or courses certified by the Ohio state medical association or the Ohio osteopathic association that assist physicians in both of the following:</p> <p>(a) Diagnosing qualifying medical conditions as defined in Section 3796.01 of the Revised Code;</p> <p>(b) Treating qualifying medical conditions with medical marijuana, including the characteristics of medical marijuana and possible drug interactions.</p> <p>(8) The applicant has no ownership or investment interest in or compensation agreement with any medical marijuana entity licensed or applicant seeking licensure under Chapter 3796. of the Revised Code.</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>) | No additional examination requirements. |

| 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> | Physicians with a Certificate to Recommend must complete at least two hours of continuing medical education in a course or courses certified by the Ohio state medical association or the Ohio osteopathic association that assist physicians in both of the following: |
| Initial fee | No fee. |
| Duration | The certificate to recommend shall be renewed when the holder's license to practice as a physician or osteopathic physician is renewed. |
| 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? | <p>Effective December 29, 2023, applicants of the Medical Board may be eligible for Ohio licensure if they meet one of three eligibility requirements:</p> <ol style="list-style-type: none"> 1. Applicant holds a substantially similar out-of-state (OOS) occupational license, or holds a government certification in the same profession or occupation from a state that does not issue an occupational license for at least one year immediately preceding the date of application. Applicant must be in good standing in all jurisdictions the license is held; 2. Applicant has held a private certification for at least two years preceding the application date in a state that does not issue an OOS license or government certification for the respective profession or occupation. Applicant must be in good standing with the organization that issued the certification; or 3. Applicant has been actively engaged in the profession or occupation in a state that does not issue an OOS license or government certification for the respective profession or occupation, or in the uniformed services. |
| 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 substitution for state regulation. |

| 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. Individuals are prohibited to from the unlicensed and unauthorized practice of medicine under Sections 4731.41 and 4731.34 of the Ohio Revised Code. |
| Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual? | No. The Board shall grant a certificate to recommend if: (a) The application is complete and meets the requirements established in rules. (b) The applicant demonstrates that the applicant does not have an ownership or investment interest in or compensation arrangement with an entity licensed under Chapter 3796. of the Revised Code or an applicant for licensure. |
| 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. |
|---|
| Refer to Section 4731.22 of the Ohio Revised Code. The Board may exercise administrative penalties such as limiting, revoking, or suspending an individual's license to practice, refusing to issue a license to an applicant, refusing to renew a license, refusing to reinstate a license, or reprimanding or placing on probation the holder of a 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?

Total - \$0

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

As prescribers, physicians are subject to federal regulations for medication disbursement and controlled substances (FDA and DEA). There is no federal law requiring the state to regulate physicians.

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

The regulation of certificates to recommend marijuana is essential for preventing various harms associated with its use. It protects the public from potential health risks that can arise from inappropriate or unqualified recommendations, ensuring that patients receive accurate information and guidance tailored to their medical needs. Regulations ensure that only licensed professionals with the proper training can issue recommendations.

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 preventing harm by holding professionals accountable and promoting high standards of care. By reviewing cases individually, the State Medical Board addresses substandard practices while encouraging professional development. Less restrictive regulation would increase the threat of harm.

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

N/A

Surrounding state comparison (LSC) (as of August 6, 2024)

| Medical Marijuana | | | | | | |
|--|--|--|--|---|--|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Type of regulation (Name of regulation) | License (Certificate to recommend) (<i>R.C. 4731.30</i>) | No equivalent; Indiana has not legalized marijuana for medical purposes | License (Authorization to provide written certifications) (<i>Ky. Rev. Stat. 218B.050</i>) | No clear equivalent; no additional license required for a physician to certify a patient's need for medical marijuana | License (Practitioner registry) (<i>35 P.S. 10231.401</i>) | License (Practitioner registry) (<i>W. Va. Code 16A-4-1</i>) |

| Medical Marijuana | | | | | | |
|-------------------------------------|------|---------|---|-------------------------------------|--|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | | | | <i>(Mich. Comp. Laws 333.26423)</i> | | |
| Education or training ¹³ | N/A | N/A | Within the 12 months before applying for the license, must complete six hours of continuing education specific to diagnosing qualifying conditions, treating those conditions with medical cannabis, the characteristics of medical cannabis, possible drug interactions, and indications of cannabis use disorder <i>(201 Ky. Admin. Regs. 9:067)</i> | N/A | Must demonstrate by training or expertise being qualified to treat the applicable serious medical condition and complete a training course <i>(35 P.S. 10231.401)</i> | Must demonstrate by training or expertise being qualified to treat the applicable serious medical condition and complete a four-hour training course <i>(W. Va. Code 16A-4-1)</i> |

¹³ Note that these licenses require an underlying physician license. Education and training, experience, and exam requirements must be met to qualify for that license, based on the state of the underlying license. The table above notes only if requirements are mentioned in the statute authorizing the medical marijuana license.

| Medical Marijuana | | | | | | |
|-----------------------|---|---------|--|----------|--|---------------|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| 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 | At least two hours every year (R.C. 4731.30) | N/A | Three hours every year before submitting renewal application (201 Ky. Admin. Regs. 9:067) | N/A | N/A | N/A |
| Initial licensure fee | N/A | N/A | \$100 (201 Ky. Admin. Regs. 9:067) | N/A | N/A | N/A |
| License duration | Two years (O.A.C. 4731-32-02) | N/A | One year (201 Ky. Admin. Regs. 9:067) | N/A | N/A; practitioner will remain on the registry unless they request the Department of Health to disable their account (Pa. Dept. of Health, Resources for Medical Practitioners) | N/A |

| Medical Marijuana | | | | | | |
|-------------------|------|---------|--|----------|--------------|---------------|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Renewal fee | N/A | N/A | \$100 (201 Ky. Admin. Regs. 9:067) | N/A | N/A | N/A |

Physician

Survey response (MED)

| Description |
|--|
| An individual authorized under this Chapter 4731 of the Ohio Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery. |
| Type (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.) |
| License |

| If the regulation is a registration, certification, or license requirement, please complete the following: | |
|---|--|
| Number issued annually | <p>Physician Licenses:</p> <p>MD – 2,664</p> <p>MD Compact – 929</p> <p>DO – 677</p> <p>DO Compact – 171</p> <p>Total – 4,441</p> <p>Physician Training Certificates – 2,606</p> |
| Number renewed annually | <p>MD – 21,219</p> <p>MD Compact – 27</p> <p>DO – 3,840</p> <p>DO Compact – 5</p> <p>Total – 25,091</p> |
| Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years? | <p>There has been an increase in initial MD licenses issued annually from FY 2018 (2,539) to FY 2024 (2,664).</p> <p>MD renewals have increased from FY 2018 (16,699) to FY 2024 (21,246).</p> <p>There has been an increase in initial DO licenses issued annually from FY 2018 (525) to FY 2024 (677).</p> <p>DO renewals have increased from FY 2018 (2583) to FY 2024 (3845).</p> <p>There has been a decrease in physician training certificates issued annually from FY 2018 (3270) to FY 2024 (2606).</p> <p>Physician training certificate renewals have decreased from FY 2018 (3579) to FY 2024 (797).</p> |

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

Education or training requirements

Applicants are required to demonstrate completion of preliminary education which shall include two years of undergraduate work in a college of arts and sciences and a high school diploma, or the equivalent of such education as determined by the Board. Preliminary education can be demonstrated by:

1. Production of a diploma from a medical or osteopathic medical school that, at the time the diploma was issued, was a medical school accredited by the LCME or an osteopathic medical school accredited by the AOA constitutes prima facie evidence that the individual has completed the requisite preliminary education
2. Production of an ECFMG certificate constitutes prima facie evidence that the individual has completed the requisite preliminary education
3. Completion of sixty semester hours or its equivalent shall be considered two years of under-graduate work

US/Canadian Medical Graduates

Graduates of medical schools located in the U.S. or Canada and accredited by the Liaison Committee on Medical Education (LCME) or American Osteopathic Association (AOA) must successfully complete one year of graduate medical education (GME) or its equivalent as determined by the Board.

Foreign Medical Graduates

Graduates of foreign medical schools must successfully complete not less than two years of GME through the second-year level of training or have completed a Fifth Pathway program plus 1 year of GME or its equivalent as determined by the Board and hold a valid ECFMG certificate unless they have completed a Fifth Pathway program.

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

In addition, graduates of all other medical schools must demonstrate proficiency in Spoken English by at least one of the following:

1. Passage of the Clinical Skills Assessment examination given by ECFMG on or after 7/1/98;
2. Fulfillment of preliminary education requirements (i.e., completion of two years of undergraduate college work) in the U.S;
3. Possession of a current medical license (including temporary licenses, training certificates, etc.) in the U.S. pursuant to which the holder has actively practiced medicine and surgery or osteopathic medicine and surgery, including accredited graduate medical education training, for the last five years (must have been actively practicing medicine in the U.S. for at least nine full months during each of the five years) immediately preceding the date of the application;
4. A score of at least 26 in Speaking and 26 in Listening with a total score of 90 on the TOEFL iBT offered by the Educational Testing Service, regardless of citizenship or country of birth. Prior to July 2006, the Test of Spoken English was required with a minimum score of 40 (between 7/95-7/06) or 230 (prior to 7/95); or
5. Completion of a Fifth Pathway program.

Physician Training Certificate

- Have been accepted or appointed to participate in this state in one of the following:

| If the regulation is a registration, certification, or license requirement, please complete the following: | |
|--|--|
| | <ul style="list-style-type: none"> ○ An internship or residency program accredited by either the Accreditation Council for Graduate Medical Education of the American Medical Association, the American Osteopathic Association, the Council on Podiatric Medical Education or the American Podiatric Medical Association; or ○ A clinical fellowship program at an institution with a residency program accredited by either the Accreditation Council for Graduate Medical Education of the American Medical Association, the American Osteopathic Association, the Council on Podiatric Medical Education or the American Podiatric Medical Association that is in a clinical field the same as or related to the clinical field of the fellowship program. • An elective clinical rotation that lasts not more than one year and is offered to interns, residents, or clinical fellows participating in programs that are located outside this state and meet the requirements of one of the above. |
| Experience requirements | <p>Not a license requirement. Clinical experience is determined by the individual's educational program.</p> <p>The State Medical Board of Ohio may require additional training or examination, or both, of any applicant who for more than two years immediately preceding the date of application has not been engaged in the clinical practice of medicine or osteopathic medicine as an active practitioner.</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><i>Who administers the exam?</i></p> <p><u>Step 1 and 2</u></p> <p>The United States Medical Licensing Examination and the Comprehensive Osteopathic Medical Licensing Examination of the United States is administered by the National Board of Medical Examiners.</p> |

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

For students/graduates of medical schools located outside of the United States and Canada, the tests described above are administered through the Educational Commission for Foreign Medical Graduates.

Step 3

The United States Medical License Examination Step 3 examination is administered through the Federation of State Medical Boards for all medical school graduates.

How is the exam and administrator selected?

These tests are the national standard for physicians. Administrators for Step 1 & 2 examinations are selected based on whether the individual attended a medical school located within the United States or Canada.

What fees are charged?

USMLE:

- Step 1: \$670
- Step 2 CK: \$670

ECFMG:

- Step 1: \$1,000 + International Test Delivery Surcharge if examination is taken outside of the United States or Canada.
- Step 2 CK: \$1,000 + International Test Delivery Surcharge if examination is taken outside of the United States or Canada.

FSMB:

- Step 3: \$925 (\$935 in 2025)

Does the Board receive any proceeds of those fees?

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> | <ul style="list-style-type: none"> Licensees are required to complete 50 hours of CME every two-year registration period <ul style="list-style-type: none"> A minimum of one hour must be on the topic of a licensee's duty to report. The board has created a one-hour course designed to educate physicians (MDs, DOs and DPMs) on the duty to report to the State Medical Board of Ohio. The remainder must be completed by participating in activities meeting the requirements of rule 4731-10-02 <ul style="list-style-type: none"> Educational activities that have been certified for Category 1 CME credit Accredited internships, residencies, and fellowships (credit earned at a rate of one hour of CME per week of participation) Providing health care services in Ohio, as a volunteer, to indigent and uninsured persons pursuant to Section 4745.04 of the Ohio Revised Code up to a maximum of ten hours (credit earned at a rate of one hour for every five hours providing services) |
| Initial fee | <p><u>Physician</u></p> <p>Application \$305.00</p> <p>Transaction fee \$3.50</p> <p>Total due at submission \$308.50</p> <p><u>Physician Training Certificate</u></p> <p>Application \$130.00</p> <p>Transaction fee \$3.50</p> <p>Total due at submission \$133.50</p> |

| If the regulation is a registration, certification, or license requirement, please complete the following: | |
|--|--|
| Duration | Physicians must renew their license every two years. A training certificate may be renewed for one additional three-year period. |
| Renewal fee <i>(If different from initial fee, please explain why.)</i> | <p><u>Physician</u></p> <p>Application \$305.00 Transaction fee \$3.50 Total due at submission \$308.50</p> <p><u>Physician Training Certificate</u></p> <p>Renewal Fee: \$100</p> |
| Does the Board recognize uniform licensure requirements or allow for reciprocity? | <p>Effective December 29, 2023, applicants of the Medical Board may be eligible for Ohio licensure if they meet one of three eligibility requirements:</p> <ol style="list-style-type: none"> 1. Applicant holds a substantially similar out-of-state (OOS) occupational license, or holds a government certification in the same profession or occupation from a state that does not issue an occupational license for at least one year immediately preceding the date of application. Applicant must be in good standing in all jurisdictions the license is held; 2. Applicant has held a private certification for at least two years preceding the application date in a state that does not issue an OOS license or government certification for the respective profession or occupation. Applicant must be in good standing with the organization that issued the certification; or 3. Applicant has been actively engaged in the profession or occupation in a state that does not issue an OOS license or government certification for the respective profession or occupation, or in the uniformed services. |

| 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? | There are no similar national registrations, certifications, or licenses that could be used as a substitution for state regulation. |
| Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Board? | No. Individuals are prohibited to from the unlicensed and unauthorized practice of medicine under Sections 4731.41 and 4731.34 of the Ohio Revised Code. |
| Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual? | The board may conduct an investigation related to the application materials received pursuant to Section 4731.09 of the Ohio Revised Code and may contact any individual, agency, or organization for recommendations or other information about the applicant. The board shall conclude any investigation of an applicant conducted under Section 4731.22 of the Revised Code not later than ninety days after receipt of a complete application unless the applicant agrees in writing to an extension or the board determines that there is a substantial question of a violation of this chapter or the rules adopted under it and notifies the applicant in writing of the reasons for continuation of the investigation. If the board determines that the applicant is not in violation of this chapter or the rules adopted under it, the board shall issue a license not later than forty-five days after making that determination. |
| 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.

Refer to Section [4731.22](#) of the Ohio Revised Code. The Board may exercise administrative penalties such as limiting, revoking, or suspending an individual's license to practice, refusing to issue a license to an applicant, refusing to renew a license, refusing to reinstate a license, or reprimanding or placing on probation the holder of a 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?

MD - \$14,440,075 in FY 2023 and FY 2024

MD Expedited - \$497,000 in FY 2023 and FY 2024

DO - \$1,483,690 in FY 2023 and FY 2024

DO Expedited - \$28,000 in FY 2023 and FY 2024

IMLC Initial – \$614,897 in FY 2023 and FY 2024

IMLC Renewal – \$11,970 in FY 2023 and FY 2024

IMLC Letters of Qualification - \$401,530 in FY 2023 and FY 2024

All revenue is deposited to a single fund and is used to support the board's regulatory responsibilities to issue licenses, investigate complaints, and take disciplinary action against those who violate public health and safety standards set by the General Assembly and the board.

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

As prescribers, physicians are subject to federal regulations for medication disbursement and controlled substances (FDA and DEA). There are federal laws that regulate the practice, however there are none that interfere with licensure, and there is no federal law requiring the state to regulate physicians.

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

The regulation of physicians is crucial for preventing various harms associated with medical practice, including issues of malpractice. It protects the public from potential health risks that can arise from improper treatment or misdiagnosis. Regulations ensure that only qualified and licensed professionals provide medical care, safeguarding ethical practices and prioritizing patient safety.

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 preventing harm by holding professionals accountable and promoting high standards of care. By reviewing cases individually, the State Medical Board addresses substandard practices while encouraging professional development. Less restrictive regulation would increase the threat of harm.

In FY 2024, the board received 3,482 complaints pertaining to MDs. Of those, the board took 126 actions including 32 permanent revocations, 3 revocations, 24 probations, 5 definite suspensions, and 17 indefinite suspensions.

The board received 736 complaints pertaining to DOs. Of those, the board took 36 actions including 4 permanent revocations, 1 revocations, 10 probations, 1 definite suspension, and 9 indefinite suspensions.

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

The board received 180 complaints pertaining to physician training certificate holders. Of those, the board permanently revoked one certificate.

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

N/A

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

| Physician | | | | | | |
|--|---|--|---|---|---|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Type of regulation (Name of regulation) | License (Physician's license) <i>(R.C. 4731.09)</i> | License (Physician's license) <i>(Ind. Code 25-22.5-8-1)</i> | License (Regular physician's license) <i>(Ky. Rev. Stat. 311.560)</i> | License (Physician's license) <i>(Mich. Comp. Laws 333.17011)</i> | License (Physician's license) <i>(63 P.S. 422.10)</i> | License (Physician's license) <i>(W. Va. Code 30-3-13)</i> |

| Physician | | | | | | |
|-----------------------|---|---|---|---|---|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Education or training | Generally, hold a diploma from an accredited medical school and at least 12 months of graduate medical education <i>(R.C. 4731.09)</i> | Generally, possess the degree of doctor of medicine or doctor of osteopathy from an approved medical school and have completed one year of postgraduate training in a hospital or institution <i>(Ind. Code 25-22.5-3-1)</i> | Generally, has graduated from an accredited medical or osteopathic school and completed a prescribed course of instruction and postgraduate training <i>(Ky. Rev. Stat. 311.571)</i> | Possess a degree from an approved medical school and complete a minimum of one year of postgraduate clinical training <i>(Mich. Admin. Code R. 338.2423)</i> | Has received an academic degree in medicine and surgery from a medical college and at least two years of approved postgraduate medical training <i>(63 P.S. 422.28 and 422.29)</i> | Has received a doctor of medicine degree from a medical school and completed at least one year of postgraduate clinical training <i>(W. Va. Code 30-3-10)</i> |
| Experience | Must be at least 18 years of age <i>(R.C. 4731.09)</i> | N/A | N/A | N/A | N/A | N/A |
| Exam | Yes <i>(R.C. 4731.09)</i> | Yes <i>(Ind. Code 25-22.5-5-1)</i> | Yes <i>(Ky. Rev. Stat. 311.571)</i> | Yes <i>(Mich. Admin. Code R. 338.2423)</i> | Yes <i>(63 P.S. 422.29)</i> | Yes <i>(W. Va. Code 30-3-10)</i> |

| Physician | | | | | | |
|-----------------------|---|---|--|--|--|---|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Continuing education | 50 hours every two years (R.C. 4731.282) | N/A | 60 hours every three years (201 Ky. Admin. Regs. 9:310) | 150 hours every three years (Mich. Admin. Code R. 338.2441) | 100 hours every two years (49 Pa. Code 16.19) | 50 hours every two years (W. Va. Code 30-3-12) |
| Initial licensure fee | \$305 (R.C. 4731.09) | \$250 (844 Ind. Admin. Code 4-2-2) | \$300 (201 Ky. Admin. Regs. 9:041) | \$375 plus fee for controlled substance license (LARA, Michigan Medical Doctor Licensing Guide (PDF)) | \$35 (49 Pa. Code 16.13) | \$400 (W. Va. Code R. 11-4-2) |
| License duration | Two years (R.C. 4731.281) | Two years (844 Ind. Admin. Code 4-6-1) | One year (201 Ky. Admin. Regs. 9:041) | Three years (Mich. Admin. Code R. 338.2441) | Two years (49 Pa. Code 16.13) | Two years (W. Va. Code 30-3-12) |
| Renewal fee | \$305 (R.C. 4731.281) | \$200 (844 Ind. Admin. Code 4-2-2) | \$150 (201 Ky. Admin. Regs. 9:041) | \$314.40 plus fee for controlled substance license (LARA, Michigan Medical Doctor Licensing Guide (PDF)) | \$360 (49 Pa. Code 16.13) | \$400 (W. Va. Code R. 11-4-2) |

Surrounding state comparison for physician training certificate (LSC) (as of August 7, 2024)

| Physician – Training Certificate | | | | | | |
|--|---|--|---|---|---|---|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Type of regulation (Name of regulation) | License (Training certificate) (Required to pursue a medical residency, internship, clinical fellowship program, or elective clinical rotation) <i>(R.C. 4731.291)</i> | License (Temporary medical permit) (Required to obtain postgraduate medical education or training in an Indiana medical education institution or hospital) <i>(Ind. Code 25-22.5-5-4)</i> | License (Fellowship training license) <i>(Ky. Rev. Stat. 311.571)</i> | License (Educational limited license) <i>(Mich. Comp. Laws 333.17012)</i> | License (Graduate license) (Authorizes the holder to participate in a year of graduate medical training) <i>(49 Pa. Code 17.5)</i> | License (Educational permit) <i>(W. Va. Code 30-3-16)</i> |
| Education or training | Acceptance or appointment to a residency, internship, clinical fellowship, or rotation, as described above <i>(R.C. 4731.291)</i> | Has completed the academic requirements for the degree of doctor of medicine or doctor of osteopathy from an approved medical school <i>(Ind. Code 25-22.5-5-4)</i> | Has been accepted for a fellowship approved by and conducted under one of Kentucky's medical schools <i>(Ky. Rev. Stat. 311.571)</i> | N/A | Has graduated from a medical college <i>(49 Pa. Code 17.5)</i> | Has graduated from an allopathic or medical college or completed a recognized alternate pathway <i>(W. Va. Code 30-3-16)</i> |

| Physician – Training Certificate | | | | | | |
|----------------------------------|---|---------------------------------------|--|---|---|---|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Experience | Must be at least 18 years of age (R.C. 4731.291) | N/A | N/A | N/A | Must be of legal age (49 Pa. Code 16.12 and 17.5) | Must be at least 18 years of age (W. Va. Code 30-3-16) |
| Exam | N/A | N/A | N/A | N/A | Must have completed specified exams to participate in graduate medical education at the second-year level or higher (49 Pa. Code 17.5) | N/A |
| Continuing education | N/A | N/A | N/A | N/A | N/A | N/A |
| Initial licensure fee | \$130 (R.C. 4731.291) | \$100 (844 Ind. Admin. Code 4-2-2) | \$75 (Ky. Bd. of Medical Licensure, Apply for a License) | \$93.60 plus fee for controlled substance license (LARA, Michigan Medical Doctor Educational Limited License Licensing Guide (PDF)) | \$30 (accredited medical school graduate) or \$85 (unaccredited medical school graduate) (49 Pa. Code 16.13) | \$100 (W. Va. Code R. 11-12-4) |

| Physician – Training Certificate | | | | | | |
|----------------------------------|---|---|--------------------------------------|--|--------------------------------|-----------------------------------|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| License duration | Three years; may be renewed for one additional three-year period (R.C. 4731.291) | One year; may be renewed for one addition year (Ind. Code 25-22.5-5-4) | One year (Ky. Rev. Stat. 311.571) | One year, but not more than five years (Mich. Comp. Laws 333.17012) | One year (49 Pa. Code 17.5) | One year (W. Va. Code 30-3-16) |
| Renewal fee | \$100 (R.C. 4731.291) | \$50 (844 Ind. Admin. Code 4-2-2) | Unclear | \$33 plus fee for controlled substance license (LARA, Michigan Medical Doctor Educational Limited License Licensing Guide (PDF)) | \$15 (49 Pa. Code 16.13) | \$100 (W. Va. Code R. 11-12-5) |

Podiatrist

Survey response (MED)

| Description |
|---|
| <p>As described in Section 4731.51 of the Ohio Revised Code, the practice of podiatric medicine and surgery consists of the medical, mechanical, and surgical treatment of ailments of the foot, the muscles and tendons of the leg governing the functions of the foot; and superficial lesions of the hand other than those associated with trauma.</p> <p>Section 4731.573 of the Ohio Revised Code states that an individual seeking to pursue an internship, residency, or clinical fellowship program in podiatric medicine and surgery in this state, who does not hold a license to practice podiatric medicine and surgery issued under this chapter, shall apply to the state medical board for a training certificate.</p> |

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

License

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

| | |
|---|---|
| Number issued annually | DPM – 44; Training Certificate for DPMs - 42 |
| Number renewed annually | 437 |
| Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years? | DPMs have seen an increase from FY 2018 (956) to FY 2024 (992). Training Certificates for DPMs have seen an increase from FY 2018 (148) to FY 2024 (163) |
| Education or training requirements | Applicants are required to demonstrate completion of preliminary education which shall include two years of undergraduate work in a college of arts and sciences and a high school diploma or the equivalent of such education as determined by the Board. Production of a diploma from a college of podiatric medicine and surgery in good standing as defined by the Board at the time the diploma was issued constitutes prima facie evidence that the individual has completed the requisite preliminary education. Applicants must hold a diploma from a college of podiatric medicine and surgery and present proof of completion of one year of postgraduate training in a podiatric internship, residency or |

| If the regulation is a registration, certification, or license requirement, please complete the following: | |
|--|--|
| | clinical fellowship program accredited by the Council on Podiatric Medical Education or the American Podiatric Medical Association. |
| Experience requirements | Completion of one year of postgraduate training in a podiatric internship, residency or clinical fellowship program accredited by the Council on Podiatric Medical Education or the American Podiatric Medical Association. |
| 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>NBPME Part I, II & III: The examination in podiatric medicine and surgery shall consist of parts I, II and III of the National Board of Podiatric Medical Examiners examination. Prior to applying for a license to practice podiatric medicine and surgery, and prior to sitting for part III of the National Board of Podiatric Medical Examiners examination, an applicant shall have passed parts I and II of the National Board of Podiatric Medical Examiners examination.</p> <p>The Part I, II (written), and III exam fee is \$925 for each exam of which the board receives no proceeds.</p> <p>An applicant shall obtain diplomate or passing status with the National Board of Podiatric Medical Examiners on parts I, II and III of the national board examination to be considered as having passed the examination in podiatric medicine and surgery.</p> <p>An examination administered between June 12, 1990 and December 4, 2000, requires passing of the "PMLexis" in addition to the holding of a passing status or diplomate status with the National Board of Podiatric Medical Examiners.</p> <p>An examination administered after December 4, 2000, requires passing parts I, II and III of the National Board of Podiatric Medical Examiners examination.</p> |

| If the regulation is a registration, certification, or license requirement, please complete the following: | |
|---|---|
| | <p>An examination administered before June 12, 1990, shall have been:</p> <ul style="list-style-type: none"> • Administered by the state, United States territory, or district, and, have been in part, a written examination; • Taken without having failed the National Board of Podiatric Medical Examiners examination unless an intervening passing status or diplomate status on that examination has been achieved; and • Taken without having failed to achieve a minimum passing score on the PMLexis or part III of the National Board of Podiatric Medical Examiners examination unless an intervening passing status on that examination has been achieved. |
| Continuing education requirements <i>(Including a description of the curriculum and the process of setting it.)</i> | <ul style="list-style-type: none"> • Licensees are required to complete 50 hours of CME every two-year registration period <ul style="list-style-type: none"> ○ A minimum of one hour must be on the topic of a licensee's duty to report. The board has created a one-hour course designed to educate physicians (MDs, DOs and DPMs) on the duty to report to the State Medical Board of Ohio. ○ The remainder must be completed by participating in activities meeting the requirements of rule 4731-10-02 <ul style="list-style-type: none"> ▪ Educational activities that have been certified for Category 1 CME credit ▪ Accredited internships, residencies, and fellowships (credit earned at a rate of one hour of CME per week of participation) ▪ Providing health care services in Ohio, as a volunteer, to indigent and uninsured persons pursuant to Section 4745.04 of the Ohio Revised Code up to a maximum of ten hours (credit earned at a rate of one hour for every five hours providing services) |
| Initial fee | <p>Application \$305.00</p> <p>Transaction fee \$3.50</p> <p>Total due at submission \$308.50</p> |

| 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> | Renewal fee \$305.00 Late renewal fee \$405.00 Restoration fee \$505.00 Transaction fee \$3.50 |
| Does the Board recognize uniform licensure requirements or allow for reciprocity? | Effective December 29, 2023, applicants of the Medical Board may be eligible for Ohio licensure if they meet one of three eligibility requirements: <ol style="list-style-type: none"> 4. Applicant holds a substantially similar out-of-state (OOS) occupational license, or holds a government certification in the same profession or occupation from a state that does not issue an occupational license for at least one year immediately preceding the date of application. Applicant must be in good standing in all jurisdictions the license is held; 5. Applicant has held a private certification for at least two years preceding the application date in a state that does not issue an OOS license or government certification for the respective profession or occupation. Applicant must be in good standing with the organization that issued the certification; or 6. Applicant has been actively engaged in the profession or occupation in a state that does not issue an OOS license or government certification for the respective profession or occupation, or in the uniformed services. |
| 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 substitution for state regulation. |

| 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. Individuals are prohibited to from the unlicensed and unauthorized practice of medicine under Sections 4731.41 and 4731.34 of the Ohio Revised Code. |
| Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual? | <p>The board may conduct an investigation related to the application materials received pursuant to Section 4731.09 of the Ohio Revised Code and may contact any individual, agency, or organization for recommendations or other information about the applicant. The board shall conclude any investigation of an applicant conducted under Section 4731.22 of the Revised Code not later than ninety days after receipt of a complete application unless the applicant agrees in writing to an extension or the board determines that there is a substantial question of a violation of this chapter or the rules adopted under it and notifies the applicant in writing of the reasons for continuation of the investigation. If the board determines that the applicant is not in violation of this chapter or the rules adopted under it, the board shall issue a license not later than forty-five days after making that determination.</p> <p>The board is delegated discretion under certain circumstances under Section 4731.22 of the Ohio Revised Code.</p> |
| 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.

Refer to Section [4731.22](#) of the Ohio Revised Code. The Board may exercise administrative penalties such as limiting, revoking, or suspending an individual's license to practice, refusing to issue a license to an applicant, refusing to renew a license, refusing to reinstate a license, or reprimanding or placing on probation the holder of a 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?

Total - \$306,407 in FY 2023 and FY 2024

All revenue is deposited to a single fund and is used to support the board's regulatory responsibilities to issue licenses, investigate complaints, and take disciplinary action against those who violate public health and safety standards set by the General Assembly and the board.

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

As prescribers, podiatrists are subject to federal regulations for medication disbursement and controlled substances (FDA and DEA). There is no federal law requiring the state to regulate podiatrists.

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

The regulation of podiatrists is essential for preventing various harms associated with foot and ankle care. It protects the public from potential injuries or complications that can arise from improper diagnosis or treatment. Regulations ensure that only trained and licensed professionals provide podiatric care.

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 preventing harm by holding professionals accountable and promoting high standards of care. By reviewing cases individually, the State Medical Board addresses substandard practices while encouraging professional development. Less restrictive regulation would increase the threat of harm.

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

N/A

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

| Podiatrist | | | | | | |
|--|---|---|---|---|---|---|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Type of regulation (Name of regulation) | License (Podiatrist license) <i>(R.C. 4731.60)</i> | License (Podiatrist license) <i>(Ind. Code 25-29-9-1)</i> | License (Podiatrist license) <i>(Ky. Rev. Stat. 311.400)</i> | License (Podiatrist license) <i>(Mich. Comp. Laws 333.18011)</i> | License (Podiatrist license) <i>(63 P.S. 42.12)</i> | License (Podiatrist license) <i>(W. Va. Code 30-3-13)</i> |
| Education or training | Hold a degree from a college of podiatric medicine and surgery and complete one year of postgraduate training in a podiatric internship, residency, or clinical fellowship program <i>(R.C. 4731.52)</i> | Graduate with a degree of doctor of podiatric medicine from an approved college or school of podiatric medicine and completed at least 12 months of progressive graduate podiatric medical training <i>(Ind. Code 25-29-3-1)</i> | Has completed a course in and graduated from an approved school or college of podiatry <i>(Ky. Rev. Stat. 311.420)</i> | Must have a degree as a doctor of podiatric medicine from an approved school and complete two years of postgraduate education <i>(Mich. Comp. Laws 333.18031; Mich. Admin. Code R. 338.8301)</i> | Must be a graduate of an accredited school of podiatric medicine and surgery <i>(63 P.S. 42.4)</i> | Has graduated and received the degree of doctor of medicine and successfully completed at least one year of graduate clinical training in an approved program <i>(W. Va. Code 30-3-10)</i> |
| Experience | Must be at least 18 years of age <i>(R.C. 4731.52)</i> | N/A | N/A | N/A | Must be at least 21 years of age <i>(63 P.S. 42.4)</i> | N/A |

| Podiatrist | | | | | | |
|-----------------------|---|--|--|--|---|---|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Exam | Yes (R.C. 4731.52) | Yes (Ind. Code 25-29-3-1 and 25-29-3-4) | Yes (Ky. Rev. Stat. 311.420) | Yes (Mich. Admin. Code R. 338.8104) | Yes (63 P.S. 42.8) | Yes (W. Va. Code 30-3-10) |
| Continuing education | 50 hours every two years (R.C. 4731.282) | 30 hours every two years (845 Ind. Admin. Code 1-5-1) | 20 hours every year (201 Ky. Admin. Regs. 25:031) | 150 hours every three years (Mich. Comp. Laws 333.18033) | 50 hours every two years (49 Pa. Code 29.61) | 50 hours every two years (W. Va. Code 30-3-12) |
| Initial licensure fee | \$305 (R.C. 4731.52) | \$150 (845 Ind. Admin. Code 1-6-9) | \$300 (201 Ky. Admin. Regs. 25:011) | \$341.90 (LARA, Michigan Podiatric Medicine and Surgery Licensing Guide (PDF)) | \$30 (49 Pa. Code 29.13) | \$400 (W. Va. Code R. 11-4-2) |
| License duration | Two years (R.C. 4731.281) | Two years (Ind. Code 25-29-6-1) | One year (201 Ky. Admin. Regs. 25:021) | Three years (Mich. Comp. Laws 333.18033) | Two years (63 P.S. 42.9) | Two years (W. Va. Code 30-3-12) |
| Renewal fee | \$305 (R.C. 4731.281) | \$100 (845 Ind. Admin. Code 1-6-9) | \$200 (201 Ky. Admin. Regs. 25:021) | \$314.40 (LARA, Michigan Podiatric Medicine and Surgery Licensing Guide (PDF)) | \$395 (49 Pa. Code 29.13) | \$400 (W. Va. Code R. 11-4-2) |

Surrounding state comparison for podiatrist training certificate (LSC) (as of August 7, 2024)

| Podiatrist – Training Certificate | | | | | | |
|--|---|---|---------------------|---|---------------------|---------------------|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Type of regulation (Name of regulation) | License (Podiatrist training certificate) (Required to pursue a residency, internship, or clinical fellowship program) (R.C. 4731.573) | License (Limited license) (Authorizes participation in a graduate training program) (Ind. Code 25-29-5-3) | No clear equivalent | License (Educational limited license) (Authorizes participation in practice as part of a postgraduate education program) (Mich. Admin. Code R. 338.8109) | No clear equivalent | No clear equivalent |
| Education or training | Acceptance or appointment to participate in Ohio in certain internships, residencies, or clinical fellowship programs for podiatric medicine (R.C. 4731.593) | Completed all academic requirements for the degree of doctor of podiatric medicine from a school approved by the Council on Podiatric Medical Education and enrollment in a graduate training program at an | N/A | Has successfully completed a program of study offered by an approved school of podiatric medicine (Mich. Admin. Code R. 338.8109) | N/A | N/A |

| Podiatrist – Training Certificate | | | | | | |
|-----------------------------------|--|--|----------|--|--------------|---------------|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | | approved institution <i>(Ind. Code 25-29-5-3; 845 Ind. Admin. Code 1-8.1-2)</i> | | | | |
| Experience | Must be at least 18 years of age <i>(R.C. 4731.573)</i> | N/A | N/A | N/A | N/A | N/A |
| Exam | N/A | Has successfully completed an exam approved by the Board <i>(Ind. Code 25-29-5-3 and 25-29-5-1)</i> | N/A | Has achieved a passing score on Part I and the written portion of Part II of the American Podiatric Medical Licensing Exam <i>(Mich. Admin. Code R. 338.8109)</i> | N/A | N/A |
| Continuing education | N/A | N/A | N/A | N/A | N/A | N/A |
| Initial licensure fee | \$130 <i>(R.C. 4731.573)</i> | \$50 <i>(845 Ind. Admin. Code 1-6-9)</i> | N/A | \$55 plus fee for controlled substance license | N/A | N/A |

| Podiatrist – Training Certificate | | | | | | |
|-----------------------------------|---|---|----------|---|--------------|---------------|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | | | | (LARA, <u>Podiatric Medicine and Surgery Educational Limited Licensing Guide (PDF)</u>) | | |
| License duration | Three years; may be renewed for one additional three-year period (R.C. 4731.573) | Limited to the duration of the postgraduate education program in which the applicant is employed, assigned, or enrolled (845 Ind. Admin. Code 1-8.1-2) | N/A | One year (not renewable for more than five years) (LARA, <u>Podiatric Medicine and Surgery Educational Limited Licensing Guide (PDF)</u>) | N/A | N/A |
| Renewal fee | \$100 (R.C. 4731.573) | N/A | N/A | \$27.50 plus fee for controlled substance license (LARA, <u>Podiatric Medicine and Surgery Educational Limited Licensing Guide (PDF)</u>) | N/A | N/A |

Radiologist assistant

Survey response (MED)

| Description | |
|--|----|
| An individual who assists a radiologist in the care of radiology patients by engaging in any of the activities authorized under Section 4774.08 of the Revised Code. | |
| Type (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.) | |
| License | |
| If the regulation is a registration, certification, or license requirement, please complete the following: | |
| Number issued annually | 2 |
| Number renewed annually | 12 |

| 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 an increase in initial certificates issued annually from FY 2018 (1) to FY 2024 (4). Renewals have decreased from FY 2018 (16) to FY 2024 (15). |
| Education or training requirements | Hold a baccalaureate degree or post-baccalaureate certificate from an advanced academic program encompassing a nationally recognized radiologist assistant curriculum that includes a radiologist-directed clinical preceptorship Hold current certification as a registered radiologist assistant from the American Registry of Radiologic Technologists and have attained the certification by meeting the Registry's standard certification requirements for documenting clinical education in the form of a clinical portfolio and passing an examination to determine competence to practice Hold current certification in advanced cardiac life support |
| Experience requirements | Hold a current, valid license from the Department of Health as a radiographer |
| 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>) | <i>Who administers the exam?</i> The American Registry of Radiologic Technologists administers the exam. <i>How is the exam and administrator selected?</i> This exam is the national standard. <i>What fees are charged?</i> <ul style="list-style-type: none"> • Primary (R, N, T, MR, S): \$225 • Postprimary (M, CT, MR, BD, CI, VI, VS, BS, R.R.A.): \$225 • Postprimary (CT, MR, BD, or VS—using NMTCB as supporting category): \$450 |

| If the regulation is a registration, certification, or license requirement, please complete the following: | |
|---|--|
| | <ul style="list-style-type: none"> Postprimary (MR, VS, or BS—using ARDMS as supporting category): \$450 <p><i>Does the Board receive any proceeds of those fees?</i></p> <p>No</p> |
| Continuing education requirements <i>(Including a description of the curriculum and the process of setting it.)</i> | <p>In order to be eligible for renewal of the license, a Radiologist Assistant must certify to the Board that he or she has the following:</p> <p>A license as a radiographer under Chapter 4773. of the Revised Code; and</p> <p>Certification as a registered radiologist assistant from the American Registry of Radiologic Technologists (ARRT) by meeting the registry's requirements for annual registration, including completion of the continuing education requirements established by the registry.</p> |
| Initial fee | <p>Application \$200.00</p> <p>Transaction fee \$3.50</p> <p>Total due at submission \$203.50</p> |
| Duration | <p>Licenses issued effective 10/17/19 and thereafter will expire two years after the original date of issuance:</p> <ul style="list-style-type: none"> for existing license holders, the renewal deadline will continue to be on the same date as it is currently for new license holders this means renewal will occur on the two-year anniversary of initial issuance and every two years thereafter pro-rated CME applies only to initial licenses issued prior to 10/17/2019 with less than 18 months of licensure. |
| Renewal fee <i>(If different from initial fee, please explain why.)</i> | <p>Renewal fee \$200.00</p> <p>Late renewal fee \$225.00</p> <p>Restoration fee \$250.00</p> |

| If the regulation is a registration, certification, or license requirement, please complete the following: | |
|--|--|
| | Transaction fee \$3.50 |
| Does the Board recognize uniform licensure requirements or allow for reciprocity? | <p>Effective December 29, 2023, applicants of the Medical Board may be eligible for Ohio licensure if they meet one of three eligibility requirements:</p> <ol style="list-style-type: none"> 1. Applicant holds a substantially similar out-of-state (OOS) occupational license, or holds a government certification in the same profession or occupation from a state that does not issue an occupational license for at least one year immediately preceding the date of application. Applicant must be in good standing in all jurisdictions the license is held; 2. Applicant has held a private certification for at least two years preceding the application date in a state that does not issue an OOS license or government certification for the respective profession or occupation. Applicant must be in good standing with the organization that issued the certification; or 3. Applicant has been actively engaged in the profession or occupation in a state that does not issue an OOS license or government certification for the respective profession or occupation, or in the uniformed services. |
| 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 substitution for state regulation. |
| Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Board? | <p>No person shall practice as a radiologist assistant unless the person holds a current, valid license to practice as a radiologist assistant issued under Section 4774.02 of the Ohio Revised Code.</p> <p>Does not apply to either of the following:</p> <ol style="list-style-type: none"> (1) A student participating in an advanced academic program that must be completed to receive a license to practice as a radiologist assistant, as those programs are described in division (B)(3) of Section 4774.03 of the Revised Code; (2) A person who is otherwise authorized to perform any of the activities that a radiologist assistant is authorized to perform, either pursuant to another provision of the Revised Code or |

| If the regulation is a registration, certification, or license requirement, please complete the following: | |
|---|--|
| | pursuant to the rules adopted by the state medical board under Section 4731.053 of the Revised Code governing physician delegation of medical tasks. |
| Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual? | Yes, Section 4774.13 of the Ohio Revised Code authorizes the State Medical Board to refuse licensure under certain circumstances. |
| 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. |
|---|
| Refer to Section 4774.13 of the Ohio Revised Code. The Board may exercise administrative penalties such as limiting, revoking, or suspending an individual's license to practice, refusing to issue a license to an applicant, refusing to renew a license, refusing to reinstate a license, or reprimanding or placing on probation the holder of a 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? |
|--|
| Total - \$4,250 in FY 2023 and FY 2024 |
| All revenue is deposited to a single fund and is used to support the board's regulatory responsibilities to issue licenses, investigate complaints, and take disciplinary action against those who violate public health and safety standards set by the General Assembly and the board. |

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

None. There is no federal law requiring the state to regulate radiologist assistants.

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

The regulation of radiologist assistants is essential for preventing various harms associated with radiologic practices. It protects the public from potential risks related to improper imaging techniques or unqualified professionals. Regulations ensure that only trained and licensed radiologist assistants provide support in diagnostic imaging.

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 preventing harm by holding professionals accountable and promoting high standards of care. By reviewing cases individually, the State Medical Board addresses substandard practices while encouraging professional development. Less restrictive regulation would increase the threat of harm.

In FY 2024, the board received 1 complaint pertaining to radiologist assistants.

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

N/A

Surrounding state comparison (LSC) (as of August 1, 2024)

| Radiologist Assistant | | | | | | |
|--|--|---------------------|---|--|---------------------|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Type of regulation (Name of regulation) | License (License to practice) (R.C. 4774.02) | No clear equivalent | License ¹⁴ (License) (Ky. Rev. Stat. 311B.090) | No clear equivalent but, to qualify for active status employment, radiologist assistants must be certified by the American Registry of Radiologic Technologists (ARRT) and may additionally be | No clear equivalent | License (Certification) (W. Va. Code R. 11-9-1 and 11-9-2) |

¹⁴ Kentucky law does not expressly require radiologist assistants to be licensed nor address licensing requirements for radiologist assistants. However, Kentucky Administrative Rules define a “radiologist assistant” as an individual certified by the ARRT as a registered radiologist assistant. Additionally, the Kentucky Board of Medical Imaging and Radiation Therapy (KBMIRT) lists radiologist assistants as required to be licensed. (201 Ky. Admin. Regs. 46:010, section 1(44) and 46:020; KBMIRT, [Who Must Be Licensed](#).)

| Radiologist Assistant | | | | | | |
|-------------------------------------|--|---------|--|--|--------------|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | | | | certified by the Certification Board for Radiology Practitioner Assistants (CBRPA) <i>(Mich. Admin. Code R. 333.5201, 333.5210, and 333.5211)</i> | | |
| Education or training ¹⁵ | Must have the following: <ul style="list-style-type: none"> ▪ A current license as a radiographer; ▪ Attained a bachelor's degree or | N/A | Must have the following: <ul style="list-style-type: none"> ▪ After January 1, 2023, at least a master's degree from an ARRT-recognized | Must have the following: <ul style="list-style-type: none"> ▪ After January 1, 2023, at least a master's degree from an ARRT-recognized | N/A | Must have the following: <ul style="list-style-type: none"> ▪ After January 1, 2023, at least a master's degree from an ARRT-recognized |

¹⁵ The laws for radiologist assistant licensure in Kentucky and West Virginia and qualification for radiologist assistant active status employment in Michigan do not specify education, examination, and continuing education requirements. However, those states require that radiologist assistants be ARRT-certified as registered radiologist assistants, and ARRT does have such requirements, which are noted in the table above. (201 Ky. Admin. Regs. 46:010, section 1(44); Mich. Admin. Code R. 333.5210 and 333.5211; W. Va. Code R. 11-9-2 and 11-9-4.)

Additionally, regarding ARRT education requirements, prior to January 1, 2023, ARRT required completion of at least a bachelor's degree from an ARRT-recognized education program and, prior to January 1, 2025, ARRT requires completion of at least one year of acceptable clinical experience in radiography. Requirements after those dates are provided in the table above. (ARRT, [Education Requirements – Registered Radiologist Assistant](#).)

| Radiologist Assistant | | | | | | |
|-----------------------|--|---------|--|---|--------------|---|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | postbaccalaureate certificate from a program with a nationally recognized radiologist assistant curriculum (that includes a clinical preceptorship); <ul style="list-style-type: none"> ▪ A current certification as a registered radiologist assistant from ARRT; ▪ A current certification in advanced cardiac life support (R.C. 4774.03) | | education program; <ul style="list-style-type: none"> ▪ Completed an ARRT-approved radiologist assistant educational program ▪ On or after January 1, 2025, two years of acceptable clinical experience; ▪ ARRT certification and registration in radiography (201 Ky. Admin. Regs. 46:010, section 1(44) and 46:040; ARRT, Education Requirements) | education program; <ul style="list-style-type: none"> ▪ Completed an ARRT-approved radiologist assistant educational program ▪ On or after January 1, 2025, two years of acceptable clinical experience; ▪ ARRT certification and registration in radiography (Mich. Admin. Code R. 333.5210 and 333.5211; ARRT, Education Requirements) | | education program; <ul style="list-style-type: none"> ▪ Completed an ARRT-approved radiologist assistant educational program ▪ On or after January 1, 2025, two years of acceptable clinical experience; ▪ ARRT certification and registration in radiography (W. Va. Code R. 11-9-2 and 11-9-4; ARRT, Education Requirements) |
| Experience | Must be at least 18 years of age (R.C. 4774.03) | N/A | N/A | N/A | N/A | N/A |

| Radiologist Assistant | | | | | | |
|-----------------------|--|---------|---|---|--------------|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Exam | Yes; ARRT (R.C. 4774.03; ARRT, ARRT Exam) | N/A | Yes; ARRT (ARRT, ARRT Exam) | Yes; ARRT (ARRT, ARRT Exam) | N/A | Yes; ARRT (ARRT, ARRT Exam) |
| Continuing education | 50 credits every two years (R.C. 4774.06; ARRT, Continuing Education) | N/A | 50 credits every two years (ARRT, Continuing Education) | 50 credits every two years (ARRT, Continuing Education) | N/A | 50 credits every two years (W. Va. Code R. 11-9-15) |
| Initial licensure fee | \$200 (R.C. 4774.03; O.A.C. 4774-1-02) | N/A | \$100 (201 Ky. Admin. Regs. 46:020) | N/A | N/A | \$100 (W. Va. Code R. 11-9-16) |
| License duration | Two years (R.C. 4774.04) | N/A | One year (201 Ky. Admin. Regs. 46:020; KBMIRT, Renew online) | N/A | N/A | Two years (W. Va. Code R. 11-9-15) |
| Renewal fee | \$200 (R.C. 4774.06; O.A.C. 4774-1-03) | N/A | \$50 per year (201 Ky. Admin. Regs. 46:020) | N/A | N/A | \$100 (W. Va. Code R. 11-9-16) |

Special activity certificate (for physicians licensed in another state or country)

Survey response (MED)

| Description | |
|--|---|
| <p>The holder of a special activity certificate may practice medicine and surgery or osteopathic medicine and surgery only in conjunction with the special activity, event or program for which the certificate is issued. A special activity certificate is valid for the shorter of thirty days or the duration of the special activity, program or event. The certificate may not be renewed.</p> | |
| Type (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.) | |
| Government certificate | |
| If the regulation is a registration, certification, or license requirement, please complete the following: | |
| Number issued annually | 5 |
| 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? | There has been a decrease in certificates issued annually from FY 2018 (25) to FY 2024 (5). |
| Education or training requirements | No additional education or training requirements. |
| Experience requirements | <p>The applicant holds a current, unrestricted license to practice medicine and surgery or osteopathic medicine and surgery issued by another state or country and that within the two-year period immediately preceding application, the applicant has done one of the following:</p> <p>(a) Actively practiced medicine and surgery or osteopathic medicine and surgery in the United States;</p> <p>(b) Participated in a graduate medical education program accredited by either the accreditation council for graduate medical education of the American medical association or the American osteopathic association;</p> <p>For purposes of meeting the requirement of division (B)(1)(c) of Section 4731.294 of the Revised Code, the applicant must have done one of the following:</p> <p>(1) Passed step 3 of the USMLE or level 3 of the COMLEX-USA, as applicable. All three steps must have been passed in accordance with rule 4731-6-05 of the Administrative Code; or</p> <p>(2) Passed the SPEX or the COMVEX-USA.</p> |

| 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>) | Successfully passed the federation licensing examination established by the federation of state medical boards, a special examination established by the federation of state medical boards, or all parts of a standard medical licensing examination established for purposes of determining the competence of individuals to practice medicine and surgery or osteopathic medicine and surgery in the United States. |
| Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>) | No CME requirements. |
| Initial fee | \$125 |
| Duration | A special activity certificate is valid for the shorter of thirty days or the duration of the special activity, program, or event. The certificate may not be renewed. |
| Renewal fee (<i>If different from initial fee, please explain why.</i>) | No renewals. |
| Does the Board recognize uniform licensure requirements or allow for reciprocity? | <p>Effective December 29, 2023, applicants of the Medical Board may be eligible for Ohio licensure if they meet one of three eligibility requirements:</p> <ol style="list-style-type: none"> 1. Applicant holds a substantially similar out-of-state (OOS) occupational license, or holds a government certification in the same profession or occupation from a state that does not issue an occupational license for at least one year immediately preceding the date of application. Applicant must be in good standing in all jurisdictions the license is held; 2. Applicant has held a private certification for at least two years preceding the application date in a state that does not issue an OOS license or government certification for the respective profession or occupation. Applicant must be in good standing with the organization that issued the certification; or |

| If the regulation is a registration, certification, or license requirement, please complete the following: | |
|--|---|
| | 3. Applicant has been actively engaged in the profession or occupation in a state that does not issue an OOS license or government certification for the respective profession or occupation, or in the uniformed services. |
| 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 substitution for state regulation. |
| Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Board? | No. Individuals are prohibited to from the unlicensed and unauthorized practice of medicine under Sections 4731.41 and 4731.34 of the Ohio Revised Code. |
| Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual? | The determination that an applicant's practice in conjunction with the special activity program or event will be in the public interest and that a special activity certificate can thus be issued shall be made by the secretary of the board or, in his or her absence, by another member designated by the board. In making that determination, the secretary of the board or board designee shall take into consideration the nature and length of the activity, the existence of any information warranting investigation prior to issuance of a certificate, the number of prior special activity certificates issued to the applicant, and any available information regarding prior performance while practicing in this state. |
| Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>) | An individual may only apply six times within a consecutive two year period for a special activity certificate. |

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

Refer to Section [4731.22](#) of the Ohio Revised Code. The Board may exercise administrative penalties such as limiting, revoking, or suspending an individual's license to practice, refusing to issue a license to an applicant, refusing to renew a license, refusing to reinstate a license, or reprimanding or placing on probation the holder of a 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?

Total - \$0

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

As prescribers, physicians are subject to federal regulations for medication disbursement and controlled substances (FDA and DEA). There is no federal law requiring the state to regulate physicians.

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

The regulation of physicians is crucial for preventing various harms associated with medical practice, including issues of malpractice. It protects the public from potential health risks that can arise from improper treatment or misdiagnosis. Regulations ensure that only qualified and licensed professionals provide medical care, safeguarding ethical practices and prioritizing patient safety.

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 preventing harm by holding professionals accountable and promoting high standards of care. By reviewing cases individually, the State Medical Board addresses substandard practices while encouraging professional development. Less restrictive regulation would increase the threat of harm.

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

N/A

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

| Physician – Special Activity | | | | | | |
|--|---|---|---------------------|---------------------|---|---------------------|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Type of regulation (Name of regulation) | License (Special activity certificate) (Authorizes a physician licensed in another state or country to practice medicine in conjunction with a special activity, program, or event) <i>(R.C. 4731.294)</i> | License (Limited scope temporary medical permit) (Authorizes a physician licensed in another state or jurisdiction to practice medicine as part of a specific activity, function, series of events, or purpose) <i>(844 Ind. Admin. Code 4-4.5-17)</i> | No clear equivalent | No clear equivalent | License (Temporary license) (Authorizes a physician licensed in another jurisdiction to (1) teach and demonstrate advanced medical and surgical techniques, (2) participate in a procedure necessary for the well-being of a specified patient, (3) practice medicine in a camp or resort for no more than three months, (4) attend to the medical needs of a person visiting Pennsylvania, or (5) be a short-term replacement | No clear equivalent |

| Physician – Special Activity | | | | | | |
|------------------------------|---|---|----------|----------|--|---------------|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | | | | | of a physician employed by the federal government in a National Health Service Corps Clinic, under Project U.S.A. arrangements) <i>(49 Pa. Code 17.6)</i> | |
| Education or training | Within two years before application, the applicant must have actively practiced medicine, participated in accredited graduate medical education, or passed the federation licensing exam established by the Federation of State Medical Boards; also must meet the same | Diploma from a medical school <i>(844 Ind. Admin. Code 4-4.5-17)</i> | N/A | N/A | N/A | N/A |

| Physician – Special Activity | | | | | | |
|------------------------------|---|---|----------|----------|--|---------------|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | educational requirements under Ohio law <i>(R.C. 4731.294; see also R.C. 4731.09 and 4731.14)</i> | | | | | |
| Experience | See “Education or training,” above | N/A | N/A | N/A | N/A | N/A |
| Exam | See “Education or training,” above | 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 | \$125 <i>(R.C. 4731.294)</i> | \$100 <i>(844 Ind. Admin. Code 4-2-2)</i> | N/A | N/A | \$45 <i>(49 Pa. Code 16.13)</i> | N/A |
| License duration | Shorter of 30 days or the duration of the special activity, program, or event <i>(R.C. 4731.294)</i> | Not longer than 30 days <i>(844 Ind. Admin. Code 4-4.5-17)</i> | N/A | N/A | No specific duration, dependent on the reason for the license <i>(49 Pa. Code 17.6)</i> | N/A |
| Renewal fee | N/A | N/A | N/A | N/A | N/A | N/A |

Visiting clinical professional development certificate

Survey response (MED)

| Description | |
|--|---|
| <p>The holder of a visiting clinical professional development certificate may practice medicine and surgery or osteopathic medicine and surgery only as part of the clinical professional development program in which the certificate holder participates. The certificate holder's practice must be under the direct supervision of a qualified faculty member of the medical school, osteopathic medical school or teaching hospital conducting the program who holds a certificate to practice medicine and surgery or osteopathic medicine and surgery issued by the State Medical Board.</p> | |
| Type (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.) | |
| Government certificate | |
| 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? | There has been a decrease in certificates issued annually from FY 2018 (1) to FY 2024 (0). |
| Education or training requirements | There are no additional requirements to obtain the certificate as the applicant must hold a current, unrestricted license issued in another country to obtain the certificate. |
| Experience requirements | <p>To be eligible for a visiting clinical professional development certificate, an applicant shall provide to the board satisfactory evidence that the applicant meets both of the following requirements:</p> <p>(1) Has been accepted for participation in a clinical professional development program of a medical school or osteopathic medical school in this state that is accredited by the liaison committee on medical education or the American osteopathic association or of a teaching hospital affiliated with such a medical school;</p> <p>(2) Holds a current, unrestricted license to practice medicine and surgery or osteopathic medicine and surgery issued in another country.</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>) | No examination requirements. |
| Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>) | No CME requirements. |

| If the regulation is a registration, certification, or license requirement, please complete the following: | |
|--|--|
| Initial fee | Transaction fee \$3.50 |
| Duration | A visiting clinical professional development certificate is valid for the shorter of one year or the duration of the program in which the holder is participating. The certificate ceases to be valid if the holder resigns or is otherwise terminated from the program. The certificate may not be extended. |
| Renewal fee <i>(If different from initial fee, please explain why.)</i> | The certificate cannot be renewed. |
| Does the Board recognize uniform licensure requirements or allow for reciprocity? | <p>Effective December 29, 2023, applicants of the Medical Board may be eligible for Ohio licensure if they meet one of three eligibility requirements:</p> <ol style="list-style-type: none"> 1. Applicant holds a substantially similar out-of-state (OOS) occupational license, or holds a government certification in the same profession or occupation from a state that does not issue an occupational license for at least one year immediately preceding the date of application. Applicant must be in good standing in all jurisdictions the license is held; 2. Applicant has held a private certification for at least two years preceding the application date in a state that does not issue an OOS license or government certification for the respective profession or occupation. Applicant must be in good standing with the organization that issued the certification; or 3. Applicant has been actively engaged in the profession or occupation in a state that does not issue an OOS license or government certification for the respective profession or occupation, or in the uniformed services. |
| 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 substitution for state regulation. |

| 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. Individuals are prohibited to from the unlicensed and unauthorized practice of medicine under Sections 4731.41 and 4731.34 of the Ohio Revised Code. |
| Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual? | The board may revoke a certificate issued under this Section on receiving proof satisfactory to the board that the certificate holder has engaged in practice in this state outside the scope of the certificate or that there are grounds for action against the certificate holder under Section 4731.22 of the Revised Code. |
| 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. |
|---|
| Refer to Section 4731.22 of the Ohio Revised Code. The Board may exercise administrative penalties such as limiting, revoking, or suspending an individual's license to practice, refusing to issue a license to an applicant, refusing to renew a license, refusing to reinstate a license, or reprimanding or placing on probation the holder of a 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?**

Total - \$0

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

As prescribers, physicians are subject to federal regulations for medication disbursement and controlled substances (FDA and DEA). There is no federal law requiring the state to regulate physicians.

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

The regulation of physicians is crucial for preventing various harms associated with medical practice, including issues of malpractice. It protects the public from potential health risks that can arise from improper treatment or misdiagnosis. Regulations ensure that only qualified and licensed professionals provide medical care, safeguarding ethical practices and prioritizing patient safety.

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 preventing harm by holding professionals accountable and promoting high standards of care. By reviewing cases individually, the State Medical Board addresses substandard practices while encouraging professional development. Less restrictive regulation would increase the threat of harm.

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

N/A

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

It does not appear any surrounding states have an equivalent of Ohio's physician visiting clinical professional development certificate, which constitutes a license. In Ohio, the certificate is required for a physician who holds a current, unrestricted license to practice medicine and surgery or osteopathic medicine and surgery in another country and who will participate in a clinical professional development program in Ohio. There is no application fee and it cannot be renewed. The certificate lasts for the shorter of one year or the duration of the program in which the holder is participating.¹⁶

¹⁶ R.C. 4731.298.

Volunteer's certificate

Survey response (MED)

| Description | |
|--|---|
| <p>The holder of a volunteer certificate may provide medical services only to indigent and uninsured persons. The holder shall not accept any form of remuneration for providing medical services while in possession of the certificate. Except in a medical emergency, the holder shall not perform any operation or deliver babies. A volunteer certificate is valid for a period of three years.</p> | |
| Type (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.) | |
| Government certification | |
| If the regulation is a registration, certification, or license requirement, please complete the following: | |
| Number issued annually | 1 |
| 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? | Certificate did not exist in FY 2018. |
| Education or training requirements | No additional educational or training requirements. |
| Experience requirements | <p>An application for a volunteer's certificate shall include all of the following:</p> <p>(1) A copy of the applicant's degree of medicine or osteopathic medicine.</p> <p>(2) One of the following, as applicable:</p> <p style="padding-left: 40px;">(a) A copy of the applicant's most recent license authorizing the practice of medicine and surgery or osteopathic medicine and surgery issued by a jurisdiction in the United States that licenses persons to practice medicine and surgery or osteopathic medicine and surgery.</p> <p style="padding-left: 40px;">(b) A copy of the applicant's most recent license equivalent to a license to practice medicine and surgery or osteopathic medicine and surgery in one or more branches of the United States armed services that the United States government issued.</p> <p>(3) Evidence of one of the following, as applicable:</p> |

| If the regulation is a registration, certification, or license requirement, please complete the following: | |
|--|--|
| | <p>(a) That 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 medicine and surgery or osteopathic medicine and surgery.</p> <p>(b) That the applicant has practiced for at least ten years prior to retirement in good standing as a doctor of medicine and surgery or osteopathic medicine and surgery in one or more of the branches of the United States armed services.</p> <p>(4) An attestation that the applicant will not accept any form of remuneration for any medical services rendered while in possession of a volunteer's certificate.</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>) | No additional examination requirements. |
| 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 one hundred fifty hours of continuing medical education that meets the requirements of Section 4731.282 of the Revised Code regarding certification by private associations and approval by the board. The board may not renew a certificate if the holder has not complied with the continuing medical education requirements. Any entity for which the holder provides medical services may pay for or reimburse the holder for any costs incurred in obtaining the required continuing medical education credits. |
| Initial fee | No fee. |
| Duration | Three 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> | No renewal fee. |
| Does the Board recognize uniform licensure requirements or allow for reciprocity? | <p>Effective December 29, 2023, applicants of the Medical Board may be eligible for Ohio licensure if they meet one of three eligibility requirements:</p> <ol style="list-style-type: none"> 1. Applicant holds a substantially similar out-of-state (OOS) occupational license, or holds a government certification in the same profession or occupation from a state that does not issue an occupational license for at least one year immediately preceding the date of application. Applicant must be in good standing in all jurisdictions the license is held; 2. Applicant has held a private certification for at least two years preceding the application date in a state that does not issue an OOS license or government certification for the respective profession or occupation. Applicant must be in good standing with the organization that issued the certification; or 3. Applicant has been actively engaged in the profession or occupation in a state that does not issue an OOS license or government certification for the respective profession or occupation, or in the uniformed services. |
| 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 substitution for state regulation. |
| Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Board? | No. Individuals are prohibited to from the unlicensed and unauthorized practice of medicine under Sections 4731.41 and 4731.34 of the Ohio Revised Code. |
| Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual? | The board may require the applicant to demonstrate present fitness to practice in the manner provided in Section 4731.222 of the Revised Code before issuing a volunteer's certificate to an applicant whose license has been in an inactive status for more than two years or who has not been engaged in the active practice of the applicant's profession for more than two years. |

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.

Refer to Section [4731.22](#) of the Ohio Revised Code. The Board may exercise administrative penalties such as limiting, revoking, or suspending an individual's license to practice, refusing to issue a license to an applicant, refusing to renew a license, refusing to reinstate a license, or reprimanding or placing on probation the holder of a 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?**

Total - \$0

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

As prescribers, physicians are subject to federal regulations for medication disbursement and controlled substances (FDA and DEA). There is no federal law requiring the state to regulate physicians.

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

The regulation of physicians is crucial for preventing various harms associated with medical practice, including issues of malpractice. It protects the public from potential health risks that can arise from improper treatment or misdiagnosis. Regulations ensure that only qualified and licensed professionals provide medical care, safeguarding ethical practices and prioritizing patient safety.

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 preventing harm by holding professionals accountable and promoting high standards of care. By reviewing cases individually, the State Medical Board addresses substandard practices while encouraging professional development. Less restrictive regulation would increase the threat of harm.

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

N/A

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

| Physician – Volunteer | | | | | | |
|--|---|--|---------------------|---|--|---|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Type of regulation (Name of regulation) | Certificate ¹⁷ (Volunteer's certificate) (Allows retired physician to provide services for the indigent and uninsured) <i>(R.C. 4731.295)</i> | License (Inactive license) (Provides that if an inactive physician does render a service that constitutes the practice of medicine, the physician cannot charge a fee) <i>(Ind. Code 25-22.5-6-1)</i> | No clear equivalent | License (Special volunteer license) (Authorizes a retired physician to treat indigent and needy individuals) <i>(Mich. Comp. Laws 333.16184)</i> | License (Volunteer license) (Authorizes a retired physician or a licensed physician who is not practicing to volunteer in approved clinics for the indigent or in medically underserved areas) | License (Special volunteer license) (Authorizes retired physicians to treat indigent and needy patients in free clinics) <i>(W. Va. Code 30-3-10a)</i> |

¹⁷ Note that for all of the states, the individual is not compensated. It is not clear that this occupation falls under review for purposes of Ohio's occupational review laws (see R.C. 103.27 and R.C. Chapter 4798).

| Physician – Volunteer | | | | | | |
|-----------------------|---|---------|----------|--|----------------------------|---------------|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | | | | | (35 P.S. 449.41 to 449.53) | |
| Education or training | N/A | N/A | N/A | If the applicant has been out of practice for three or more years, must have during the three years immediately preceding the application, completed 100 hours of continuing education (Mich. Comp. Laws 333.16184) | N/A | N/A |
| Experience | Must have been licensed for at least ten years before retirement or practiced medicine in a branch of the U.S. armed services for at least ten years before retirement (R.C. 4731.295) | N/A | N/A | N/A | N/A | N/A |

| Physician – Volunteer | | | | | | |
|-----------------------|--|---|----------|--|---|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Exam | N/A | N/A | N/A | N/A | N/A | N/A |
| Continuing education | 150 hours every three years (R.C. 4731.295) | No, based on the renewal form (Ind. Professional Licensing Agency, MD/DO Inactive Renewal Form (PDF)) | N/A | 150 hours every three years (Mich. Comp. Laws 333.16184; Mich. Admin. Code R. 338.2441) | 20 credit hours of specified continuing education every two years (35 P.S. 449.46) | 50 hours every two years (W. Va. Code 30-3-10a and 30-3-12) |
| Initial licensure fee | N/A | \$100 (Ind. Professional Licensing Agency, MD/DO Inactive Renewal Form (PDF)) | N/A | N/A | N/A | N/A |
| License duration | Three years (R.C. 4731.295) | Unclear, presumably the same as physician licensure, which is every two years | N/A | Statute provides for license renewals, but does not specify the license's duration (Mich. Comp. Laws 333.16184) | Two years (35 P.S. 449.46) | One year (W. Va. Code 30-3-10a) |

| Physician – Volunteer | | | | | | |
|-----------------------|------|--|----------|----------|--------------|---------------|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Renewal fee | N/A | \$100 (half of the physician registration fee) <i>(Ind. Code 25-22.5-6-1)</i> | N/A | N/A | N/A | N/A |

STATE BOARD OF EDUCATION

Table of Contents

| | |
|---|-----|
| General information (SBE) | 1 |
| Adult educator | 3 |
| Alternative administrative specialist or alternative superintendent | 9 |
| Alternative military educator..... | 14 |
| Associate | 15 |
| Alternative principal and Bright New Leaders alternative principal | 26 |
| Career-technical workforce development educator | 38 |
| Computer science teaching license for industry professionals | 59 |
| Educational aide..... | 65 |
| Educator license validation in financial literacy | 71 |
| Forty-hour STEM or dropout recovery community school teaching permit..... | 72 |
| Nonpublic school teacher or administrator certificate | 77 |
| Out-of-state educator license..... | 83 |
| Pre-service teacher | 91 |
| Professional administrator..... | 99 |
| Professional, senior professional, or lead professional educator | 111 |
| Professional pupil services license..... | 137 |
| Professional school business manager and school treasurer..... | 152 |
| Provisional licenses | 169 |
| Pupil-activity program permit..... | 188 |
| Substitute teaching license | 193 |

| | |
|---|-----|
| Supplemental teaching license | 207 |
| Temporary teaching license for military science | 212 |
| Twelve-hour teaching permit | 220 |
| Visiting international teacher license | 228 |
| State Board of Education Workload Data..... | 237 |
| State Board of Education Data Notes | 238 |
| State Board of Education: Survey Item to Credential Assignment..... | 239 |

General information (SBE)

Duties

The State Board of Education is responsible for ensuring that every one of Ohio's over 1.6 million K-12 students interact every day with well-qualified educators who display high levels of moral character and judgment and to elevate and enhance the teaching profession. The State Board of Education oversees the licensing of over 360,000 individuals, reviews over 22,000 professional conduct referrals yearly, operates Ohio's Educator Evaluation system, approves certain territory transfer requests, and implements the Ohio Teacher of the Year program. The State Board of Education has 58 full-time employees and 19 State Board of Education members. Eleven of those members are elected by the citizens, one from each of the 11 districts composed of three contiguous Ohio Senate districts. Eight board members are appointed by the Governor.

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

19 State Board of Education members. Eleven of those members are elected by the citizens, one from each of the 11 districts composed of three contiguous Ohio Senate districts. Eight board members are appointed by the Governor. The current President of the SBOE is Paul LaRue and the Vice President is Martha Manchester.

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

Our funding is based on teacher licensing fees and a small portion of our budget is through Title II dollars. Our FY24 budget was \$14,805,153 with an expected expenditure in FY 25 of \$17,069,820.

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

See “**State Board of Education Workload Data**,” below.

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 Board of Education agency has 58 full time staff members. Our table of organization is submitted as an addendum to this document.

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

The State Board of Education conducts investigations under Ohio Revised Code section 3319.311 and administers discipline under section 3319.31. If an investigation provides information necessitating action against a license, the Board follows the process under Chapter 119 of the Revised Code for adjudication hearings. The Board delegates conducting the hearing to an independent hearing officer who provides a Report and Recommendation for the Board to consider in reaching a final determination. The law recognizes certain instances in which a hearing is not necessary, such as when the individual has committed one of the crimes set-forth under division (C) of Ohio Revised Code section 3319.31. Further, for efficiency, the Board delegates a Board Member (Advising Board Member) to review cases which have potential to be settled before proceeding to hearing.

Adult educator

Survey response (SBE)

| Description | |
|--|------|
| One-year and four-year adult education permits are available for candidates who meet qualifications and have been hired to serve in Ohio schools and school districts. The employing school or district must initiate and sign all applications for adult education permits. Please note that educators may work in any Ohio school district under their valid adult education permit (they are not limited to working only in the district that approves their application for the permit). | |
| Type <i>(License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)</i> | |
| Permit | |
| If the regulation is a registration, certification, or license requirement, please complete the following: | |
| Number issued annually | 2331 |
| Number renewed annually | 1517 |

| 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 | Ranges from no to bachelor's degree required depending on teaching field they select. |
| 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>) | No |
| Initial fee | \$25.00 (1-year) \$100.00 (4-year) |
| Duration | 1-year or 4-year |
| Renewal fee (<i>If different from initial fee, please explain why.</i>) | |

| 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? | Licensure of educators is currently handled on the state level. Each state sets its own requirements for licensure and there is currently no national uniform licensure requirement for the State Board to recognize. |
| Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation? | Licensure of educators is currently handled on the state level. Each state sets its own requirements for licensure and there is currently no national uniform licensure requirement for the State Board to recognize. |
| 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? | Section 3319.65 of the Revised Code authorized the state board of education shall establish a credential review board. The credential review board shall carry out any functions assigned to it by the state board with respect to assessing individuals pursuing alternative routes to educator licensure and out of state educators seeking licensure in Ohio. |
| 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.

The State Board of Education has the legal authority under Revised Code sections [3319.311](#) and [3319.31](#) to investigate educator misconduct and take disciplinary action against educational license holders and applicants who engage in criminal conduct, immoral acts, incompetence, negligence, conduct that is unbecoming to the teaching profession, or other violations of law as set forth in 3319.31(B). Conduct unbecoming to the teaching profession is further defined by the [Licensure Code of Professional Conduct for Ohio Educators](#) which provides the framework for professional conduct for all licensed Ohio educators.

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 State Board of Education of Ohio allows for bundling discounts for educators being issued more than one credential simultaneously (for example, someone with a principal license maintaining their teaching licensure). Because of this, and the fact that credentials are paid for in a single transaction, it is not possible to disaggregate fees paid by credential type. All funds generated from obtaining a credential through the State Board of Education are deposited into the Teacher Licensure fund 4L20.

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

The Elementary and Secondary Education Act of 1965 (ESEA) as amended by the Every Student Succeeds Act (ESSA) requires teachers and paraprofessionals working in a program receiving federal funds to meet applicable State certification and licensure requirements, including any requirements for certification obtained through alternative routes to certification. Further, the Individuals with Disabilities Education Act (IDEA) and accompanying regulations require teachers providing special education to obtain full State certification as a special education teacher.

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

The State Board of Education is responsible for administering the ethical standards for licensed Ohio educators with the goal of ensuring that all Ohio students receive instruction from educators who are committed to providing a safe, supportive, and healthy school environment while also safeguarding the integrity of the profession. Acts of misconduct can cause direct harm to students whom, due to age, experience, and/or imbalance of power, may be particularly vulnerable to harm.

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

The role of Revised Code sections [3319.311](#) and [3319.31](#) is primarily to respond to misconduct that has already occurred and to ensure that educators who pose a risk to profession or the safety of students are removed from the profession either until they have achieved rehabilitation and can become relicensed or permanently depending on the nature of the offense. The educator disciplinary process is effective at mitigating risk in this manner. Less restrictive means would be unlikely to prevent or mitigate potential harm. The educator disciplinary process can also have a deterrence effect on future misconduct as all disciplinary actions are posted and viewable on our website.

Are there any changes the Board would like to see implemented?**Surrounding state comparison (LSC) (as of August 23, 2024)**

Under Ohio law, an individual who holds an adult education permit may provide instruction for an adult education program, which includes career-technical education programs for out-of-school adults, frequently to improve occupational skills, and community-based education programs for personal enrichment. To be granted an adult education permit, an individual must (1) have

a high school diploma, (2) be recommended and employed by a school district, and (3) pay either \$25 for a one-year license or \$100 for a four-year license.¹

West Virginia issues multiple similar licenses, including the adult certificate endorsed for adult education and the adult permit endorsed for areas of career and technical education (CTE).² For an initial adult certificate endorsed for adult education, an individual must (1) have a bachelor of arts degree from an accredited institution of higher education with at least a 2.50 GPA, (2) verify enrollment in an in-state approved education preparation program (EPP), (3) pass an examination required by the West Virginia Department of Education (WVDE), (4) meet general requirements for licensure under West Virginia law,³ (5) receive a recommendation from the employing county superintendent, Multi-County CTE Administrator, or the West Virginia Schools of Diversion and Transition (WVSDT) Superintendent or designee, and (6) pay a \$35 application fee. An adult certificate endorsed for adult education is valid for five years and expires on June 30 of the last year of its validity. To renew the license, an individual must (1) complete six semester hours of college or university course work reflecting a 3.00 GPA related to the public school program or related to basic skills content or WVLeads courses through the WVDE *or* has reached 60 years of age or older and (2) complete adult education professional learning activities as prescribed in the West Virginia Adult Education Instructor Handbook on the WVDE website and approved by the WVDE.⁴

For an adult permit endorsed for areas of CTE, an individual must be at least 18 years of age and (1) have a minimum of a high school diploma or a degree, if applicable, through an accredited institution of higher education, (2) fulfill content specific conditions for issuance as identified in the West Virginia CTE Endorsement and Testing Manual maintained on the WVDE website (including industry credentials and work experience, as applicable), (3) receive the recommendation of the employing county superintendent, Multi-County CTE Administrator, or WVSDT Superintendent or designee, and (4) pay a \$35 application fee. An adult permit endorsed for CTE is valid for five years. To renew the license, an individual must (1) complete WVLeads courses or six semester hours of college or university course work reflecting a 3.00 GPA related to the public school program, (2) obtain a valid industry-recognized credential as identified in the CTE Endorsement and Testing Manual, if applicable, (3) receive the recommendation of the employing county superintendent, Multi-County CTE Administrator, or WVSDT Superintendent or designee, and (4) pay a \$35 application fee.⁵

Indiana, Kentucky, Michigan, and Pennsylvania do not offer a separate license for adult education.

¹ R.C. 3319.229; O.A.C. 3301-24-05; State Bd. of Education, [Licensure Fees](#).

² W. Va. Code R. 126-136-5.

³ W. Va. Code R. 126-136-9.

⁴ W. Va. Code R. 126-136-11 and 126-136-8; W. Va. Dept. of Education, [Form V15 Application Instructions](#).

⁵ W. Va. Code R. 126-136-11 and 126-136-9; W. Va. Dept. of Education, [Form V17 Application Instructions](#).

Alternative administrative specialist or alternative superintendent

Survey response (SBE)

| Description | |
|---|-----|
| <p>The Alternative Administrative Specialist License is four-year nontraditional licensure pathway allows candidates to work in an Ohio school district or community school as an administrative specialist while completing requirements for a professional administrative specialist license.</p> <p>The Alternative Superintendent four-year nontraditional licensure pathway allows candidates to work in an Ohio school district or community school or as a superintendent or assistant superintendent while completing requirements for a professional superintendent license.</p> | |
| Type <i>(License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)</i> | |
| License | |
| If the regulation is a registration, certification, or license requirement, please complete the following: | |
| Number issued annually | 143 |
| 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? | |
| Education or training requirements | Alternative specialist requires a bachelor's degree and a 2.5 GPA Alternative superintendent requires a master's degree and a 3.0 GPA |
| Experience requirements | 5-years of work experience in teaching, administration, education or management. |
| 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 Ohio Assessment for Educators is administered by Evaluation Systems of Pearson. The exam administrator was selected by the state board of education through the RFP process. The assessment was recommended by the Educator Standards Board for approval by the state board of education. |
| Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>) | Varies depending on the degree the candidate holds when obtaining the original license. |
| Initial fee | \$80.00 |
| 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> | |
| Does the Board recognize uniform licensure requirements or allow for reciprocity? | Licensure of educators is currently handled on the state level. Each state sets its own requirements for licensure and there is currently no national uniform licensure requirement for the State Board to recognize. |
| Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation? | Licensure of educators is currently handled on the state level. Each state sets its own requirements for licensure and there is currently no national uniform licensure requirement for the State Board to recognize. |
| 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? | Section 3319.65 of the Revised Code authorized the state board of education shall establish a credential review board. The credential review board shall carry out any functions assigned to it by the state board with respect to assessing individuals pursuing alternative routes to educator licensure and out of state educators seeking licensure in Ohio. |
| 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.

The State Board of Education has the legal authority under Revised Code sections [3319.311](#) and [3319.31](#) to investigate educator misconduct and take disciplinary action against educational license holders and applicants who engage in criminal conduct, immoral acts, incompetence, negligence, conduct that is unbecoming to the teaching profession, or other violations of law as set forth in 3319.31(B). Conduct unbecoming to the teaching profession is further defined by the [Licensure Code of Professional Conduct for Ohio Educators](#) which provides the framework for professional conduct for all licensed Ohio educators.

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 State Board of Education of Ohio allows for bundling discounts for educators being issued more than one credential simultaneously (for example, someone with a principal license maintaining their teaching licensure). Because of this, and the fact that credentials are paid for in a single transaction, it is not possible to disaggregate fees paid by credential type. All funds generated from obtaining a credential through the State Board of Education are deposited into the Teacher Licensure fund 4L20.

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

The Elementary and Secondary Education Act of 1965 (ESEA) as amended by the Every Student Succeeds Act (ESSA) requires teachers and paraprofessionals working in a program receiving federal funds to meet applicable State certification and licensure requirements, including any requirements for certification obtained through alternative routes to certification. Further, the Individuals with Disabilities Education Act (IDEA) and accompanying regulations require teachers providing special education to obtain full State certification as a special education teacher.

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

The State Board of Education is responsible for administering the ethical standards for licensed Ohio educators with the goal of ensuring that all Ohio students receive instruction from educators who are committed to providing a safe, supportive, and healthy school environment while also safeguarding the integrity of the profession. Acts of misconduct can cause direct harm to students whom, due to age, experience, and/or imbalance of power, may be particularly vulnerable to harm.

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

The role of Revised Code sections [3319.311](#) and [3319.31](#) is primarily to respond to misconduct that has already occurred and to ensure that educators who pose a risk to profession or the safety of students are removed from the profession either until they have achieved rehabilitation and can become relicensed or permanently depending on the nature of the offense. The educator disciplinary process is effective at mitigating risk in this manner. Less restrictive means would be unlikely to prevent or mitigate potential harm. The educator disciplinary process can also have a deterrence effect on future misconduct as all disciplinary actions are posted and viewable on our website.

Are there any changes the Board would like to see implemented?**Surrounding state comparison (LSC) (as of August 19, 2024)**

Ohio issues an alternative administrative specialist and alternative superintendent license. Generally, to receive the alternative administrative specialist license an individual must have at least a bachelor's degree and to receive the alternative superintendent license an individual must have at least a master's degree. An applicant must also have a minimum GPA of 3.0 and five or more years

of documented experience in teaching, administration, education, or management. The alternative licenses are valid for two years and may be renewed once.⁶ To be issued an alternative license an individual must pay a fee of \$80 for the initial license and for the renewal.⁷

Michigan issues similar licenses called school administrator certificate-alternative pathways. There are multiple pathways an individual can take to be issued this license. For alternative pathway category 1, an individual must have a master's degree or higher and complete a supervised internship. For alternative pathway category 2, an individual must have a bachelor's degree and complete a supervised internship. For alternative pathway category 3, an individual must have a minimum of three years of successful experience as a pre-K to 12 school administrator, central office school administrator, or management or leadership experience in a field other than pre-K to 12 or central office administration. An examination is required to be issued this license.⁸ License holders must complete continuing education of 150 hours of any combination of education-related professional learning hours.⁹ This license is valid for five years.¹⁰ To be issued an alternative pathway license, an in-state applicant must pay \$160 and an out-of-state applicant must pay \$210 for the initial license and \$160 for renewal.¹¹

Alternative military educator

The requirement to obtain a license as an alternative military educator was enacted in H.B. 33 of the 135th General Assembly. As this licensure requirement is currently in the early stages of the implementation process, there is not enough information to include in the report.

⁶ R.C. 3319.27; O.A.C. 3302-24-12.

⁷ R.C. 3319.51; State Bd. of Education, [Licensure Fees](#).

⁸ Mich. Admin. Code R. 380.105.

⁹ Mich. Admin. Code R. 380.109.

¹⁰ Mich. Admin. Code R. 380.107.

¹¹ Mich. Comp. Laws 380.1538.

Associate

Survey response (SBE)

| Description | |
|--|-----|
| Five-Year Associate licenses are available for applicants who meet qualifications in the following areas: Prekindergarten Associate Educational Paraprofessional, Interpreter for the Hearing Impaired, Occupational Therapy Assistant, Physical Therapy Assistant | |
| Type <i>(License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)</i> | |
| License | |
| If the regulation is a registration, certification, or license requirement, please complete the following: | |
| Number issued annually | 372 |
| Number renewed annually | 231 |

| 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 | Applicants must complete an approved, traditional preparation program through an accredited college or university that culminates in the college or university's recommendation for licensure |
| 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>) | The Ohio Assessment for Educators is administered by Evaluation Systems of Pearson. The exam administrator was selected by the state board of education through the RFP process. The assessment was recommended by the Educator Standards Board for approval by the state board of education. |
| Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>) | |
| Initial fee | \$200.00 |
| Duration | 5-year |
| Renewal fee (<i>If different from initial fee, please explain why.</i>) | |

| 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? | Licensure of educators is currently handled on the state level. Each state sets its own requirements for licensure and there is currently no national uniform licensure requirement for the State Board to recognize. |
| Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation? | Licensure of educators is currently handled on the state level. Each state sets its own requirements for licensure and there is currently no national uniform licensure requirement for the State Board to recognize. |
| 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? | Section 3319.65 of the Revised Code authorized the state board of education shall establish a credential review board. The credential review board shall carry out any functions assigned to it by the state board with respect to assessing individuals pursuing alternative routes to educator licensure and out of state educators seeking licensure in Ohio. |
| 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.

The State Board of Education has the legal authority under Revised Code sections [3319.311](#) and [3319.31](#) to investigate educator misconduct and take disciplinary action against educational license holders and applicants who engage in criminal conduct, immoral acts, incompetence, negligence, conduct that is unbecoming to the teaching profession, or other violations of law as set forth in 3319.31(B). Conduct unbecoming to the teaching profession is further defined by the [Licensure Code of Professional Conduct for Ohio Educators](#) which provides the framework for professional conduct for all licensed Ohio educators.

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 State Board of Education of Ohio allows for bundling discounts for educators being issued more than one credential simultaneously (for example, someone with a principal license maintaining their teaching licensure). Because of this, and the fact that credentials are paid for in a single transaction, it is not possible to disaggregate fees paid by credential type. All funds generated from obtaining a credential through the State Board of Education are deposited into the Teacher Licensure fund 4L20.

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

The Elementary and Secondary Education Act of 1965 (ESEA) as amended by the Every Student Succeeds Act (ESSA) requires teachers and paraprofessionals working in a program receiving federal funds to meet applicable State certification and licensure requirements, including any requirements for certification obtained through alternative routes to certification. Further, the Individuals with Disabilities Education Act (IDEA) and accompanying regulations require teachers providing special education to obtain full State certification as a special education teacher.

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

The State Board of Education is responsible for administering the ethical standards for licensed Ohio educators with the goal of ensuring that all Ohio students receive instruction from educators who are committed to providing a safe, supportive, and healthy school environment while also safeguarding the integrity of the profession. Acts of misconduct can cause direct harm to students whom, due to age, experience, and/or imbalance of power, may be particularly vulnerable to harm.

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

The role of Revised Code sections [3319.311](#) and [3319.31](#) is primarily to respond to misconduct that has already occurred and to ensure that educators who pose a risk to profession or the safety of students are removed from the profession either until they have achieved rehabilitation and can become relicensed or permanently depending on the nature of the offense. The educator disciplinary process is effective at mitigating risk in this manner. Less restrictive means would be unlikely to prevent or mitigate potential harm. The educator disciplinary process can also have a deterrence effect on future misconduct as all disciplinary actions are posted and viewable on our website.

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

Surrounding state comparison (LSC) (as of August 27, 2024)

| Associate | | | | | | |
|--|---|---------------------|--|---------------------|---|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Type of regulation (Name of regulation) | License (Associate license) (O.A.C. 3302-24-05) | No clear equivalent | License (Professional Certificate for Interdisciplinary Early Childhood) (16 Ky. Admin. Regs. 2:040) | No clear equivalent | Certification (Special education paraprofessionals credential of competency) (22 Pa. Code 14.105) | License (Early childhood classroom assistant teacher authorization (ECCAT) – temporary (ECCAT I), permanent (ECCAT II), permanent with permanent paraprofessional certificate (ECCAT III), and permanent paraprofessional certificate) (W. Va. Code R. 126-136-12) |
| Education or training | Associate's degree Either: (1) completion of an approved program of | N/A | Either: (1) bachelor's degree in approved preparation program with a specified GPA or | N/A | Complete one of the following: (1) two years of postsecondary study, (2) an associate's degree | For ECCAT I, high school diploma or equivalent For ECCAT II, the above and completion of |

| Associate | | | | | | |
|-----------|---|---------|--|----------|--|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | <p>preparation in prekindergarten associate, educational paraprofessional (denoted as ESEA qualified), and interpreter for the hearing impaired or (2) a current license to practice issued by the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board as an occupational therapy assistant or physical therapy assistant</p> <p>(O.A.C. 3301-24-05)</p> | | <p>(2) completion of the specified requirements to transition from a probationary certificate to a professional certificate</p> <p>(16 Ky. Admin. Regs. 2:040 and 2:140)</p> | | <p>or higher, or (3) an assessment</p> <p>(22 Pa. Code 14.105)</p> | <p>required course work (under continuing education for ECCAT I)</p> <p>For ECCAT III, high school diploma or equivalent and required, approved course work</p> <p>For paraprofessional, high school diploma or equivalent and either (1) completion of 36 postsecondary hours or equivalent or (2) a valid out-of-state professional teaching certificate or valid or expired West Virginia professional teaching</p> |

| Associate | | | | | | |
|------------|------|---------|--|----------|--------------|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | | | | | | certificate or its equivalent <i>(W. Va. Code R. 126-136-12 and 126-136-12.4)</i> |
| Experience | N/A | N/A | Completion of the Kentucky Teacher Internship Program (KTIP) <i>(16 Ky. Admin. Regs. 2:040 and 7:010)</i> | N/A | N/A | For ECCAT I, N/A For ECCAT II and ECCAT III, recommendation by employer or recent employer Option to hold valid or expired professional teaching certificate or equivalent or exam For paraprofessional, not required but classroom experience may be used as a substitute for some of the required postsecondary |

| Associate | | | | | | |
|----------------------|---|---------|---|----------|--|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | | | | | | hours under education requirements <i>(W. Va. Code R. 126-136-12 and 126-136-12.4)</i> |
| Exam | N/A | N/A | Yes – Praxis Interdisciplinary Early Childhood Education assessment <i>(16 Ky. Admin. Regs. 6:010)</i> | N/A | Optional <i>(22 Pa. Code 14.105)</i> | For ECCAT I, yes For ECCAT II and ECCAT III, option to take exam or hold a valid or expired professional teaching certificate or equivalent For paraprofessional, yes <i>(W. Va. Code R. 126-136-12 and 126-136-12.4)</i> |
| Continuing education | Either six semester hours of course work or 18 continuing education units | N/A | For first renewal, completion of 15 hours of approved fifth-year graduate | N/A | 20 hours of staff development activities related | For ECCAT I, three semester hours of approved course work in preschool special education, |

| Associate | | | | | | |
|-----------|---|---------|--|----------|--|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | <p>(180 contact hours), which must be related to classroom teaching and/or the area of licensure as approved by the local professional development committee of the employing school or school district</p> <p><i>(O.A.C. 3301-24-08)</i></p> | | <p>preparation program or completion of required components of continuing education option for initial certificate renewal</p> <p>For second renewal, completion of approved fifth-year graduate preparation program or successful completion of continuing education option</p> <p>For each subsequent renewal, three years of successful teaching experiences and at least six semester hours of</p> | | <p>to assignment each school year</p> <p><i>(22 Pa. Code 14.105)</i></p> | <p>child development, and early childhood language, literacy, and numeracy or completion of semester hours for the Apprenticeship for Child Development Program or completion of semester hours for CDA credential or completion certificates of approved CTE course work</p> <p>For paraprofessional, N/A</p> <p><i>(W. Va. Code R. 126-136-12)</i></p> |

| Associate | | | | | | |
|-----------------------|--|---------|--|----------|--------------|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | | | credit or equivalent in professional development <i>(16 Ky. Admin. Regs. 2:040 and 2:010)</i> | | | |
| Initial licensure fee | \$200 <i>(State Bd. of Education, Licensure Fees)</i> | N/A | \$85 <i>(16 Ky. Admin. Regs. 4:040)</i> | N/A | N/A | Except for paraprofessional, \$35 For paraprofessional, \$50 <i>(W. Va. Dept. of Education, Application Forms)</i> |
| License duration | Five years <i>(O.A.C. 3301-24-08)</i> | N/A | Five years <i>(16 Ky. Admin. Regs. 4:060)</i> | N/A | N/A | For temporary authorization, one school year (may be renewed twice) For permanent authorization, valid unless surrendered, |

| Associate | | | | | | |
|-------------|--|---------|--|----------|--------------|---|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | | | | | | suspended, or revoked (<i>W. Va. Code R. 126-136-12</i>) |
| Renewal fee | \$200 (<i>State Bd. of Education, Licensure Fees</i>) | N/A | \$85 (<i>16 Ky. Admin. Regs. 4:040</i>) | N/A | N/A | For temporary authorization, \$35 (<i>W. Va. Dept. of Education, Application Forms</i>) |

Alternative principal and Bright New Leaders alternative principal

Survey response for alternative principal license (SBE)

| Description |
|---|
| <p>This three-year nontraditional licensure pathway allows candidates to work in an Ohio school as a principal or assistant principal while completing requirements for a professional license.</p> <p>Applicants must have a principal or assistant principal position in an Ohio school or district and submit the following with their initial, online application for the 1-Year Alternative Principal license.</p> <ul style="list-style-type: none"> Candidates must submit a current board resolution from their employing school or district verifying the principal or assistant principal position in which they will serve, including grade levels. |

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

License

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

| | |
|---|--|
| Number issued annually | 309 |
| Number renewed annually | 138 |
| Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years? | |
| Education or training requirements | Candidates must submit all official transcripts from an accredited college or university verifying their college coursework, degrees and cumulative undergraduate or graduate grade point average (GPA) of 3.0 on a 4.0 scale. |
| Experience requirements | <p>Candidates must meet one of the following work experience requirements:</p> <p>Two years of successful teaching experience under a standard or alternative teaching license or permanent non-tax certificate</p> <p>Two years of experience under a professional pupil services license</p> |

| If the regulation is a registration, certification, or license requirement, please complete the following: | |
|--|---|
| | Five years of successful experience in administration, education or management |
| 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 Ohio Assessment for Educators is administered by Evaluation Systems of Pearson. The exam administrator was selected by the state board of education through the RFP process. The assessment was recommended by the Educator Standards Board for approval by the state board of education. |
| Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>) | |
| Initial fee | \$40.00 |
| Duration | 1-year |
| Renewal fee (<i>If different from initial fee, please explain why.</i>) | |
| Does the Board recognize uniform licensure requirements or allow for reciprocity? | Licensure of educators is currently handled on the state level. Each state sets its own requirements for licensure and there is currently no national uniform licensure requirement for the State Board to recognize. |

| 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? | Licensure of educators is currently handled on the state level. Each state sets its own requirements for licensure and there is currently no national uniform licensure requirement for the State Board to recognize. |
| 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? | Section 3319.65 of the Revised Code authorized the state board of education shall establish a credential review board. The credential review board shall carry out any functions assigned to it by the state board with respect to assessing individuals pursuing alternative routes to educator licensure and out of state educators seeking licensure in Ohio. |
| 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. |
|--|
| <p>The State Board of Education has the legal authority under Revised Code sections 3319.311 and 3319.31 to investigate educator misconduct and take disciplinary action against educational license holders and applicants who engage in criminal conduct, immoral acts, incompetence, negligence, conduct that is unbecoming to the teaching profession, or other violations of law as set forth in 3319.31(B). Conduct unbecoming to the teaching profession is further defined by the Licensure Code of Professional Conduct for Ohio Educators which provides the framework for professional conduct for all licensed Ohio educators.</p> <p>The State Board of Education has the legal authority under Revised Code sections 3319.311 and 3319.31 to investigate educator misconduct and take disciplinary action against educational license holders and applicants who engage in criminal conduct, immoral acts, incompetence,</p> |

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

negligence, conduct that is unbecoming to the teaching profession, or other violations of law as set forth in 3319.31(B). Conduct unbecoming to the teaching profession is further defined by the [Licensure Code of Professional Conduct for Ohio Educators](#) which provides the framework for professional conduct for all licensed Ohio educators.

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 State Board of Education of Ohio allows for bundling discounts for educators being issued more than one credential simultaneously (for example, someone with a principal license maintaining their teaching licensure). Because of this, and the fact that credentials are paid for in a single transaction, it is not possible to disaggregate fees paid by credential type. All funds generated from obtaining a credential through the State Board of Education are deposited into the Teacher Licensure fund 4L20.

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

The Elementary and Secondary Education Act of 1965 (ESEA) as amended by the Every Student Succeeds Act (ESSA) requires teachers and paraprofessionals working in a program receiving federal funds to meet applicable State certification and licensure requirements, including any requirements for certification obtained through alternative routes to certification. Further, the Individuals with Disabilities Education Act (IDEA) and accompanying regulations require teachers providing special education to obtain full State certification as a special education teacher.

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

The State Board of Education is responsible for administering the ethical standards for licensed Ohio educators with the goal of ensuring that all Ohio students receive instruction from educators who are committed to providing a safe, supportive, and healthy school environment while also safeguarding the integrity of the profession. Acts of misconduct can cause direct harm to students whom, due to age, experience, and/or imbalance of power, may be particularly vulnerable to harm.

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

The role of Revised Code sections [3319.311](#) and [3319.31](#) is primarily to respond to misconduct that has already occurred and to ensure that educators who pose a risk to profession or the safety of students are removed from the profession either until they have achieved rehabilitation and can become relicensed or permanently depending on the nature of the offense. The educator disciplinary process is effective at mitigating risk in this manner. Less restrictive means would be unlikely to prevent or mitigate potential harm. The educator disciplinary process can also have a deterrence effect on future misconduct as all disciplinary actions are posted and viewable on our website.

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

Survey response for Bright New Leaders alternative principal license (SBE)**Description**

This program is under the auspices of the Ohio State University. The State Board of Education does not maintain data for this program.

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

The State board of Education does not maintain data for this program.

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

Number issued annually

NA

Number renewed annually

NA

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

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

NA

**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?**

NA

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

NA

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

NA

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

NA

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

NA

Surrounding state comparison (LSC) (as of August 19, 2024)

Ohio issues an alternative principal license with a minimum requirement of a bachelor's degree and a minimum GPA of 3.0. Applicants are required to have two or more years of teaching experience or five years of documented work experience in education, management, or administration.¹² To be issued this license, an individual must pay a fee of \$40 for the initial license and for renewal.¹³ This license is valid for one year and may be renewed twice.

Ohio also issues the Bright New Leaders alternative principal license. Under the Bright New Leaders Program, participants may earn a professional administrator license by completing a Master's of Business Administration from the Ohio State University Fisher College of Business and a one-year principal externship.¹⁴ The initial license and renewal fee is \$200.¹⁵ This license is valid for five years, and participants must commit to serving a minimum of three years as an educational administrator and leader of an underserved public school or school district in Ohio.

Pennsylvania also offers an alternative route for a principal certification. Under this alternative route, an individual may receive certification with a bachelor's degree and three years of experience in an educational setting related to the instruction process. Individuals must have an offer of employment as a principal, vice principal, or assistant principal from a public school and within two years of issuance pass an examination and either complete a graduate-level principal certification program or the Pennsylvania Inspired Leadership Induction Program. Since the certificate must be converted to a regular principal certificate, it appears to be for two years. It also appears to have the same fee of \$200.¹⁶

¹² R.C. 3319.27; O.A.C. 3302-24-11.

¹³ R.C. 3319.51; State Bd. of Education, [Licensure Fees](#).

¹⁴ R.C. 3319.272; O.A.C. 3302-24-10.

¹⁵ R.C. 3319.51; State Bd. of Education, [Licensure Fees](#).

¹⁶ 24 P.S. 12-1207.1; 22 Pa. Code 49.121; Pa. Dept. of Education, [Principal Certification Requirements](#).

Career-technical workforce development educator

Survey response for career-technical workforce development educator license (initial) (SBE)

Description

The 2-Year Provisional CTWD license may be issued at the request of an employing Ohio district or career-technical workforce development center, provided the candidate has met all of the following requirements:

- Earned a high school diploma or equivalent.
- Has a minimum of five years of full-time work experience in the requested teaching field.
- Enrolled in an approved CTWD educator preparation program.

Career-technical workforce development (CTWD) licenses are available for applicants who meet qualifications and have been hired to teach in Ohio schools or districts in grades 4-12. The 2-Year Provisional CTWD license may be issued at the request of an employing Ohio district or career-technical workforce development center.

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

License

| If the regulation is a registration, certification, or license requirement, please complete the following: | |
|--|---|
| Number issued annually | 386 |
| Number renewed annually | 122 |
| Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years? | |
| Education or training requirements | <p>Earned a high school diploma or equivalent.</p> <p>Has a minimum of five years of full-time work experience in the requested teaching field.</p> <p>Enrolled in an approved CTWD educator preparation program.</p> |
| 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>) | None |
| Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>) | |

| If the regulation is a registration, certification, or license requirement, please complete the following: | |
|--|--|
| Initial fee | \$80.00 |
| Duration | 2-year |
| Renewal fee <i>(If different from initial fee, please explain why.)</i> | |
| Does the Board recognize uniform licensure requirements or allow for reciprocity? | Licensure of educators is currently handled on the state level. Each state sets its own requirements for licensure and there is currently no national uniform licensure requirement for the State Board to recognize. |
| Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation? | Licensure of educators is currently handled on the state level. Each state sets its own requirements for licensure and there is currently no national uniform licensure requirement for the State Board to recognize. |
| 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? | Section 3319.65 of the Revised Code authorized the state board of education shall establish a credential review board. The credential review board shall carry out any functions assigned to it by the state board with respect to assessing individuals pursuing alternative routes to educator licensure and out of state educators seeking licensure in Ohio. |

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.

The State Board of Education has the legal authority under Revised Code sections [3319.311](#) and [3319.31](#) to investigate educator misconduct and take disciplinary action against educational license holders and applicants who engage in criminal conduct, immoral acts, incompetence, negligence, conduct that is unbecoming to the teaching profession, or other violations of law as set forth in 3319.31(B). Conduct unbecoming to the teaching profession is further defined by the [Licensure Code of Professional Conduct for Ohio Educators](#) which provides the framework for professional conduct for all licensed Ohio educators.

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 State Board of Education of Ohio allows for bundling discounts for educators being issued more than one credential simultaneously (for example, someone with a principal license maintaining their teaching licensure). Because of this, and the fact that credentials are paid for in a single transaction, it is not possible to disaggregate fees paid by credential type. All funds generated from obtaining a credential through the State Board of Education are deposited into the Teacher Licensure fund 4L20.

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

The Elementary and Secondary Education Act of 1965 (ESEA) as amended by the Every Student Succeeds Act (ESSA) requires teachers and paraprofessionals working in a program receiving federal funds to meet applicable State certification and licensure requirements, including any requirements for certification obtained through alternative routes to certification. Further, the Individuals with Disabilities Education Act (IDEA) and accompanying regulations require teachers providing special education to obtain full State certification as a special education teacher.

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

The State Board of Education is responsible for administering the ethical standards for licensed Ohio educators with the goal of ensuring that all Ohio students receive instruction from educators who are committed to providing a safe, supportive, and healthy school environment while also safeguarding the integrity of the profession. Acts of misconduct can cause direct harm to students whom, due to age, experience, and/or imbalance of power, may be particularly vulnerable to harm.

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

The role of Revised Code sections [3319.311](#) and [3319.31](#) is primarily to respond to misconduct that has already occurred and to ensure that educators who pose a risk to profession or the safety of students are removed from the profession either until they have achieved rehabilitation and can become relicensed or permanently depending on the nature of the offense. The educator disciplinary process is effective at mitigating risk in this manner. Less restrictive means would be unlikely to prevent or mitigate potential harm. The educator disciplinary process can also have a deterrence effect on future misconduct as all disciplinary actions are posted and viewable on our website.

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

Surrounding state comparison for career-technical workforce development educator (initial) (LSC) (as of August 23, 2024)

| Career-Technical Workforce Development Educator (Initial) | | | | | | |
|---|--|--|--|---------------------|---|---|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Type of regulation (Name of regulation) | License (Initial career-technical workforce development license) (R.C. 3319.229) | License (Workplace specialist I) (511 Ind. Admin. Code 17-1-2; Ind. Dept. of Education, Workplace Specialist) | License (Provisional certificate for occupation-based CTE) (16 Ky. Admin. Regs. 2:010 and 2:020) | No clear equivalent | License (Career and technical instructional I certificate) (24 P.S. 12-1204.2; 22 Pa. Code 49.142) | License (Initial CTE certificate) (W. Va. Bd. of Education policy 5202, section 10.5) |
| Education or training | High school diploma or equivalent and enrollment in a career-technical workforce development | High school diploma (511 Ind. Admin. Code 17-1-2) | High school diploma with required work experience and assessments (see below) or an associate's degree | N/A | 18 credit hours in an approved CTE preparation program, including at least three credits or 90 hours, or an | High school diploma or, dependent on content area, a degree from an accredited institution of |

| Career-Technical Workforce Development Educator (Initial) | | | | | | |
|---|---|---------|---|----------|---|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | <p>educator preparation program that (1) is approved by the Chancellor of Higher Education, (2) provides classroom support to the candidate, (3) includes at least three semesters of course work of the teaching of reading in the subject area, (4) is aligned with career-technical education and workforce development competencies developed by the Department of Education and Workforce, (5) uses a summative performance-based assessment</p> | | <p>in the occupation area in which the teacher candidate is seeking certification</p> <p><i>(16 Ky. Admin. Regs. 2:020)</i></p> | | <p>equivalent combination, regarding accommodations and adaptations for diverse learners in an inclusive setting and a bachelor's degree if the individual has less than 8,000 hours of experience in the occupational area to be taught</p> <p><i>(22 Pa. Code 49.142)</i></p> | <p>higher education (IHE) and one of the following:</p> <ul style="list-style-type: none"> Completion of a state approved CTE preparation program with a minimum 2.5 GPA and the recommendation of the designated official at the IHE through which the program was completed; A valid West Virginia professional teaching certificate with the years of work experience required under the CTE Endorsements |

| Career-Technical Workforce Development Educator (Initial) | | | | | | |
|---|--|--|---|----------|---|---|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | <p>developed by the program and aligned to the competencies to evaluate the candidate's knowledge and skills, and (6) consists of not less than 24 semester hours of course work (R.C. 3319.229)</p> | | | | | <p>and Testing Manual; or</p> <ul style="list-style-type: none"> ▪ A valid out-of-state CTE certificate in the specialization for which West Virginia licensure is requested and three years of successful out-of-state experience as an educator within the seven years immediately preceding the date of application (W. Va. Code R. 126-136-10) |
| Experience | At least five years of work experience, or the equivalent, in the subject area in | Must be at least 21 years of age Either 5,000 hours of occupational | For those who do not hold at least an associate's degree in the occupation area | N/A | A minimum of 8,000 hours (equivalent to four years full-time) wage- | Dependent upon the content area for which the certificate is being sought, additional |

| Career-Technical Workforce Development Educator (Initial) | | | | | | |
|---|---|---|---|----------|--|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | <p>which the applicant will teach</p> <p><i>(R.C. 3319.229)</i></p> | <p>experience in the last five years or 4,000 hours of occupational experience in the past ten years <i>and</i> one of the following</p> <p>(1) completion of an occupational competency test,</p> <p>(2) evidence of occupational licensure or occupational proficiency based on approved regional, state, or national board training and evaluation,</p> <p>(3) completion of an accredited two-year or higher degree in the specific certification area, or (4) completion of an apprenticeship or</p> | <p>in which the candidate is seeking certification, at least two years of occupational experience completed within the last five years</p> <p>A maximum of one year may be satisfied by completion of an approved occupation-based educator preparation program for the occupation to be taught</p> <p><i>(16 Ky. Admin. Regs. 2:020)</i></p> | | <p>earning experience in the occupational area to be taught or 4,000 hours (equivalent to two years) wage-earning experience plus a bachelor's degree</p> <p><i>(22 Pa. Code 49.142)</i></p> | <p>wage-earning experience or training, including an industry recognized credential may be required</p> <p><i>(W. Va. Code R. 126-136-10; W. Va. Dept. of Education, CTE Endorsement and Testing Manual (PDF))</i></p> |

| Career-Technical Workforce Development Educator (Initial) | | | | | | |
|---|--|--|--|----------|--|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | | internship program <i>(Ind. Dept. of Education, Workplace Specialist)</i> | | | | |
| Exam | N/A | Yes, if the applicant has only completed 4,000 hours of occupational experience in the past ten years and does not meet other criteria (see above) <i>(Ind. Dept. of Education, Workplace Specialist)</i> | Yes <i>(16 Ky. Admin. Regs. 6:020)</i> | N/A | Yes <i>(22 Pa. Code 49.142; 22 Pa. Code 49.18)</i> | Yes <i>(W. Va. Code R. 126-136-10; W. Va. Dept. of Education, CTE Endorsement and Testing Manual (PDF))</i> |
| Continuing education | Sufficient progress in the career-technical workforce development educator preparation program | N/A | For first renewal, (1) six semester hours of academic credit or its equivalent in professional learning from the New Teacher | N/A | Completion of the approved preparation program leading to the career and technical | Obtainment of the industry recognized credential required for renewal and one of the following: |

| Career-Technical Workforce Development Educator (Initial) | | | | | | |
|---|--|---------|---|----------|---|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | described in the “Education or training” section, as determined by the supervisor of the program <i>(R.C. 3319.229)</i> | | Institute (NTI), (2) completion of the first year of professional learning through the NTI, and (3) a recommendation for enrollment in KTIP For subsequent renewal, six semester hours of college credit from the degree program and four days of professional development <i>(16 Ky. Admin. Regs. 6:020; Ky. Rev. Stat. 156.095 and 158.070)</i> | | instructional II certificate <i>(22 Pa. Code 49.142)</i> | <ul style="list-style-type: none"> ▪ Six semester hours of appropriate college or university course work reflecting a 3.00 GPA; ▪ WVLeans courses through the WVDE; ▪ A minimum of a master’s degree and a minimum of a salary classification (professional or CTE) of an MA+30; or ▪ A minimum of 60 years of age <i>(W. Va. Code R. 126-136-10; W. Va. Dept. of Education, CTE Endorsement and</i> |

| Career-Technical Workforce Development Educator (Initial) | | | | | | |
|---|--|--|---|----------|---|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | | | | | | <u>Testing Manual (PDF)</u> |
| Initial licensure fee | \$80 (<i>State Bd. of Education, <u>Licensure Fees</u></i>) | \$71.72 (\$36.72 for the license and \$35 for an evaluation) (<i>511 Ind. Admin. Code 16-1-2; Ind. Dept. of Education, <u>Licensing Fees</u></i>) | No charge, but may be responsible for the cost of required exams (<i>16 Ky. Admin. Regs. 2:020; Div. of Educator Licensure and Quality, <u>Certification Fees</u></i>) | N/A | \$200 (<i>Pa. Dept. of Education, <u>Application Fees</u></i>) | \$35 (<i>W. Va. Dept. of Education, <u>Form V7 Application Instructions</u></i>) |
| License duration | Two years (<i>R.C. 3319.229</i>) | Two years (<i>Ind. Dept. of Education, <u>Workplace Specialist</u></i>) | One year; limited to five, one-year renewals for a total validity of six years (<i>16 Ky. Admin. Regs. 2:020</i>) | N/A | Eight years (<i>22 Pa. Code 49.142</i>) | Five years (<i>W. Va. Code R. 126-136-10</i>) |
| Renewal fee | N/A | \$36.72 (<i>511 Ind. Admin. Code 16-1-2</i>) | N/A | N/A | N/A | \$35 (<i>W. Va. Dept. of Education, <u>Form V7R Application Instructions</u></i>) |

Survey response for career-technical workforce development educator license (advanced) (SBE)

| Description | |
|---|-----|
| <ul style="list-style-type: none"> | |
| Type <i>(License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)</i> | |
| License | |
| If the regulation is a registration, certification, or license requirement, please complete the following: | |
| Number issued annually | 189 |
| Number renewed annually | 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? | |
| Education or training requirements | While working these individuals complete a 24-hour approved program through a college or university. |
| Experience requirements | This requirement is monitored by the Department of Education and Workforce. |
| 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 | \$200.00 |
| Duration | 5-year |
| Renewal fee (<i>If different from initial fee, please explain why.</i>) | |

| 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? | Licensure of educators is currently handled on the state level. Each state sets its own requirements for licensure and there is currently no national uniform licensure requirement for the State Board to recognize. |
| Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation? | Licensure of educators is currently handled on the state level. Each state sets its own requirements for licensure and there is currently no national uniform licensure requirement for the State Board to recognize. |
| 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? | Section 3319.65 of the Revised Code authorized the state board of education shall establish a credential review board. The credential review board shall carry out any functions assigned to it by the state board with respect to assessing individuals pursuing alternative routes to educator licensure and out of state educators seeking licensure in Ohio. |
| 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.

The State Board of Education has the legal authority under Revised Code sections [3319.311](#) and [3319.31](#) to investigate educator misconduct and take disciplinary action against educational license holders and applicants who engage in criminal conduct, immoral acts, incompetence, negligence, conduct that is unbecoming to the teaching profession, or other violations of law as set forth in 3319.31(B). Conduct unbecoming to the teaching profession is further defined by the [Licensure Code of Professional Conduct for Ohio Educators](#) which provides the framework for professional conduct for all licensed Ohio educators.

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 State Board of Education of Ohio allows for bundling discounts for educators being issued more than one credential simultaneously (for example, someone with a principal license maintaining their teaching licensure). Because of this, and the fact that credentials are paid for in a single transaction, it is not possible to disaggregate fees paid by credential type. All funds generated from obtaining a credential through the State Board of Education are deposited into the Teacher Licensure fund 4L20.

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

The Elementary and Secondary Education Act of 1965 (ESEA) as amended by the Every Student Succeeds Act (ESSA) requires teachers and paraprofessionals working in a program receiving federal funds to meet applicable State certification and licensure requirements, including any requirements for certification obtained through alternative routes to certification. Further, the Individuals with Disabilities Education Act (IDEA) and accompanying regulations require teachers providing special education to obtain full State certification as a special education teacher.

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

The State Board of Education is responsible for administering the ethical standards for licensed Ohio educators with the goal of ensuring that all Ohio students receive instruction from educators who are committed to providing a safe, supportive, and healthy school environment while also safeguarding the integrity of the profession. Acts of misconduct can cause direct harm to students whom, due to age, experience, and/or imbalance of power, may be particularly vulnerable to harm.

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

The role of Revised Code sections [3319.311](#) and [3319.31](#) is primarily to respond to misconduct that has already occurred and to ensure that educators who pose a risk to profession or the safety of students are removed from the profession either until they have achieved rehabilitation and can become relicensed or permanently depending on the nature of the offense. The educator disciplinary process is effective at mitigating risk in this manner. Less restrictive means would be unlikely to prevent or mitigate potential harm. The educator disciplinary process can also have a deterrence effect on future misconduct as all disciplinary actions are posted and viewable on our website.

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

Surrounding state comparison for career-technical workforce development educator license (advanced) (LSC) (as of August 23, 2024)

| Career-Technical Workforce Development Educator (Advanced) | | | | | | |
|--|--|--|--|---|---|---|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Type of regulation (Name of regulation) | License (Advanced career-technical workforce development license) (R.C. 3319.229) | License (Workplace specialist II) (511 Ind. Admin. Code 17-1-2; Ind. Dept. of Education, Workplace Specialist) | License (Professional certificate for occupation-based CTE education) (16 Ky. Admin. Regs. 2:010 and 2:020) | License (CTE endorsement) (Mich. Admin. Code R. 390.1161) | License (Career and technical instructional II certificate) (24 P.S. 12-1204.2; 22 Pa. Code 49.143) | License (Permanent CTE certificate) (W. Va. Code R. 126-136-10) |
| Education or training | High school diploma or equivalent and completion of a career-technical workforce development educator preparation program described in “Education or training” under “ Career-Technical Workforce Development ” | High school diploma, completion of the workplace specialist I teacher training, and a professional development plan (511 Ind. Admin. Code 17-1-2; Ind. Dept. of Education, Workplace Specialist) | An occupation-based degree or an approved occupation-based educator preparation degree Two years of professional learning through the New Teacher Institute (NTI) sponsored by the Kentucky Department of Education | A standard, professional, or advanced professional teaching certificate, complete a CTE preparation program including a minimum of six semester credit hours or equivalent of CTE course work | In addition to education required for the career and technical instructional I certificate, 42 credit hours including at least six credits or 180 hours, or an equivalent combination, regarding accommodations and adaptations | A master’s degree related to the public-school program (W. Va. Code R. 126-136-10; W. Va. Dept. of Education, CTE Endorsement and Testing Manual (PDF)) |

| Career-Technical Workforce Development Educator (Advanced) | | | | | | |
|--|---|---------|---|--|--|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | Educator (Initial), ” above (R.C. 3319.229) | | (16 Ky. Admin. Regs. 2:020) | (Mich. Admin. Code R. 390.1161 and 390.1167) | for students with disabilities in an inclusive setting and at least three credits or 90 hours, or an equivalent combination, in teaching English language learners, in an approved program in the appropriate field of CTE (22 Pa. Code 49.143) | |
| Experience | N/A | N/A | Completion of KTIP (16 Ky. Admin. Regs. 2:020) | Two years of recent and relevant experience, as defined by the superintendent of public instruction, in the area of endorsement (Mich. Admin. Code R. 390.1161) | Three years of satisfactory teaching on a career and technical instructional I certificate attested to by the chief school administrator of the approved public or nonpublic school | Hold or be eligible for the CTE certificate valid for five years, and one renewal of the CTE certificate Five years of professional educational experience including two within the specialization or |

| Career-Technical Workforce Development Educator (Advanced) | | | | | | |
|--|--|--|---|----------|---|---|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | | | | | entity in which the applicant most recently taught A two-year induction program approved by the Department of Education <i>(22 Pa. Code 49.143)</i> | specializations for which the permanent certificate is requested <i>(W. Va. Code R. 126-136-10; W. Va. Dept. of Education, CTE Endorsement and Testing Manual (PDF))</i> |
| Exam | Yes | Yes, the Test of Adult Basic Education (TABE) <i>(511 Ind. Admin. Code 17-1-2; Ind. Dept. of Education, Workplace Specialist)</i> | N/A | N/A | Yes <i>(22 Pa. Code 49.143; 22 Pa. Code 49.18)</i> | N/A |
| Continuing education | Work with a professional development committee | N/A | Six semester hours of course work or three years of successful teaching | N/A | N/A | N/A |

| Career-Technical Workforce Development Educator (Advanced) | | | | | | |
|--|--|---|--|--|--|---|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | (R.C. 3319.229 and 3319.22) | | experience completed by September 1 of the year of the expiration (16 Ky. Admin. Regs. 2:020 and 4:060) | | | |
| Initial licensure fee | \$200 (State Bd. of Education, Licensure Fees) | \$71.72 (\$36.72 for the license and \$35 for an evaluation) (511 Ind. Admin. Code 16-1-2; Ind. Dept. of Education, Licensing Fees) | \$85 (16 Ky. Admin. Regs. 2:020; Div. of Educator Licensure and Quality, Certification Fees) | \$50 (Mich. Dept. of Education, Certificate Evaluation Fees) | \$200 (Pa. Dept. of Education, Application Fees) | \$35 (W. Va. Dept. of Education, Form V35 Application Instructions) |
| License duration | Five years (R.C. 3319.229) | Five years (511 Ind. Admin. Code 17-1-2; Ind. Dept. of Education, Workplace Specialist) | Five years (16 Ky. Admin. Regs. 2:020) | N/A | Permanent (22 Pa. Code 49.143) | Permanent unless surrendered, suspended, or revoked (W. Va. Code R. 126-136-10) |

| Career-Technical Workforce Development Educator (Advanced) | | | | | | |
|--|---------------|---|--|----------|--------------|---------------|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Renewal fee | Not specified | \$36.72 <i>(511 Ind. Admin. Code 16-1-2)</i> | \$85 <i>(16 Ky. Admin. Regs. 2:020; Div. of Educator Licensure and Quality, Certification Fees)</i> | N/A | N/A | N/A |

Computer science teaching license for industry professionals

Survey response (SBE)

| Description |
|--|
| <p>A renewable forty-hour temporary computer science teaching license shall be issued to industry professionals at the request of the superintendent of a city, local, exempted village, joint vocational school district, educational service center, or the governing board of a chartered non-public school or community school to an individual who:</p> <ul style="list-style-type: none"> (1) Is deemed to be of good moral character; (2) Demonstrates, as verified by the employing school superintendent, five years of documented successful work experience or the equivalent in the area of computer science; and (3) Successfully completes the state board of education approved examination in the area of computer science. |

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

License

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

| | |
|---|--|
| Number issued annually | This license is not yet available |
| Number renewed annually | NA – This will be a new license |
| Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years? | NA |
| Education or training requirements | Demonstrates, as verified by the employing school superintendent, five years of documented successful work experience or the equivalent in the area of computer science; and successfully completes the state board of education approved examination in the area of computer science. |
| Experience requirements | Demonstrates, as verified by the employing school superintendent, five years of documented successful work experience or the equivalent in the area of computer science; and successfully completes the state board of education approved examination in the area of computer science. |

| 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>) | The Ohio Assessment for Educators is administered by Evaluation Systems of Pearson. The exam administrator was selected by the state board of education through the RFP process. The assessment was recommended by the Educator Standards Board for approval by the state board of education. |
| Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>) | |
| Initial fee | |
| Duration | |
| Renewal fee (<i>If different from initial fee, please explain why.</i>) | |
| Does the Board recognize uniform licensure requirements or allow for reciprocity? | Licensure of educators is currently handled on the state level. Each state sets its own requirements for licensure and there is currently no national uniform licensure requirement for the State Board to recognize. |
| Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation? | Licensure of educators is currently handled on the state level. Each state sets its own requirements for licensure and there is currently no national uniform licensure requirement for the State Board to recognize. |

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? | Section 3319.65 of the Revised Code authorized the state board of education shall establish a credential review board. The credential review board shall carry out any functions assigned to it by the state board with respect to assessing individuals pursuing alternative routes to educator licensure and out of state educators seeking licensure in Ohio. |
| 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.

The State Board of Education has the legal authority under Revised Code sections [3319.311](#) and [3319.31](#) to investigate educator misconduct and take disciplinary action against educational license holders and applicants who engage in criminal conduct, immoral acts, incompetence, negligence, conduct that is unbecoming to the teaching profession, or other violations of law as set forth in 3319.31(B). Conduct unbecoming to the teaching profession is further defined by the [Licensure Code of Professional Conduct for Ohio Educators](#) which provides the framework for professional conduct for all licensed Ohio educators.

**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 State Board of Education of Ohio allows for bundling discounts for educators being issued more than one credential simultaneously (for example, someone with a principal license maintaining their teaching licensure). Because of this, and the fact that credentials are paid for in a single transaction, it is not possible to disaggregate fees paid by credential type. All funds generated from obtaining a credential through the State Board of Education are deposited into the Teacher Licensure fund 4L20.

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

The Elementary and Secondary Education Act of 1965 (ESEA) as amended by the Every Student Succeeds Act (ESSA) requires teachers and paraprofessionals working in a program receiving federal funds to meet applicable State certification and licensure requirements, including any requirements for certification obtained through alternative routes to certification. Further, the Individuals with Disabilities Education Act (IDEA) and accompanying regulations require teachers providing special education to obtain full State certification as a special education teacher.

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

The State Board of Education is responsible for administering the ethical standards for licensed Ohio educators with the goal of ensuring that all Ohio students receive instruction from educators who are committed to providing a safe, supportive, and healthy school environment while also safeguarding the integrity of the profession. Acts of misconduct can cause direct harm to students whom, due to age, experience, and/or imbalance of power, may be particularly vulnerable to harm.

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

The role of Revised Code sections [3319.311](#) and [3319.31](#) is primarily to respond to misconduct that has already occurred and to ensure that educators who pose a risk to profession or the safety of students are removed from the profession either until they have achieved rehabilitation and can become relicensed or permanently depending on the nature of the offense. The educator disciplinary process is effective at mitigating risk in this manner. Less restrictive means would be unlikely to prevent or mitigate potential harm. The educator disciplinary process can also have a deterrence effect on future misconduct as all disciplinary actions are posted and viewable on our website.

Are there any changes the Board would like to see implemented?**Surrounding state comparison (LSC)**

The requirement to obtain a license for computer science teaching for industry professionals was enacted in H.B. 33 of the 135th General Assembly. As this licensure requirement is currently in the early stages of the implementation process, there is not enough information to include in the report.

Educational aide

Survey response (SBE)

| Description | |
|---|-------|
| These permits qualify an individual to perform educational assistant duties in a school, including the supervision of students and assistance with instructional tasks (in accordance with Ohio law). | |
| Type <i>(License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)</i> | |
| Permit | |
| If the regulation is a registration, certification, or license requirement, please complete the following: | |
| Number issued annually | 42764 |
| Number renewed annually | 28621 |

| 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 | This permit may be issued to an individual who holds a high school diploma or the equivalent. |
| 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>) | None |
| Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>) | |
| Initial fee | \$25.00 |
| Duration | Range from 1-year to 4-year |
| Renewal fee (<i>If different from initial fee, please explain why.</i>) | |

| 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? | Licensure of educators is currently handled on the state level. Each state sets its own requirements for licensure and there is currently no national uniform licensure requirement for the State Board to recognize. |
| Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation? | Licensure of educators is currently handled on the state level. Each state sets its own requirements for licensure and there is currently no national uniform licensure requirement for the State Board to recognize. |
| 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? | Section 3319.65 of the Revised Code authorized the state board of education shall establish a credential review board. The credential review board shall carry out any functions assigned to it by the state board with respect to assessing individuals pursuing alternative routes to educator licensure and out of state educators seeking licensure in Ohio. |
| 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.

The State Board of Education has the legal authority under Revised Code sections [3319.311](#) and [3319.31](#) to investigate educator misconduct and take disciplinary action against educational license holders and applicants who engage in criminal conduct, immoral acts, incompetence, negligence, conduct that is unbecoming to the teaching profession, or other violations of law as set forth in 3319.31(B). Conduct unbecoming to the teaching profession is further defined by the [Licensure Code of Professional Conduct for Ohio Educators](#) which provides the framework for professional conduct for all licensed Ohio educators.

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 State Board of Education of Ohio allows for bundling discounts for educators being issued more than one credential simultaneously (for example, someone with a principal license maintaining their teaching licensure). Because of this, and the fact that credentials are paid for in a single transaction, it is not possible to disaggregate fees paid by credential type. All funds generated from obtaining a credential through the State Board of Education are deposited into the Teacher Licensure fund 4L20.

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

The Elementary and Secondary Education Act of 1965 (ESEA) as amended by the Every Student Succeeds Act (ESSA) requires teachers and paraprofessionals working in a program receiving federal funds to meet applicable State certification and licensure requirements, including any requirements for certification obtained through alternative routes to certification. Further, the Individuals with Disabilities Education Act (IDEA) and accompanying regulations require teachers providing special education to obtain full State certification as a special education teacher.

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

The State Board of Education is responsible for administering the ethical standards for licensed Ohio educators with the goal of ensuring that all Ohio students receive instruction from educators who are committed to providing a safe, supportive, and healthy school environment while also safeguarding the integrity of the profession. Acts of misconduct can cause direct harm to students whom, due to age, experience, and/or imbalance of power, may be particularly vulnerable to harm.

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

The role of Revised Code sections [3319.311](#) and [3319.31](#) is primarily to respond to misconduct that has already occurred and to ensure that educators who pose a risk to profession or the safety of students are removed from the profession either until they have achieved rehabilitation and can become relicensed or permanently depending on the nature of the offense. The educator disciplinary process is effective at mitigating risk in this manner. Less restrictive means would be unlikely to prevent or mitigate potential harm. The educator disciplinary process can also have a deterrence effect on future misconduct as all disciplinary actions are posted and viewable on our website.

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

Surrounding state comparison (LSC) (as of August 27, 2024)

Ohio issues a permit for educational assistant positions. West Virginia licenses special education and behavioral support assistant teachers. In Kentucky, educational assistants are not licensed but there are state requirements to be employed in the position. Indiana and Pennsylvania do not have licenses or general requirements for educational assistants, and in Michigan there is no clear equivalent.

In Ohio, an individual may receive an educational aide permit if they hold a high school diploma or statement of equivalence and pay either \$25 for a one-year license or \$100 for a four-year license.¹⁷

In West Virginia, an individual may qualify for a temporary or permanent authorization to be a special education assistant teacher or a behavioral support assistant teacher. For a temporary authorization, an individual must hold a high school diploma or equivalent, or a degree through an accredited higher education institution, as applicable, and must agree to take required course work approved by the WVDE during the one-year authorization period. For a permanent authorization, an individual must have completed the course work required under the temporary authorization. Each authorization has an initial licensure fee of \$35. A temporary authorization may be renewed one time with the recommendation of the individual's employing county superintendent and payment of a \$35 renewal fee. A permanent authorization remains valid unless surrendered, suspended, or revoked.¹⁸

In Kentucky, instructional and noninstructional teachers' aides are not required to hold a license. However, Kentucky law does require teachers' aides to hold a high school diploma or an equivalent diploma. Additionally, school districts must give preference to applicants who have regular or emergency teacher certification.¹⁹

In Indiana, there is no licensure requirement for instructional or teacher assistants. Assistants working specifically in early childhood education may seek a Child Development Associate (CDA) credential recognized by the Council for Professional Recognition. To earn a CDA, a candidate must complete a high school diploma or equivalent, 120 hours of professional education, and 480 hours of work experience.²⁰

¹⁷ R.C. 3319.088; O.A.C. 3301-25-01 to 3301-25-05.

¹⁸ W. Va. Code R. 126-136-12.6, 126-136-12.7, 126-136-12.8, and 126-136-12.9; see also W. Va. Dept. of Education, [Application Forms](#).

¹⁹ Ky. Rev. Stat. 161.044.

²⁰ Ind. Dept. of Workforce Development, [Teacher Assistant](#) flyer.

There is no clear equivalent in Michigan. However, educational assistants who work in schools supported with Title I, Part A funds must meet the federal requirements.²¹

Under federal law, educational assistants and paraprofessionals working in Title I schools must meet certain requirements (have earned a high school diploma or equivalent and completed one of the following: (1) two years of study at an accredited institution of higher education, (2) an associate's degree or higher, or (3) passed a formal state or local academic assessment.²² Indiana has a waiver from the U.S. Department of Education and uses state-defined requirements. In Indiana, a paraprofessional can be determined to be highly qualified if they have one of the following: (1) two years of college experience, (2) a two-year college degree, (3) passed the ETS ParaPro Assessment within a year of employment, (4) one year or 1,000 hours of previous employment experience in a school or working with children, (5) passed annual school-level evaluations, (6) completed 48 credit hours of college level classes, (7) holds a Child Development Associate (CDA) credential, (8) completed school-required professional development modules or training, or (9) completed other requirements as approved by the Indiana Department of Education.²³

While Pennsylvania does not require a paraprofessional license, it does require all paraprofessionals to meet the same qualifications as required under federal law, as shown above. Pennsylvania also offers a voluntary credential of competency which paraprofessionals may complete to show that they are properly qualified.²⁴

Educator license validation in financial literacy

Under Ohio law, each school district must require an individual to have an educator license validation in financial literacy to provide financial literacy instruction. The licensure validation may be added to any valid educator license.²⁵ Although the validation is required to engage in the activity, it is not an “occupational regulation” and is beyond the scope of this report.

²¹ Michigan Dept. of Education, [Requirements for Instructional Paraprofessionals in Title I Schools](#).

²² Elementary and Secondary Education Act of 1965, 20 U.S.C. 6301, et seq.

²³ Indiana Dept. of Education, [Paraprofessional Requirements](#).

²⁴ 22 Pa. Code 14.105; see also the Pennsylvania Bureau of Special Education [Entry Level Credential of Competency for Special Education Paraprofessionals](#).

²⁵ R.C. 3319.238; O.A.C. 3301-24-30.

Forty-hour STEM or dropout recovery community school teaching permit

Survey response (SBE)

| Description | |
|--|----|
| 40-Hour Temporary teaching permits are available for non-licensed individuals who have a minimum of a bachelor's degree from an accredited university in OR significant work experience in the subject area to be taught and have been hired to teach in an Ohio school district, STEM school or dropout prevention and recovery community school. | |
| Type <i>(License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)</i> | |
| Permit | |
| If the regulation is a registration, certification, or license requirement, please complete the following: | |
| Number issued annually | 62 |
| Number renewed annually | 25 |

| 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 | Must have a minimum of a bachelor's degree from an accredited university in OR significant work experience in the subject area to be taught. |
| Experience requirements | Significant work experience in the subject area to be taught. |
| 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>) | |
| Initial fee | \$40.00 |
| Duration | 1-year |
| Renewal fee (<i>If different from initial fee, please explain why.</i>) | |

| 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? | Licensure of educators is currently handled on the state level. Each state sets its own requirements for licensure and there is currently no national uniform licensure requirement for the State Board to recognize. |
| Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation? | Licensure of educators is currently handled on the state level. Each state sets its own requirements for licensure and there is currently no national uniform licensure requirement for the State Board to recognize. |
| 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? | Section 3319.65 of the Revised Code authorized the state board of education shall establish a credential review board. The credential review board shall carry out any functions assigned to it by the state board with respect to assessing individuals pursuing alternative routes to educator licensure and out of state educators seeking licensure in Ohio. |
| 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.

The State Board of Education has the legal authority under Revised Code sections [3319.311](#) and [3319.31](#) to investigate educator misconduct and take disciplinary action against educational license holders and applicants who engage in criminal conduct, immoral acts, incompetence, negligence, conduct that is unbecoming to the teaching profession, or other violations of law as set forth in 3319.31(B). Conduct unbecoming to the teaching profession is further defined by the [Licensure Code of Professional Conduct for Ohio Educators](#) which provides the framework for professional conduct for all licensed Ohio educators.

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 State Board of Education of Ohio allows for bundling discounts for educators being issued more than one credential simultaneously (for example, someone with a principal license maintaining their teaching licensure). Because of this, and the fact that credentials are paid for in a single transaction, it is not possible to disaggregate fees paid by credential type. All funds generated from obtaining a credential through the State Board of Education are deposited into the Teacher Licensure fund 4L20.

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

The Elementary and Secondary Education Act of 1965 (ESEA) as amended by the Every Student Succeeds Act (ESSA) requires teachers and paraprofessionals working in a program receiving federal funds to meet applicable State certification and licensure requirements, including any requirements for certification obtained through alternative routes to certification. Further, the Individuals with Disabilities Education Act (IDEA) and accompanying regulations require teachers providing special education to obtain full State certification as a special education teacher.

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

The State Board of Education is responsible for administering the ethical standards for licensed Ohio educators with the goal of ensuring that all Ohio students receive instruction from educators who are committed to providing a safe, supportive, and healthy school environment while also safeguarding the integrity of the profession. Acts of misconduct can cause direct harm to students whom, due to age, experience, and/or imbalance of power, may be particularly vulnerable to harm.

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

The role of Revised Code sections [3319.311](#) and [3319.31](#) is primarily to respond to misconduct that has already occurred and to ensure that educators who pose a risk to profession or the safety of students are removed from the profession either until they have achieved rehabilitation and can become relicensed or permanently depending on the nature of the offense. The educator disciplinary process is effective at mitigating risk in this manner. Less restrictive means would be unlikely to prevent or mitigate potential harm. The educator disciplinary process can also have a deterrence effect on future misconduct as all disciplinary actions are posted and viewable on our website.

Are there any changes the Board would like to see implemented?**Surrounding state comparison (LSC) (as of August 23, 2024)**

Under Ohio law, 40-hour temporary teaching permits are available for individuals without an educator license to teach in a STEM (science, technology, engineering, mathematics) or dropout prevention and recovery community school. To be issued a 40-hour STEM or dropout recovery community school temporary teaching permit, an individual must (1) have at least a bachelor's degree or

evidence of significant experience, as verified by the employing district, in the subject to be taught and (2) pay a \$40 licensure fee. A 40-hour STEM or dropout recovery community school temporary teaching permit is valid for one year.²⁶

Indiana, Kentucky, Michigan, Pennsylvania, and West Virginia do not offer a comparable license.

Nonpublic school teacher or administrator certificate

Survey response (SBE)

| Description |
|---|
| <p>Valid for teaching, administration and supervision in Ohio chartered nonpublic schools. Candidates must have a minimum of a bachelor's degree conferred from an accredited college or university.</p> <p>Permanent Non-tax Certificates – Non-tax, Non-bachelor's Degree. Valid only for teaching world languages, music, religion, computer technology or fine arts in Ohio chartered non-public schools. The superintendent or chief administrative officer must verify candidates' qualifications to teach in the available teaching fields. A bachelor's degree is not required for this certificate.</p> <p>Permanent Non-tax Certificates – Non-chartered, Non-tax Supported Schools valid only for teaching in a non-chartered, non-tax supported school.</p> |
| Type <i>(License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)</i> |
| Certificate |

²⁶ R.C. 3319.301; O.A.C. 3301-23-41; State Bd. of Education, [Licensure Fees](#).

| If the regulation is a registration, certification, or license requirement, please complete the following: | |
|---|---|
| Number issued annually | 1362 |
| Number renewed annually | 0 |
| Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years? | |
| Education or training requirements | Candidates must have a minimum of a bachelor's degree from an accredited college or university or a diploma from a bible college or bible institute (except for non-tax, non-bachelor's degree certificates). |
| 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>) | No |
| Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>) | |

| If the regulation is a registration, certification, or license requirement, please complete the following: | |
|--|--|
| Initial fee | \$200.00 |
| Duration | permanent |
| Renewal fee <i>(If different from initial fee, please explain why.)</i> | |
| Does the Board recognize uniform licensure requirements or allow for reciprocity? | Licensure of educators is currently handled on the state level. Each state sets its own requirements for licensure and there is currently no national uniform licensure requirement for the State Board to recognize. |
| Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation? | Licensure of educators is currently handled on the state level. Each state sets its own requirements for licensure and there is currently no national uniform licensure requirement for the State Board to recognize. |
| 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? | Section 3319.65 of the Revised Code authorized the state board of education shall establish a credential review board. The credential review board shall carry out any functions assigned to it by the state board with respect to assessing individuals pursuing alternative routes to educator licensure and out of state educators seeking licensure in Ohio. |

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.

The State Board of Education has the legal authority under Revised Code sections [3319.311](#) and [3319.31](#) to investigate educator misconduct and take disciplinary action against educational license holders and applicants who engage in criminal conduct, immoral acts, incompetence, negligence, conduct that is unbecoming to the teaching profession, or other violations of law as set forth in 3319.31(B). Conduct unbecoming to the teaching profession is further defined by the [Licensure Code of Professional Conduct for Ohio Educators](#) which provides the framework for professional conduct for all licensed Ohio educators.

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 State Board of Education of Ohio allows for bundling discounts for educators being issued more than one credential simultaneously (for example, someone with a principal license maintaining their teaching licensure). Because of this, and the fact that credentials are paid for in a single transaction, it is not possible to disaggregate fees paid by credential type. All funds generated from obtaining a credential through the State Board of Education are deposited into the Teacher Licensure fund 4L20.

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

The Elementary and Secondary Education Act of 1965 (ESEA) as amended by the Every Student Succeeds Act (ESSA) requires teachers and paraprofessionals working in a program receiving federal funds to meet applicable State certification and licensure requirements, including any requirements for certification obtained through alternative routes to certification. Further, the Individuals with Disabilities Education Act (IDEA) and accompanying regulations require teachers providing special education to obtain full State certification as a special education teacher.

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

The State Board of Education is responsible for administering the ethical standards for licensed Ohio educators with the goal of ensuring that all Ohio students receive instruction from educators who are committed to providing a safe, supportive, and healthy school environment while also safeguarding the integrity of the profession. Acts of misconduct can cause direct harm to students whom, due to age, experience, and/or imbalance of power, may be particularly vulnerable to harm.

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

The role of Revised Code sections [3319.311](#) and [3319.31](#) is primarily to respond to misconduct that has already occurred and to ensure that educators who pose a risk to profession or the safety of students are removed from the profession either until they have achieved rehabilitation and can become relicensed or permanently depending on the nature of the offense. The educator disciplinary process is effective at mitigating risk in this manner. Less restrictive means would be unlikely to prevent or mitigate potential harm. The educator disciplinary process can also have a deterrence effect on future misconduct as all disciplinary actions are posted and viewable on our website.

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

Surrounding state comparison (LSC) (as of August 6, 2024)

Ohio issues a permanent nontax certificate license to teach in either a chartered or nonchartered nonpublic school. Generally, to teach in a chartered nonpublic school, an individual must have a minimum of a bachelor's degree conferred from an accredited college or university. However, to teach foreign language, music, religion, computer technology, or fine arts at a nonpublic school, an applicant may have either (1) specialized knowledge, skills, or expertise that qualifies the individual to provide instruction, (2) at least three years of teaching experience in a public or nonpublic school, or (3) completion of a teacher training program. For all other teacher certificates, an applicant must have at least a bachelor's degree from a college or university accredited by a national or regional association in the U.S. or, at the discretion of the State Board of Education, an equivalent degree from a foreign college or university of comparable standing. For teacher certificates for teaching at nonchartered, nontax-supported schools, an individual must have either (1) a bachelor's degree from a college or university accredited by a national or regional association in the U.S. or, at the discretion of the State Board, an equivalent degree from a foreign college or university of comparable standing or (2) a diploma from a Bible college or Bible institute.²⁷ To be issued a nontax certificate, an individual must pay a \$200 fee for the initial license and for a renewal.²⁸

Pennsylvania issues a similar license called a private academic teaching certificate. An applicant must (1) have a bachelor's degree, (2) submit, if applicable, documentary evidence of past teaching experience, and (3) pay a \$175 license fee.²⁹ This license does not expire.

²⁷ R.C. 3301.071.

²⁸ R.C. 3319.51; State Bd. of Education, [Licensure Fees](#).

²⁹ 22 Pa. Code 51.34; Pa. Dept. of Education, [Application Fees](#).

Out-of-state educator license

Survey response (SBE)

| Description | |
|--|-----|
| Candidates who completed an out-of-state licensure program should review the information on this page regarding Ohio's licensure requirements and the online application process. Candidates must submit the online application and all required documentation in order to begin the evaluation process and determine eligibility for an Ohio license. | |
| Type <i>(License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)</i> | |
| License | |
| If the regulation is a registration, certification, or license requirement, please complete the following: | |
| Number issued annually | 213 |
| 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? | |
| Education or training requirements | <ul style="list-style-type: none"> • A bachelor's degree • Completed an approved, traditional teacher preparation program through an accredited college or university • Hold a valid, standard out-of-state teaching license and need to complete the initial reading or phonics coursework requirements for Ohio licensure |
| 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>) | No |
| Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>) | |
| Initial fee | \$40.00 |

| If the regulation is a registration, certification, or license requirement, please complete the following: | |
|--|--|
| Duration | 1-year |
| Renewal fee <i>(If different from initial fee, please explain why.)</i> | |
| Does the Board recognize uniform licensure requirements or allow for reciprocity? | Licensure of educators is currently handled on the state level. Each state sets its own requirements for licensure and there is currently no national uniform licensure requirement for the State Board to recognize. |
| Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation? | Licensure of educators is currently handled on the state level. Each state sets its own requirements for licensure and there is currently no national uniform licensure requirement for the State Board to recognize. |
| 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? | Section 3319.65 of the Revised Code authorized the state board of education shall establish a credential review board. The credential review board shall carry out any functions assigned to it by the state board with respect to assessing individuals pursuing alternative routes to educator licensure and out of state educators seeking licensure in Ohio. |
| 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.

The State Board of Education has the legal authority under Revised Code sections [3319.311](#) and [3319.31](#) to investigate educator misconduct and take disciplinary action against educational license holders and applicants who engage in criminal conduct, immoral acts, incompetence, negligence, conduct that is unbecoming to the teaching profession, or other violations of law as set forth in 3319.31(B). Conduct unbecoming to the teaching profession is further defined by the [Licensure Code of Professional Conduct for Ohio Educators](#) which provides the framework for professional conduct for all licensed Ohio educators.

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 State Board of Education of Ohio allows for bundling discounts for educators being issued more than one credential simultaneously (for example, someone with a principal license maintaining their teaching licensure). Because of this, and the fact that credentials are paid for in a single transaction, it is not possible to disaggregate fees paid by credential type. All funds generated from obtaining a credential through the State Board of Education are deposited into the Teacher Licensure fund 4L20.

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

The Elementary and Secondary Education Act of 1965 (ESEA) as amended by the Every Student Succeeds Act (ESSA) requires teachers and paraprofessionals working in a program receiving federal funds to meet applicable State certification and licensure requirements, including any requirements for certification obtained through alternative routes to certification. Further, the Individuals with Disabilities Education Act (IDEA) and accompanying regulations require teachers providing special education to obtain full State certification as a special education teacher.

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

The State Board of Education is responsible for administering the ethical standards for licensed Ohio educators with the goal of ensuring that all Ohio students receive instruction from educators who are committed to providing a safe, supportive, and healthy school environment while also safeguarding the integrity of the profession. Acts of misconduct can cause direct harm to students whom, due to age, experience, and/or imbalance of power, may be particularly vulnerable to harm.

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

The role of Revised Code sections [3319.311](#) and [3319.31](#) is primarily to respond to misconduct that has already occurred and to ensure that educators who pose a risk to profession or the safety of students are removed from the profession either until they have achieved rehabilitation and can become relicensed or permanently depending on the nature of the offense. The educator disciplinary process is effective at mitigating risk in this manner. Less restrictive means would be unlikely to prevent or mitigate potential harm. The educator disciplinary process can also have a deterrence effect on future misconduct as all disciplinary actions are posted and viewable on our website.

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

Surrounding state comparison (LSC) (as of August 1, 2024)

| Out-of-State Educator | | | | | | |
|--|--|---|---|--|---------------------|---------------------|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Type of regulation (Name of regulation) | License (Out-of-state educator license) <i>(R.C. 3319.22; O.A.C. 3302-24-05)</i> | License (Indiana reciprocal permit) <i>(511 Ind. Admin. Code 16-2-4; Ind. Code 20-28-5-5)</i> | License (Temporary certificate) <i>(16 Ky. Admin. Regs. 2:010; Ky. Rev. Stat. 161.030)</i> | License (Temporary teaching certificate) <i>(Mich. Comp. Laws 380.1531; Mich. Dept. of Education, Out-of-State Applicants)</i> | No clear equivalent | No clear equivalent |
| Education or training | Bachelor's degree Approved teacher preparation program For educators requesting an early childhood, primary, middle childhood, intervention specialist, early childhood intervention specialist, or primary intervention specialist license, | A degree from an accredited institution outside Indiana and documentation that requirements commensurate to Indiana's requirements have been met A valid, unexpired teaching license or certificate of eligibility issued by another state, but that does not meet certain | Bachelor's or master's/graduate degree Completion of a state approved teacher preparation program at a regionally accredited educator preparation institution or a state-approved alternative training program | A teaching certificate from another state and meets the requirements for a Michigan teaching certificate, but has not attained a passing score on appropriate exams <i>(Mich. Comp. Laws 380.1531; Mich. Dept. of Education, Out-of-State Applicants)</i> | N/A | N/A |

| Out-of-State Educator | | | | | | |
|-----------------------|---|--|--|----------|--------------|---------------|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | at least six of the required 12 semester hours of course work in the teaching of reading (the remaining course work requirement will be listed as a limitation on the license and must be completed before the out-of-state license expiration date) (O.A.C. 3302-24-05) | technical requirements for an Indiana teaching license (511 Ind. Admin. Code 16-2-4; Ind. Code 20-28-5-5; Ind. Dept. of Education, Out-of-State Preparatory Program) | A teaching certificate from another state (16 Ky. Admin. Regs. 2:010; Educational Standards Bd., Div. of Educator Licensure and Quality) | | | |
| Experience | Valid out-of-state standard teaching license (O.A.C. 3302-24-05) | N/A | N/A | No | N/A | N/A |
| Exam | N/A | No (Ind. Dept. of Education, Out-of-State Preparatory Program) | For an individual with two years of experience or more, N/A | No | N/A | N/A |

| Out-of-State Educator | | | | | | |
|-----------------------|---|--|--|---|--------------|---------------|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | | | For an individual with less than two years of experience, yes <i>(Ky. Rev. Stat. 161.030; Educational Professional Standards Bd., Div. of Educator Licensure and Quality)</i> | | | |
| Continuing education | N/A | Renewable based on evidence of annual progress toward fulfillment of deficiencies <i>(511 Ind. Admin. Code 16-2-4)</i> | N/A | N/A | N/A | N/A |
| Initial licensure fee | \$40 <i>(R.C. 3319.51; State Bd. of Education, Licensure Fees)</i> | \$71.72 (\$36.72 for the license and \$35 for an evaluation) Additional fees may be required <i>(511 Ind. Admin. Code 16-1-2; Ind.</i> | No charge <i>(Educational Professional Standards Bd., Certification Fees)</i> | \$210 <i>(Mich. Dept. of Education, Certificate Evaluation Fees and Out-of-State Applicants)</i> | N/A | N/A |

| Out-of-State Educator | | | | | | |
|-----------------------|--|---|---|--|--------------|---------------|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | | <i>Dept. of Education, Licensing Fees</i> | | | | |
| License duration | One year, nonrenewable (O.A.C. 3302-24-05) | One year (511 Ind. Admin. Code 16-2-4) | Up to six months, not to exceed the end of the semester in which the certificate is issued (16 Ky. Admin. Regs. 2:010) | One year, nonrenewable (Mich. Comp. Laws 380.1531; Mich. Dept. of Education, Out-of- State Applicants) | N/A | N/A |
| Renewal fee | N/A | \$36.72 (511 Ind. Admin. Code 16-1-2) | N/A | N/A | N/A | N/A |

Pre-service teacher

Survey response (SBE)

| Description |
|--|
| Students enrolled in a course that is part of an educator preparation program leading to an Ohio teaching license AND will be in an Ohio P-12 classroom as part of that course are required to obtain the 3-Year Pre-Service Teacher Permit. |

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

Permit

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

| | |
|---|---|
| Number issued annually | 10442 (2024-2025) |
| Number renewed annually | N/A |
| Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years? | Significant Increase over the preceding six years due to new legislation. |
| Education or training requirements | Enrolled in an Ohio Educator Preparation Program |
| Experience requirements | NA |

| 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>) | NA |
| Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>) | |
| Initial fee | \$75.00 |
| Duration | 3-years |
| Renewal fee (<i>If different from initial fee, please explain why.</i>) | |
| Does the Board recognize uniform licensure requirements or allow for reciprocity? | NA |
| Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation? | NA |

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

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

The State Board of Education has the legal authority under Revised Code sections [3319.311](#) and [3319.31](#) to investigate educator misconduct and take disciplinary action against educational license holders and applicants who engage in criminal conduct, immoral acts, incompetence, negligence, conduct that is unbecoming to the teaching profession, or other violations of law as set forth in 3319.31(B). Conduct unbecoming to the teaching profession is further defined by the [Licensure Code of Professional Conduct for Ohio Educators](#) which provides the framework for professional conduct for all licensed Ohio educators.

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 State Board of Education of Ohio allows for bundling discounts for educators being issued more than one credential simultaneously (for example, someone with a principal license maintaining their teaching licensure). Because of this, and the fact that credentials are paid for in a single transaction, it is not possible to disaggregate fees paid by credential type. All funds generated from obtaining a credential through the State Board of Education are deposited into the Teacher Licensure fund 4L20.

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

The Elementary and Secondary Education Act of 1965 (ESEA) as amended by the Every Student Succeeds Act (ESSA) requires teachers and paraprofessionals working in a program receiving federal funds to meet applicable State certification and licensure requirements, including any requirements for certification obtained through alternative routes to certification. Further, the Individuals with Disabilities Education Act (IDEA) and accompanying regulations require teachers providing special education to obtain full State certification as a special education teacher.

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

The State Board of Education is responsible for administering the ethical standards for licensed Ohio educators with the goal of ensuring that all Ohio students receive instruction from educators who are committed to providing a safe, supportive, and healthy school environment while also safeguarding the integrity of the profession. Acts of misconduct can cause direct harm to students whom, due to age, experience, and/or imbalance of power, may be particularly vulnerable to harm.

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

The role of Revised Code sections [3319.311](#) and [3319.31](#) is primarily to respond to misconduct that has already occurred and to ensure that educators who pose a risk to profession or the safety of students are removed from the profession either until they have achieved rehabilitation and can become relicensed or permanently depending on the nature of the offense. The educator disciplinary process is effective at mitigating risk in this manner. Less restrictive means would be unlikely to prevent or mitigate potential harm. The educator disciplinary process can also have a deterrence effect on future misconduct as all disciplinary actions are posted and viewable on our website.

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

Surrounding state comparison (LSC) (as of August 14, 2024)

| Pre-service Teacher | | | | | | |
|--|---|---------------------|-----------------------------------|---------------------|--|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Type of regulation (Name of regulation) | License (Pre-service teaching permit) <i>(R.C. 3319.0812)</i> | No clear equivalent | No clear equivalent ³⁰ | No clear equivalent | License (Substitute teaching permit for prospective teachers) | License (Clinical experience permit) <i>(W. Va. Bd. of Education policy)</i> |

³⁰ It appears as though a student teacher may qualify for an emergency substitute teaching certificate discussed above.

| Pre-service Teacher | | | | | | |
|-----------------------|--|---------|----------|----------|--|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | | | | | (24 P.S. 12-1201.1) | 5202, sections 4.23 and 11.7) |
| Education or training | Enrollment in an educator preparation program <i>(R.C. 3319.0812; State Bd. of Education, Pre-service Teacher Permit)</i> | N/A | N/A | N/A | Enrollment in a teacher preparation program in a Pennsylvania college or university Completion of at least 60 semester hours or the equivalent of courses <i>(24 P.S. 12-1201.1)</i> | Enrollment and in good standing in an approved preparation program or in an out-of-state accredited institution of higher education Satisfied the state-specific program requirements for the area in which the individual is seeking licensure prior to clinical placement <i>(W. Va. Bd. of Education policy 5202, section 11.7)</i> |
| Experience | N/A | N/A | N/A | N/A | N/A | N/A |

| Pre-service Teacher | | | | | | |
|-----------------------|---|---------|----------|----------|---|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Exam | N/A | N/A | N/A | N/A | N/A | Yes <i>(W. Va. Bd. of Education policy 5202, section 11.7)</i> |
| Continuing education | N/A | N/A | N/A | N/A | 15 credit hours or equivalent from a Pennsylvania college or university Continued enrollment in a Pennsylvania college or university <i>(24 P.S. 12-1201.1)</i> | N/A |
| Initial licensure fee | \$75 <i>(R.C. 3319.51; State Bd. of Education, Licensure Fees)</i> | N/A | N/A | N/A | N/A | \$35 <i>(W. Va. Dept. of Education, Initial Application; W. Va. Bd. of Education policy 5202, section 11.7)</i> |

| Pre-service Teacher | | | | | | |
|---------------------|---|---------|----------|----------|---------------------------------|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| License duration | Three years, may be extended by the State Board on a case-by-case basis (R.C. 3319.0812) | N/A | N/A | N/A | One year (24 P.S. 12-1201.1) | One school year (W. Va. Bd. of Education policy 5202, section 11.7) |
| Renewal fee | N/A | N/A | N/A | N/A | N/A | N/A |

Professional administrator

Survey response (SBE)

| Description |
|--|
| The professional administrator license shall be issued to an individual who holds a master's degree, who is deemed to be of good moral character, who has successfully completed an approved program of preparation for the licensure area sought, and who has been recommended by the dean or head of teacher education at an institution approved to prepare administrators, who has successfully completed an examination prescribed by the state board of education, |

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

License

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

| | |
|---|--|
| Number issued annually | 5407 |
| Number renewed annually | 4164 |
| Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years? | |
| Education or training requirements | A Master's degree from an accredited university |
| Experience requirements | Two years successful teaching experience under a professional teaching license or work experience under a professional pupil services license. |

| 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>) | The Ohio Assessment for Educators is administered by Evaluation Systems of Pearson. The exam administrator was selected by the state board of education through the RFP process. The assessment was recommended by the Educator Standards Board for approval by the state board of education. |
| Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>) | Six semester hours of coursework related to classroom teaching and/or the area of licensure as approved by the local professional development committee or 18 CEUs or other equivalent activities related to classroom teaching and/or the area of licensure as approved by the local professional development committee |
| Initial fee | \$200.00 |
| Duration | 5-year |
| Renewal fee (<i>If different from initial fee, please explain why.</i>) | |
| Does the Board recognize uniform licensure requirements or allow for reciprocity? | Licensure of educators is currently handled on the state level. Each state sets its own requirements for licensure and there is currently no national uniform licensure requirement for the State Board to recognize. |
| Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation? | Licensure of educators is currently handled on the state level. Each state sets its own requirements for licensure and there is currently no national uniform licensure requirement for the State Board to recognize. |

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? | Section 3319.65 of the Revised Code authorized the state board of education shall establish a credential review board. The credential review board shall carry out any functions assigned to it by the state board with respect to assessing individuals pursuing alternative routes to educator licensure and out of state educators seeking licensure in Ohio. |
| 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.

The State Board of Education has the legal authority under Revised Code sections [3319.311](#) and [3319.31](#) to investigate educator misconduct and take disciplinary action against educational license holders and applicants who engage in criminal conduct, immoral acts, incompetence, negligence, conduct that is unbecoming to the teaching profession, or other violations of law as set forth in 3319.31(B). Conduct unbecoming to the teaching profession is further defined by the [Licensure Code of Professional Conduct for Ohio Educators](#) which provides the framework for professional conduct for all licensed Ohio educators.

**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 State Board of Education of Ohio allows for bundling discounts for educators being issued more than one credential simultaneously (for example, someone with a principal license maintaining their teaching licensure). Because of this, and the fact that credentials are paid for in a single transaction, it is not possible to disaggregate fees paid by credential type. All funds generated from obtaining a credential through the State Board of Education are deposited into the Teacher Licensure fund 4L20.

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

The Elementary and Secondary Education Act of 1965 (ESEA) as amended by the Every Student Succeeds Act (ESSA) requires teachers and paraprofessionals working in a program receiving federal funds to meet applicable State certification and licensure requirements, including any requirements for certification obtained through alternative routes to certification. Further, the Individuals with Disabilities Education Act (IDEA) and accompanying regulations require teachers providing special education to obtain full State certification as a special education teacher.

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

The State Board of Education is responsible for administering the ethical standards for licensed Ohio educators with the goal of ensuring that all Ohio students receive instruction from educators who are committed to providing a safe, supportive, and healthy school environment while also safeguarding the integrity of the profession. Acts of misconduct can cause direct harm to students whom, due to age, experience, and/or imbalance of power, may be particularly vulnerable to harm.

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

The role of Revised Code sections [3319.311](#) and [3319.31](#) is primarily to respond to misconduct that has already occurred and to ensure that educators who pose a risk to profession or the safety of students are removed from the profession either until they have achieved rehabilitation and can become relicensed or permanently depending on the nature of the offense. The educator disciplinary process is effective at mitigating risk in this manner. Less restrictive means would be unlikely to prevent or mitigate potential harm. The educator disciplinary process can also have a deterrence effect on future misconduct as all disciplinary actions are posted and viewable on our website.

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

Surrounding state comparison (LSC) (as of August 19, 2024)

| Administrators, Principals, and Superintendents | | | | | | |
|---|---|--|--|--|--|---|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Type of regulation (Name of regulation) | License (Professional administrator license-professional principal, administrative | License (Building level administrator and district level administrator: superintendent) | License (Professional certificate for advanced education leader-school principal and school superintendent) | License (School administrator certificate-traditional pathway) (Mich. Comp. Laws 380.1536; | License (Administrator certificate and letter of eligibility) (24 P.S. 12-1207.1; 22 Pa. Code 49.121 and 49.172) | License (Permanent professional administrative certificate (can be endorsed for principal, vocational administrator, |

| Administrators, Principals, and Superintendents | | | | | | |
|---|---|---|---|---|---|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | specialist, and superintendent) <i>(R.C. 3319.22; O.A.C. 3302-24-05)</i> | <i>(511 Ind. Admin. Code 15-6-28 and 15-6-29)</i> | <i>(16 Ky. Admin. Regs. 3:090)</i> | <i>Mich. Admin. Code R. 380.104)</i> | | superintendent, or supervisor of instruction)) <i>(W. Va. Code 18A-2-9 and 18A-3-2a)</i> |
| Education or training | Master's degree Approved program of preparation for the licensure area For an urban principal endorsement (which may be added to a professional principal license), extensive structured internship on effective urban leadership practices <i>(O.A.C. 3302-24-05)</i> | For a building level administrator, master's degree and successful completion of an approved building level administration program For a district level administrator: superintendent, successful completion of (1) an Ed. S or higher at an institution of higher education and (2) an approved district administrator: | For a principal, master's degree in subject field approved by the Educator Preparation Standards Board (EPSB), completion of Advanced Education Leaders Program, completion of the Kentucky Principal Internship Program For a superintendent, level II school principal certification, master's degree in subject field approved by the | Master's degree or higher For a certificate with a pre-K to 12 endorsement, completion of an approved school administrator preparation program at least at the master's degree level, with at least 18 semester hours of graduate credit in pre-K to 12 school administration For a certificate with a central office endorsement, completion of at least 21 semester | For an administrator certificate, completion of an approved Pennsylvania program of graduate study or approved alternate program For a letter of eligibility for a district superintendent or an assistant district superintendent, completion of a Pennsylvania-approved graduate level program of educational administrative | Holds at least a master's degree from an accredited institution of higher education Completion of an approved program for administrative certification and education and training in evaluation skills through the Center for Professional Development, or equivalent education and training Six credit hours of approved course |

| Administrators, Principals, and Superintendents | | | | | | |
|---|---|--|---|--|--|---|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | | superintendent program CPR certificate and Suicide Prevention Training certificate <i>(511 Ind. Admin. Code 15-6-28 and 15-6-29; Ind. Dept. of Education, Administrative Licenses)</i> | EPSB, and completion of an accredited superintendent preparation program <i>(16 Ky. Admin. Regs. 3:090 and 7:020; Ky. Rev. Stat. 161.027)</i> | hours of credit at the post-master's degree level in an approved school administrator preparation program <i>(Mich. Admin. Code R. 380.104)</i> | study for the preparation of chief school administrators or through an out-of-state graduate-level program equivalent <i>(22 Pa. Code 49.121 and 49.172)</i> | work in public school instructional leadership and management technique at an accredited institution of higher education <i>(W. Va. Code 18A-2-9 and 18A-3-2a)</i> |
| Experience | For a professional principal or administrative specialist license, either two years of teaching under a professional, standard teacher license or two years of work experience under a professional pupil services license (this option is required | Holds an initial, standard, provisional, proficient, or accomplished practitioner license Minimum of two years of experience as a teacher <i>(511 Ind. Admin. Code 15-6-28 and 15-6-29; Ind.</i> | For a principal, Kentucky teaching certificate and three years of teaching experience For a superintendent, two years of experience as a school principal <i>(16 Ky. Admin. Regs. 3:090 and</i> | N/A | For an administrative certificate, minimum of three years of instructional or student support experience completed in a public or private pre-K to 12 school or accredited institution of higher education | For a professional administrative certificate, three years of management-level experience To convert an initial professional administrative certificate into a permanent professional administrative certificate, five |

| Administrators, Principals, and Superintendents | | | | | | |
|---|---|--|--|----------|--|---|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | <p>for a pupil services administrative license)</p> <p>For a superintendent license, three years of experience as a licensed professional principal or administrative specialist</p> <p>(O.A.C. 3302-24-05)</p> | <p><i>Dept. of Education, Administrative Licenses</i></p> | <p>7:020; Ky. Rev. Stat. 161.027)</p> | | <p>For a letter of eligibility for a district superintendent, six years of certified service in the basic K-12 schools, including at least three years of satisfactory certified service in supervisory or administrative positions</p> <p>(22 Pa. Code 49.121 and 49.172)</p> | <p>years of educational experience, two years of which must be in any specialization reflected on the Professional Administrative Certificate, and one year of which must be completed in a West Virginia public school or in an accredited nonpublic school</p> <p>(W. Va. Bd. of Education policy 5202, section 10.2.c)</p> |
| Exam | <p>Yes</p> <p>(O.A.C. 3302-24-05; State Bd. of Education, Educator Licensure Testing)</p> | <p>Yes</p> <p>(511 Ind. Admin. Code 15-6-28, 15-6-29, and 15-7-2; Ind. Dept. of Education,</p> | <p>Yes</p> <p>(Ky. Rev. Stat. 161.027)</p> | N/A | <p>For administrative certificate, yes</p> <p>For a letter of eligibility, no</p> <p>(22 Pa. Code 49.121 and 49.18)</p> | No |

| Administrators, Principals, and Superintendents | | | | | | |
|---|--|---|---|---|---|---------------|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | <u>Requirements (PDF)</u> | <u>Administrative Licenses</u> | | | | |
| Continuing education | Six semester hours or 18 continuing education units (180 contact hours) (O.A.C. 3302-24-08) | 90-point Professional Growth Plan (PGP), six hours of college course work, or meeting National Board of Professional Teaching Standards certification requirements (511 Ind. Admin. Code 14-2-3; Ind. Dept. of Education, <u>Current Indiana Educator to Renew a License</u>) | For a principal and superintendent, initial licensure places individual at Level I; first renewal requires completion of a Level II program; thereafter, at least two years of experience in advanced educational leader position and completion of either three semester hours of approved graduate program credit or 42 hours of approved trainings (Ky. Rev. Stat. 3:090) For a principal, the first renewal | 150 hours of any combination of education-related professional learning hours (Mich. Admin. Code R. 380.109) | Completion of one of the following within a five-year period: <ul style="list-style-type: none"> ▪ Six credits of collegiate study; ▪ Six credits of continuing professional education courses; ▪ 180 hours of continuing professional education programs, activities, or learning experiences; or ▪ Any combination of collegiate studies, continuing professional | N/A |

| Administrators, Principals, and Superintendents | | | | | | |
|---|------|---------|--|----------|---|---------------|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | | | requires completion of either 15 semester hours of approved graduate program credit or completion of the continuing education option for rank change; the second renewal requires completion of the approved fifth-year program of preparation or completion of the continuing education option for rank change; thereafter, renewal requires completion of three years of successful teaching experience or at least six semester hours of credit | | education courses, or other programs, activities, or learning experiences equivalent to 180 hours (24 P.S. 12-1205.2; 22 Pa. Code 49.11) | |

| Administrators, Principals, and Superintendents | | | | | | |
|---|--|--|--|---|--|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | | | (16 Ky. Admin. Regs. 2:010, 4:060, 8:020, and 8:030) | | | |
| Initial licensure fee | \$200 (R.C. 3319.51; State Bd. of Education, Licensure Fees) | \$71.72 (\$36.72 for the license and \$35 for an evaluation) (511 Ind. Admin. Code 16-1-2; Ind. Dept. of Education, Licensing Fees) | \$85 (16 Ky. Admin. Regs. 4:040) | \$160 for in-state applicant \$210 for out-of-state applicant (Mich. Comp. Laws 380.1538) | \$200 (if program is completed in Pennsylvania) \$260 (if program is completed in another state) (Pa. Dept. of Education, Application Fees) | \$35 (W. Va. Dept. of Education, Summary of Application Requirements) |
| License duration | Five years (O.A.C. 3302-24-08) | Five years, but can increase to ten years with 60 additional hours of graduate course work and two years of administrative experience in a school (511 Ind. Admin. Code 14-1-1, 14-3-1, and 14-4-1; Ind. Dept. of | Five years (16 Ky. Admin. Regs. 2:010) | Five years (Mich. Admin. Code R. 380.107) | Five years (22 Pa. Code 49.11) | Valid unless surrendered, suspended, or revoked (W. Va. Bd. of Education policy 5202, section 10.2.c) |

| Administrators, Principals, and Superintendents | | | | | | |
|---|--|--|--|---|--------------|---------------|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | | <i>Education, Educator Licensing and Renew and Professionalize</i> | | | | |
| Renewal fee | \$200 <i>(R.C. 3319.51; State Bd. of Education, Licensure Fees)</i> | \$36.72 <i>(511 Ind. Admin. Code 16-1-2)</i> | \$85 <i>(16 Ky. Admin. Regs. 4:040)</i> | \$160 <i>(Mich. Comp. Laws 380.1538)</i> | N/A | N/A |

Professional, senior professional, or lead professional educator

Survey response for professional educator license (SBE)

| Description |
|---|
| <p>A professional teaching license, valid for five years, shall be issued to an individual who holds the appropriate resident educator license or alternative resident educator license; who is deemed to be of good moral character; and who has successfully completed an approved program of teacher preparation as approved by the chancellor of the Ohio department of higher education, the Ohio teacher residency program as described in section 3319.223 of the Revised Code, and an examination prescribed by the state board of education.</p> |

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

License

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

| | |
|---|---|
| Number issued annually | 35646 |
| Number renewed annually | 26403 |
| Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years? | |
| Education or training requirements | Hold at least a bachelor's degree from an institution of higher education accredited by a regional accrediting organization. |
| Experience requirements | Have successfully completed the teacher residency program established under section 3319.223 of the Revised Code, if the applicant's current or most recently issued license is a resident educator license issued under this section or an alternative resident educator license issued under section 3319.26 of the Revised Code. |

| 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>) | NA |
| Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>) | Six semester hours of coursework related to classroom teaching and/or the area of licensure as approved by the local professional development committee or 18 CEUs or other equivalent activities related to classroom teaching and/or the area of licensure as approved by the local professional development committee |
| Initial fee | \$200.00 |
| Duration | 5-year |
| Renewal fee (<i>If different from initial fee, please explain why.</i>) | |
| Does the Board recognize uniform licensure requirements or allow for reciprocity? | Licensure of educators is currently handled on the state level. Each state sets its own requirements for licensure and there is currently no national uniform licensure requirement for the State Board to recognize. |
| Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation? | Licensure of educators is currently handled on the state level. Each state sets its own requirements for licensure and there is currently no national uniform licensure requirement for the State Board to recognize. |

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? | Section 3319.65 of the Revised Code authorized the state board of education shall establish a credential review board. The credential review board shall carry out any functions assigned to it by the state board with respect to assessing individuals pursuing alternative routes to educator licensure and out of state educators seeking licensure in Ohio. |
| 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.

The State Board of Education has the legal authority under Revised Code sections [3319.311](#) and [3319.31](#) to investigate educator misconduct and take disciplinary action against educational license holders and applicants who engage in criminal conduct, immoral acts, incompetence, negligence, conduct that is unbecoming to the teaching profession, or other violations of law as set forth in 3319.31(B). Conduct unbecoming to the teaching profession is further defined by the [Licensure Code of Professional Conduct for Ohio Educators](#) which provides the framework for professional conduct for all licensed Ohio educators.

**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 State Board of Education of Ohio allows for bundling discounts for educators being issued more than one credential simultaneously (for example, someone with a principal license maintaining their teaching licensure). Because of this, and the fact that credentials are paid for in a single transaction, it is not possible to disaggregate fees paid by credential type. All funds generated from obtaining a credential through the State Board of Education are deposited into the Teacher Licensure fund 4L20.

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

The Elementary and Secondary Education Act of 1965 (ESEA) as amended by the Every Student Succeeds Act (ESSA) requires teachers and paraprofessionals working in a program receiving federal funds to meet applicable State certification and licensure requirements, including any requirements for certification obtained through alternative routes to certification. Further, the Individuals with Disabilities Education Act (IDEA) and accompanying regulations require teachers providing special education to obtain full State certification as a special education teacher.

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

The State Board of Education is responsible for administering the ethical standards for licensed Ohio educators with the goal of ensuring that all Ohio students receive instruction from educators who are committed to providing a safe, supportive, and healthy school environment while also safeguarding the integrity of the profession. Acts of misconduct can cause direct harm to students whom, due to age, experience, and/or imbalance of power, may be particularly vulnerable to harm.

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

The role of Revised Code sections [3319.311](#) and [3319.31](#) is primarily to respond to misconduct that has already occurred and to ensure that educators who pose a risk to profession or the safety of students are removed from the profession either until they have achieved rehabilitation and can become relicensed or permanently depending on the nature of the offense. The educator disciplinary process is effective at mitigating risk in this manner. Less restrictive means would be unlikely to prevent or mitigate potential harm. The educator disciplinary process can also have a deterrence effect on future misconduct as all disciplinary actions are posted and viewable on our website.

Are there any changes the Board would like to see implemented?**Survey response for senior professional educator license (SBE)****Description**

In 2009, Ohio restructured its teacher licensure system and established a career ladder for educators. The [four-tiered system](#) provides opportunities for teachers to advance in their professional careers and serve as school improvement leaders, without leaving the teaching profession. The Senior Professional Educator License is the next advanced step on the career ladder after a [professional teaching license](#).

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

License

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

| | |
|---|---|
| Number issued annually | 165 |
| Number renewed annually | 141 |
| Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years? | |
| Education or training requirements | Hold at least a master's degree from an institution of higher education accredited by a regional accrediting organization |
| Experience requirements | Have previously held a professional educator license issued under section 3319.22 or section 3319.222. Meet the criteria for the accomplished or distinguished level of performance, as described in the standards for teachers adopted by the state board under section 3319.61 of the Revised Code. |

| 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>) | NA |
| Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>) | Six semester hours of coursework related to classroom teaching and/or the area of licensure as approved by the local professional development committee or 18 CEUs or other equivalent activities related to classroom teaching and/or the area of licensure as approved by the local professional development committee |
| Initial fee | \$200.00 |
| Duration | 5-year |
| Renewal fee (<i>If different from initial fee, please explain why.</i>) | |
| Does the Board recognize uniform licensure requirements or allow for reciprocity? | Licensure of educators is currently handled on the state level. Each state sets its own requirements for licensure and there is currently no national uniform licensure requirement for the State Board to recognize. |
| Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation? | Licensure of educators is currently handled on the state level. Each state sets its own requirements for licensure and there is currently no national uniform licensure requirement for the State Board to recognize. |

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? | Section 3319.65 of the Revised Code authorized the state board of education shall establish a credential review board. The credential review board shall carry out any functions assigned to it by the state board with respect to assessing individuals pursuing alternative routes to educator licensure and out of state educators seeking licensure in Ohio. |
| 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.

The State Board of Education has the legal authority under Revised Code sections [3319.311](#) and [3319.31](#) to investigate educator misconduct and take disciplinary action against educational license holders and applicants who engage in criminal conduct, immoral acts, incompetence, negligence, conduct that is unbecoming to the teaching profession, or other violations of law as set forth in 3319.31(B). Conduct unbecoming to the teaching profession is further defined by the [Licensure Code of Professional Conduct for Ohio Educators](#) which provides the framework for professional conduct for all licensed Ohio educators.

**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 State Board of Education of Ohio allows for bundling discounts for educators being issued more than one credential simultaneously (for example, someone with a principal license maintaining their teaching licensure). Because of this, and the fact that credentials are paid for in a single transaction, it is not possible to disaggregate fees paid by credential type. All funds generated from obtaining a credential through the State Board of Education are deposited into the Teacher Licensure fund 4L20.

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

The Elementary and Secondary Education Act of 1965 (ESEA) as amended by the Every Student Succeeds Act (ESSA) requires teachers and paraprofessionals working in a program receiving federal funds to meet applicable State certification and licensure requirements, including any requirements for certification obtained through alternative routes to certification. Further, the Individuals with Disabilities Education Act (IDEA) and accompanying regulations require teachers providing special education to obtain full State certification as a special education teacher.

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

The State Board of Education is responsible for administering the ethical standards for licensed Ohio educators with the goal of ensuring that all Ohio students receive instruction from educators who are committed to providing a safe, supportive, and healthy school environment while also safeguarding the integrity of the profession. Acts of misconduct can cause direct harm to students whom, due to age, experience, and/or imbalance of power, may be particularly vulnerable to harm.

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

The role of Revised Code sections [3319.311](#) and [3319.31](#) is primarily to respond to misconduct that has already occurred and to ensure that educators who pose a risk to profession or the safety of students are removed from the profession either until they have achieved rehabilitation and can become relicensed or permanently depending on the nature of the offense. The educator disciplinary process is effective at mitigating risk in this manner. Less restrictive means would be unlikely to prevent or mitigate potential harm. The educator disciplinary process can also have a deterrence effect on future misconduct as all disciplinary actions are posted and viewable on our website.

Are there any changes the Board would like to see implemented?**Survey response for lead professional educator license (SBE)****Description**

In 2009, Ohio restructured its teacher licensure system and established a career ladder for educators. The [four-tiered system](#) provides opportunities for teachers to advance in their professional careers and serve as school improvement leaders, without leaving the teaching profession. The Lead Professional Educator License is the next advanced step on the career ladder after a [Senior Professional educator license](#).

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

License

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

| | |
|---|--|
| Number issued annually | 80 |
| Number renewed annually | 70 |
| Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years? | Across all categories, we define a significant increase or decrease to be a percent difference from effective year to effective year that is larger than two standard deviations. In most cases, these are statistical artifacts resulting from small denominators or increases as credentials and programs ramp up from their initial year. 2020-2021 shows expected abnormalities due to COVID. Other observed differences are infrequent, and would require further research. |
| Education or training requirements | Master's degree from an institution of higher education accredited by a regional accrediting organization |
| Experience requirements | Have previously held a professional educator license or a senior professional educator license. Either hold a valid certificate issued by the national board for professional teaching standards or meet the criteria for a master's degree or other criteria for a lead teacher adopted by the educator standards board. |

| 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>) | NA |
| Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>) | Six semester hours of coursework related to classroom teaching and/or the area of licensure as approved by the local professional development committee or 18 CEUs or other equivalent activities related to classroom teaching and/or the area of licensure as approved by the local professional development committee |
| Initial fee | \$200.00 |
| Duration | 5-year |
| Renewal fee (<i>If different from initial fee, please explain why.</i>) | |
| Does the Board recognize uniform licensure requirements or allow for reciprocity? | Licensure of educators is currently handled on the state level. Each state sets its own requirements for licensure and there is currently no national uniform licensure requirement for the State Board to recognize. |
| Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation? | Licensure of educators is currently handled on the state level. Each state sets its own requirements for licensure and there is currently no national uniform licensure requirement for the State Board to recognize. |

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? | Section 3319.65 of the Revised Code authorized the state board of education shall establish a credential review board. The credential review board shall carry out any functions assigned to it by the state board with respect to assessing individuals pursuing alternative routes to educator licensure and out of state educators seeking licensure in Ohio. |
| 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.

The State Board of Education has the legal authority under Revised Code sections [3319.311](#) and [3319.31](#) to investigate educator misconduct and take disciplinary action against educational license holders and applicants who engage in criminal conduct, immoral acts, incompetence, negligence, conduct that is unbecoming to the teaching profession, or other violations of law as set forth in 3319.31(B). Conduct unbecoming to the teaching profession is further defined by the [Licensure Code of Professional Conduct for Ohio Educators](#) which provides the framework for professional conduct for all licensed Ohio educators.

**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 State Board of Education of Ohio allows for bundling discounts for educators being issued more than one credential simultaneously (for example, someone with a principal license maintaining their teaching licensure). Because of this, and the fact that credentials are paid for in a single transaction, it is not possible to disaggregate fees paid by credential type. All funds generated from obtaining a credential through the State Board of Education are deposited into the Teacher Licensure fund 4L20.

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

The Elementary and Secondary Education Act of 1965 (ESEA) as amended by the Every Student Succeeds Act (ESSA) requires teachers and paraprofessionals working in a program receiving federal funds to meet applicable State certification and licensure requirements, including any requirements for certification obtained through alternative routes to certification. Further, the Individuals with Disabilities Education Act (IDEA) and accompanying regulations require teachers providing special education to obtain full State certification as a special education teacher.

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

The State Board of Education is responsible for administering the ethical standards for licensed Ohio educators with the goal of ensuring that all Ohio students receive instruction from educators who are committed to providing a safe, supportive, and healthy school environment while also safeguarding the integrity of the profession. Acts of misconduct can cause direct harm to students whom, due to age, experience, and/or imbalance of power, may be particularly vulnerable to harm.

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

The role of Revised Code sections [3319.311](#) and [3319.31](#) is primarily to respond to misconduct that has already occurred and to ensure that educators who pose a risk to profession or the safety of students are removed from the profession either until they have achieved rehabilitation and can become relicensed or permanently depending on the nature of the offense. The educator disciplinary process is effective at mitigating risk in this manner. Less restrictive means would be unlikely to prevent or mitigate potential harm. The educator disciplinary process can also have a deterrence effect on future misconduct as all disciplinary actions are posted and viewable on our website.

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

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

| Standard Professional Teacher | | | | | | |
|--|---|--|---|--|--|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Type of regulation (Name of regulation) | License (Professional, senior professional, or lead professional educator license) (R.C. 3319.22) | License (Practitioner or accomplished practitioner license) (511 Ind. Admin. Code 14-3-1 and 14-4-1) | License (Professional teaching certificate) (16 Ky. Admin. Regs. 2:010) | License (Professional teaching certificate or advanced professional) (Mich. Comp. Laws 380.1531; | License (Instructional II certificate) (22 Pa. Code 49.83) | License (Professional five-year or permanent professional teaching certificate) |

| Standard Professional Teacher | | | | | | |
|-------------------------------|---|---------|--|---|--|---|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | | | | <i>Mich. Admin. Code R. 390.1123 and 390.1133)</i> | | <i>(W. Va. Code 18A-3C-3; W. Va. Bd. of Education Policy 5202, sections 10.1.f and 10.1.g)</i> |
| Education or training | <p>For a professional educator, bachelor's degree from an institution of higher education accredited by a regional accrediting organization and completion of the Ohio Teacher Residency Program</p> <p>Must complete additional education or course work depending on specific type of license sought.</p> | N/A | <p>Traditional initial preparation program that resulted in a bachelor's degree or higher with either a 2.75 overall GPA or a 3.0 GPA on the last 30 hours of credit completed</p> <p><i>(16 Ky. Admin. Regs. 2:010)</i></p> | <p>For professional, six semester credit hours of reading methods course work for elementary teachers and three semester credit hours for secondary certified teachers in literacy instruction</p> <p>Three semester credit hours of reading diagnostics and remediation, which includes a field experience</p> <p>Education-related professional learning totaling</p> | <p>24 credit hours of collegiate study or its equivalent in credits from the Department of Education, a Pennsylvania intermediate unit, or a combination of the two – the college credit must be earned at a state-approved bachelor or graduate degree institution after the individual earned a bachelor's degree and may include credits earned in programs designed to</p> | <p>For a five-year professional teaching certificate, completed a Beginning Educator Internship for classroom teachers (not required if applicant has five years of teaching experience while holding a valid professional certificate from another state or was initially licensed in West Virginia before January 1, 1992</p> |

| Standard Professional Teacher | | | | | | |
|-------------------------------|--|--|---|---|--|---|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | <i>(R.C. 3319.22; O.A.C. 3301-24-16)</i> | | | 150 hours or an education-related master's or higher degree earned at any time <i>(Mich. Comp. Laws 380.1531; Mich. Admin. Code R. 390.1133)</i> | prepare for professional fields when relevant to the area of certification <i>(22 Pa. Code 49.83)</i> | For a permanent professional teaching certificate, a master's degree related to public school programming One option includes a combination of experience and six semester hours of renewal credit (or two WVDE courses if seeking renewal) with a minimum 3.0 GPA <i>(W. Va. Code 18A-3C-3; W. Va. Bd. of Education Policy 5202, sections 10.1.f and 10.1.g)</i> |
| Experience | For a professional educator, hold a resident educator or alternative | For practitioner, an initial practitioner license and a minimum of two | For initial four-year certificate, KTIP | Must be at least 18 years of age For a professional, three years of | Three years of satisfactory teaching while holding an | For five-year professional teaching license, two years of full- |

| Standard Professional Teacher | | | | | | |
|-------------------------------|---|--|---|--|--|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | <p>resident educator license</p> <p>For a senior professional educator, nine years of successful teaching experience under a professional educator license, and a professional educator license in the same field for which the senior professional educator license is requested or satisfies the criteria for the accomplished or distinguished level of performance described in the standards for</p> | <p>years of experience as a teacher, and a professional growth plan or a beginning teacher residency program</p> <p>For an accomplished practitioner, a practitioner license and two years of teaching and National Board Certification³¹</p> <p>(511 Ind. Admin. Code 14-3-1 and 14-4-1)</p> | <p>For subsequent five-year certificates, three years of teaching experience</p> <p>(16 Ky. Admin. Regs. 2:010 and 4:060)</p> | <p>successful teaching within the content area and grade level of the standard teaching certificate, successfully complete certain teaching requirements regarding teaching experience and positive evaluations</p> <p>For an advanced professional, individual holds a professional teaching certificate or a life, continuing, or permanent certificate and (1) either holds a National Board certificate or</p> | <p>instructional I certificate</p> <p>Completion of a Department-approved induction program</p> <p>(22 Pa. Code 49.83)</p> | <p>time teaching experience</p> <p>For permanent professional teaching license, one of the following: (1) hold or be eligible for the five-year professional teaching certificate and have five years of educational experience, at least two of which are within the specialization for which the permanent certificate is requested in a West Virginia school, (2) hold a five-year professional teaching certificate that</p> |

³¹ An individual may earn an accomplished practitioner license by completing a master's degree or National Board Certification.

| Standard Professional Teacher | | | | | | |
|-------------------------------|--|---------|----------|---|--------------|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | <p>teachers adopted by SBE</p> <p>For a lead professional educator, nine years of successful teaching experience under a professional educator license or senior professional educator license, and previously held a professional educator license or senior professional educator license in the same field for which the senior professional educator license is requested and satisfies the criteria for the distinguished</p> | | | <p>completed a teacher leader training or (2) received specified ratings on annual evaluations</p> <p><i>(Mich. Comp. Laws 380.1533; Mich. Admin. Code R. 390.1133 and 390.1137; Mich. Dept. of Education, Professional Teaching Certificate)</i></p> | | <p>has been renewed one time for the full five-year period and complete the education requirement listed above or hold a minimum MA+30 salary classification, or be at least 60 years of age, or obtain certification through the National Board for Professional Teaching Standards, or (3) hold a valid out-of-state certificate that reflects permanent status by the issuing state in the endorsed specialization area in a public</p> |

| Standard Professional Teacher | | | | | | |
|-------------------------------|---|---------|----------|----------|--------------|---|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | level of performance described in the standards for teachers adopted by SBE by either (1) holding a valid certificate issued by the National Board for Professional Teaching Standards or (2) holding a teacher leader endorsement earned through completion of an approved program of preparation and having been designated as a master teacher in accordance with the definition and criteria adopted by SBE | | | | | school setting and a recommendation from the employing superintendent <i>(W. Va. Bd. of Education Policy 5202, sections 10.1.f and 10.1.g)</i> |

| Standard Professional Teacher | | | | | | |
|-------------------------------|--|---|---|---|--|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | <i>(R.C. 3319.22; O.A.C. 3301-24-17)</i> | | | | | |
| Exam | For a professional educator, yes For a senior and lead professional educator, N/A <i>(O.A.C. 3301-24-05)</i> | N/A | N/A | N/A | Yes <i>(22 Pa. Code 49.83)</i> | For a five-year professional teaching certificate, yes For a permanent professional teaching certificate, N/A <i>(W. Va. Code 18A-3C-3; W. Va. Bd. of Education Policy 5202, sections 10.1.f and 10.1.g)</i> |
| Continuing education | For a professional educator, either six semester hours of course work or 18 continuing education units (180 contact hours), which must be related to classroom | Certification by the National Board for Professional Teaching Standards, meeting practitioner's professional growth plan of at least 90 | Six semester hours of credit Completion of the Fifth-Year Program or completion of the required components for rank change through | For a professional, complete 150 hours of education-related professional learning hours For an advanced professional, Individual completes 150 | Completion of one of the following within a five-year period: (1) six credits of collegiate study, (2) six credits of continuing professional education courses, (3) 180 | For professional five-year teaching certificate, six semester hours or WVDE WVLearns courses related to public school programs, not required if the individual is at the MA+30 salary |

| Standard Professional Teacher | | | | | | |
|-------------------------------|--|--|--|--|---|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | <p>teaching or the area of licensure as approved by the local professional development committee of the employing school or school district</p> <p>For a senior professional educator, completion of the requirements for the professional educator license above and demonstration of meeting the criteria for the accomplished or distinguished level of performance described in the standards for teachers adopted by SBE</p> <p>For a lead professional</p> | <p>professional growth experience points, or completion of six semester hours of college or university course work</p> <p><i>(511 Ind. Admin. Code 14-2-3)</i></p> | <p>continuing education</p> <p><i>(16 Ky. Admin. Regs. 2:010, 4:060, 8:020, and 8:030)</i></p> | <p>hours of education-related professional learning hours and receives specified ratings on annual evaluations</p> <p><i>(Mich. Admin. Code R. 390.1133, 390.1135, and 390.1138)</i></p> | <p>hours of continuing professional education programs, activities, or learning experiences, or (4) any combination of collegiate studies, continuing professional education courses, or other programs, activities, or learning experiences equivalent to 180 hours</p> <p><i>(24 P.S. 12-1205.2; 22 Pa. Code 49.11)</i></p> | <p>level or 60 years of age or older</p> <p>For permanent professional teaching certificate, N/A</p> <p><i>(W. Va. Code 18A-3C-3; W. Va. Bd. of Education Policy 5202, section 10.4)</i></p> |

| Standard Professional Teacher | | | | | | |
|-------------------------------|---|---------|----------|----------|--------------|---------------|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | educator, completion of the requirements for the professional educator license and meeting the criteria for the accomplished or distinguished level of performance described in the standards for teachers adopted by SBE by either (1) holding a valid certificate issued by the National Board for Professional Teaching Standards or (2) holding a teacher leader endorsement earned through completion of an approved program of preparation and | | | | | |

| Standard Professional Teacher | | | | | | |
|-------------------------------|--|--|--|---|--|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | maintaining current designation as a master teacher in accordance with the definition and criteria adopted by SBE and the master teacher designation renewal process <i>(O.A.C. 3301-24-25, 3301-24-26, and 3301-24-08)</i> | | | | | |
| Initial licensure fee | \$200 <i>(R.C. 3319.51; State Bd. of Education, Licensure Fees)</i> | \$36.72 <i>(511 Ind. Admin. Code 16-1-2, Ind. Dept. of Education, Licensing Fees)</i> | \$85 <i>(15 Ky. Admin. Regs. 4:040)</i> | \$160 for in-state applicant \$210 for out-of-state applicant <i>(Mich. Comp. Laws 380.1538; Mich. Dept. of Education, Professional Teaching Certificate)</i> | \$200 (if teacher preparation program is completed in Pennsylvania) \$260 (if teacher preparation program is completed in another state) <i>(Pa. Dept. of Education, Application Fees)</i> | \$35 <i>(W. Va. Dept. of Education, Professional Teaching Certificate, Summary of Application Requirements)</i> |

| Standard Professional Teacher | | | | | | |
|-------------------------------|--|---|---|---|---|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| License duration | Five years (R.C. 3319.22) | For a practitioner, five years For an accomplished practitioner, ten years (511 Ind. Admin. Code 14-3-1 and 14-4-1) | Five years (16 Ky. Admin. Regs. 2:010) | Five years (Mich. Admin. Code R. 390.1135; Mich. Dept. of Education, Professional Teaching Certificate) | Five years, but based on actual years of professional service, not calendar years (24 P.S. 12-1205.2; Pa. Dept. of Education, Level II Certification) | For professional five-year teaching certificate, five years For permanent professional teaching certificate, valid unless suspended, surrendered, or revoked (W. Va. Bd. of Education Policy 5202, sections 10.1.f and 10.1.g) |
| Renewal fee | \$200 (R.C. 3319.51; State Bd. of Education, Licensure Fees) | \$36.72 (511 Ind. Admin. Code 16-1-2; Ind. Dept. of Education, Licensing Fees) | \$85 (15 Ky. Admin. Regs. 4:040) | \$160 (Mich. Comp. Laws 380.1538) | N/A | For professional five-year teaching certificate, \$35 For permanent professional teaching certificate, N/A (W. Va. Dept. of Education, Professional Teaching Certificate , |

| Standard Professional Teacher | | | | | | |
|-------------------------------|------|---------|----------|----------|--------------|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | | | | | | <i>Summary of Application Requirements</i> |

Professional pupil services license

Survey response (SBE)

| Description |
|--|
| <p>The professional pupil services license, shall be issued in, but is not limited to, the areas listed in paragraphs (C)(1) and (C)(2) of this rule and shall be valid for working with learners at all levels. The license shall be issued to an individual deemed to be of good moral character who has successfully completed the requirements specified in paragraph (C)(1) or (C)(2) of this rule:</p> <p>(1) An approved program of preparation; recommendation by the dean or head of teacher education; successful completion of an examination prescribed by the state board of education; and evidence of the education and experience requirements specified for whichever of the following licensure areas is applicable:</p> <p>(2) The pupil services registration is an option for pupil services providers who have not completed a school licensure program. Candidates must hold a valid, professional Ohio Board license for the requested area. These are only available to Occupational Therapists/Occupational Therapist Assistant, Physical Therapist/Physical Therapist Assistant, Audiologist, Registered Nurse, Social Worker, Speech-Language Pathologist.</p> |

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

License

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

| | |
|---|------------------------------|
| Number issued annually | 3615 |
| Number renewed annually | 2329 |
| Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years? | |
| Education or training requirements | Approved preparation program |
| Experience requirements | No |

| 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>) | The Ohio Assessment for Educators is administered by Evaluation Systems of Pearson. The exam administrator was selected by the state board of education through the RFP process. The assessment was recommended by the Educator Standards Board for approval by the state board of education. |
| Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>) | |
| Initial fee | \$200.00 |
| Duration | 5-year |
| Renewal fee (<i>If different from initial fee, please explain why.</i>) | |
| Does the Board recognize uniform licensure requirements or allow for reciprocity? | Licensure of educators is currently handled on the state level. Each state sets its own requirements for licensure and there is currently no national uniform licensure requirement for the State Board to recognize. |
| Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation? | Licensure of educators is currently handled on the state level. Each state sets its own requirements for licensure and there is currently no national uniform licensure requirement for the State Board to recognize. |

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? | Section 3319.65 of the Revised Code authorized the state board of education shall establish a credential review board. The credential review board shall carry out any functions assigned to it by the state board with respect to assessing individuals pursuing alternative routes to educator licensure and out of state educators seeking licensure in Ohio. |
| 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.

The State Board of Education has the legal authority under Revised Code sections [3319.311](#) and [3319.31](#) to investigate educator misconduct and take disciplinary action against educational license holders and applicants who engage in criminal conduct, immoral acts, incompetence, negligence, conduct that is unbecoming to the teaching profession, or other violations of law as set forth in 3319.31(B). Conduct unbecoming to the teaching profession is further defined by the [Licensure Code of Professional Conduct for Ohio Educators](#) which provides the framework for professional conduct for all licensed Ohio educators.

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 State Board of Education of Ohio allows for bundling discounts for educators being issued more than one credential simultaneously (for example, someone with a principal license maintaining their teaching licensure). Because of this, and the fact that credentials are paid for in a single transaction, it is not possible to disaggregate fees paid by credential type. All funds generated from obtaining a credential through the State Board of Education are deposited into the Teacher Licensure fund 4L20.

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

The Elementary and Secondary Education Act of 1965 (ESEA) as amended by the Every Student Succeeds Act (ESSA) requires teachers and paraprofessionals working in a program receiving federal funds to meet applicable State certification and licensure requirements, including any requirements for certification obtained through alternative routes to certification. Further, the Individuals with Disabilities Education Act (IDEA) and accompanying regulations require teachers providing special education to obtain full State certification as a special education teacher.

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

The State Board of Education is responsible for administering the ethical standards for licensed Ohio educators with the goal of ensuring that all Ohio students receive instruction from educators who are committed to providing a safe, supportive, and healthy school environment while also safeguarding the integrity of the profession. Acts of misconduct can cause direct harm to students whom, due to age, experience, and/or imbalance of power, may be particularly vulnerable to harm.

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

The role of Revised Code sections [3319.311](#) and [3319.31](#) is primarily to respond to misconduct that has already occurred and to ensure that educators who pose a risk to profession or the safety of students are removed from the profession either until they have achieved rehabilitation and can become relicensed or permanently depending on the nature of the offense. The educator disciplinary process is effective at mitigating risk in this manner. Less restrictive means would be unlikely to prevent or mitigate potential harm. The educator disciplinary process can also have a deterrence effect on future misconduct as all disciplinary actions are posted and viewable on our website.

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

Surrounding state comparison (LSC) (as of August 6, 2024)

| Professional Pupil Services | | | | | | |
|--|--|---------------------|---------------------|---------------------|---|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Type of regulation (Name of regulation) | License (Professional pupil services license) <i>(R.C. 3319.22; O.A.C. 3301-24-05)</i> | No clear equivalent | No clear equivalent | No clear equivalent | License (Educational Specialist I and II certificates) <i>(22 Pa. Code 49.102 and 49.103)</i> | License (Professional student support certificate – provisional (one-year), three-year, five-year, and permanent) |

| Professional Pupil Services | | | | | | |
|-----------------------------|---|---------|----------|----------|--|---|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | | | | | | <i>(W. Va. Code R. 126-136-5 and 126-136-6)</i> |
| Education or training | <p>For a license for a school audiologist, a master's degree, an approved program of preparation, and a current license to practice audiology issued by the Ohio Speech and Hearing Professionals Board</p> <p>For a license for a school counselor, a master's degree, an approved program of preparation</p> <p>For a license for a school psychologist, a master's degree, an approved</p> | N/A | N/A | N/A | <p>For Educational Specialist I certificate, completion of an approved educational specialist preparation program or equivalent and recommendation for certification from a college or university if completing an approved educational specialist preparation program</p> <p>For Educational Specialist II certificate, completion of an approved induction</p> | <p>Covers school nurses, school psychologists, school counselors, and speech language pathologists</p> <p>For provisional and three-year certificate, applicants must hold either a bachelor's or master's degree dependent upon the specialization for which the license is being sought</p> <p>Additional education requirements dependent upon endorsement</p> |

| Professional Pupil Services | | | | | | |
|-----------------------------|---|---------|----------|----------|---|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | <p>program of preparation</p> <p>For a license for a school social worker, a master's degree, an approved program of preparation, and a current license to practice social work issued by the Ohio Counselor, Social Worker, and Marriage and Family Therapist Board</p> <p>For a license for a school speech-language pathologist, a master's degree, an approved program of preparation, and a current license to practice as a speech pathologist issued</p> | | | | <p>program and 24 hours of collegiate study or its equivalent in approved credits, credits from an intermediate unit, or any combination of those</p> <p><i>(22 Pa. Code 49.102 and 49.103)</i></p> | <p>For five-year certificate, the above and an additional six semester hours of appropriate course work at a college/university or WVDE e-Learning course work reflecting a 3.0 GPA (unless the applicant has an MA+30 salary classification)</p> <p>For permanent certificate, hold a master's degree relevant to public school programming</p> <p><i>(W. Va. Code R. 126-136-10.3)</i></p> |

| Professional Pupil Services | | | | | | |
|-----------------------------|---|---------|----------|----------|--------------|---------------|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | <p>by the Ohio Speech and Hearing Professionals Board</p> <p>For a license for a school nurse, a bachelor's degree, an approved program of preparation, and a current license to practice as a registered nurse issued by the Ohio Board of Nursing</p> <p>For a license for an orientation and mobility specialist, an approved program of preparation</p> <p>For a license for an occupational therapist, a bachelor's degree and a current license issued by</p> | | | | | |

| Professional Pupil Services | | | | | | |
|-----------------------------|--|---------|----------|----------|---|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | <p>the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainer's Board for occupational therapists</p> <p>For a license for a physical therapist, a bachelor's degree and a current license issued by the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainer's Board for physical therapists</p> <p>(O.A.C. 3301-24-05)</p> | | | | | |
| Experience | For a license for a school counselor, successful completion of an internship consisting of 600 | N/A | N/A | N/A | <p>For an Educational Specialist I certificate, N/A</p> <p>For an Educational</p> | <p>For provisional and three-year certificate, N/A</p> <p>For five-year certificate, at least two years of</p> |

| Professional Pupil Services | | | | | | |
|-----------------------------|--|---------|----------|----------|---|---|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | <p>contact hours in a school setting</p> <p>For a license for a school psychologist, successful completion of a nine-month, full-time internship in an approved school setting as described in the Ohio internship in school psychology guidelines</p> <p><i>(O.A.C. 3301-24-05)</i></p> | | | | <p>Specialist II certificate, three years of satisfactory service on an Educational Specialist I certificate</p> <p><i>(22 Pa. Code 49.103)</i></p> | <p>experience, at least one of which was completed in a West Virginia public school</p> <p>For permanent certificate, hold or be eligible for the five-year certificate and complete five years of educational experience, including two within the applicant's specialization and at least one completed in a West Virginia public school or hold a five-year certificate and renew it once based on continuing education requirements described under</p> |

| Professional Pupil Services | | | | | | |
|-----------------------------|--|---------|----------|----------|--|---|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | | | | | | the five-year certificate <i>(W. Va. Code R. 126-136-10.3)</i> |
| Exam | Yes <i>(O.A.C. 3301-24-05)</i> | N/A | N/A | N/A | For an Educational Specialist I certificate, yes For an Educational Specialist II certificate, N/A <i>(22 Pa. Code 49.102 and 49.103)</i> | N/A |
| Continuing education | For a license for a school counselor or school psychologist, if the license holder does not have a license from the appropriate state licensing board, six semester hours or 18 continuing | N/A | N/A | N/A | Completion of one of the following within a five-year period: <ul style="list-style-type: none"> ▪ Six credits of collegiate study; ▪ Six credits of continuing professional | For provisional certificate, N/A For three- or five-year certificate renewal, applicant must complete six semester hours at a college or university of course work relevant to public school |

| Professional Pupil Services | | | | | | |
|-----------------------------|---|---------|----------|----------|---|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | <p>education units (180 contact hours)</p> <p>For all other license holders, if an individual holds a professional pupil services license and has a license from the appropriate state licensing board, the individual's professional pupil services license is renewed upon evidence of a currently valid license issued by the licensing board</p> <p>(O.A.C. 3301-24-08)</p> | | | | <p>education courses;</p> <ul style="list-style-type: none"> 180 hours of continuing professional education programs, activities, or learning experiences; or Any combination of collegiate studies, continuing professional education courses, or other programs, activities, or learning experiences equivalent to 180 hours <p>(22 Pa. Code 49.11)</p> | <p>programming, but applicants who possess an MA+30 salary classification or has reached 60 years of age do not have to complete the six semester hours</p> <p>For permanent certificate, N/A</p> <p>(W. Va. Code R. 126-136-10.4)</p> |

| Professional Pupil Services | | | | | | |
|-----------------------------|--|---------|----------|----------|--|---|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Initial licensure fee | \$200 <i>(State Bd. of Education, Licensure Fees)</i> | N/A | N/A | N/A | \$200 (if teacher preparation program is completed in Pennsylvania) \$260 (if teacher preparation program is completed in another state) <i>(Pa. Dept. of Education, Application Fees)</i> | \$35 for in-state certificates \$100 for out-of-state certificates <i>(W. Va. Dept. of Education, Application Forms)</i> |
| License duration | Five years <i>(O.A.C. 3301-24-05)</i> | N/A | N/A | N/A | Six years <i>(22 Pa. Code 49.102)</i> | Provisional certificate, one year Professional certificate, three or five years Permanent professional certificate, valid unless suspended, surrendered, or revoked |

| Professional Pupil Services | | | | | | |
|-----------------------------|--|---------|----------|----------|---------------|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | | | | | | (W. Va. Code 18A-3-2a; W. Va. Code R. 126-136-10.3) |
| Renewal fee | \$200 <i>(State Bd. of Education, Licensure Fees)</i> | N/A | N/A | N/A | Not specified | \$35 <i>(W. Va. Code 18A-3-7; W. Va. Dept. of Education, Application Forms)</i> |

Consolidated pupil services license

Under Ohio law, a pupil services license covers orientation and mobility specialists, school audiologists, school counselors, school nurses, school psychologists, school social workers, and school speech-language pathologists. Certain providers may apply for a professional pupil services registration as an alternative to a pupil services license for that position. Providers that may opt for the registration include speech-language pathologists, audiologists, registered nurses, physical therapists, occupational therapists, physical therapy assistants, occupational therapy assistants, and social workers. To register, an individual must hold a currently valid license in their profession issued by the profession's respective board and pay a registration fee of \$150. The registration is valid for five years.³² While Pennsylvania and West Virginia offer consolidated licenses similar to Ohio's pupil services license, they do not offer a registration as an alternative to those licenses.

Indiana, Kentucky, and Michigan do not have consolidated licenses for pupil services providers in the same manner as Ohio. They do, however, have separate licenses for these professions that are issued by the boards regulating those professions in the state.

³² R.C. 3319.221.

Professional school business manager and school treasurer

Survey response for professional school business manager license (SBE)

| Description | |
|--|----|
| <p>The professional school business manager or, valid for five years, shall be issued to an individual who holds a baccalaureate degree, who is deemed to be of good moral character, who has successfully completed an approved preparation program as approved by the chancellor of the Ohio department of higher education or the equivalent as determined by the Ohio department of education, and who has successfully completed an examination prescribed by the state board of education.</p> | |
| Type <i>(License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)</i> | |
| License | |
| If the regulation is a registration, certification, or license requirement, please complete the following: | |
| Number issued annually | 77 |
| 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? | |
| Education or training requirements | <p>A baccalaureate degree in business or A baccalaureate degree in a nonbusiness area with 15 semester hours selected from at least four (4) of the following areas:</p> <p>Accounting</p> <p>Collective bargaining and labor relations</p> <p>Computer applications</p> <p>Food service management</p> <p>Office administration</p> <p>Personnel management</p> <p>Purchasing</p> <p>School finance</p> <p>School law</p> <p>Risk management</p> <p>Transportation management</p> <p>School plant management and operations</p> |
| Experience requirements | <p>300-hour internship in a school business manager's office, under the direct supervision of a licensed school business manager or two years of experience as a business manager or as a supervisor or director of business services in an organizational setting.</p> |

| 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>) | NA |
| Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>) | RENEWAL COURSEWORK - Six (6) semester hours of coursework related to the area of licensure through an accredited college or university, OR LOCAL PROFESSIONAL DEVELOPMENT COMMITTEES (LPDC) APPROVED PROFESSIONAL DEVELOPMENT - Eighteen continuing education units (180 contact hours) or other equivalent activity related to the area of licensure as approved by the local professional development committee of the employing school or school district. |
| Initial fee | \$200.00 |
| Duration | 5-year |
| Renewal fee (<i>If different from initial fee, please explain why.</i>) | |
| Does the Board recognize uniform licensure requirements or allow for reciprocity? | Licensure of educators is currently handled on the state level. Each state sets its own requirements for licensure and there is currently no national uniform licensure requirement for the State Board to recognize. |

| 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? | Licensure of educators is currently handled on the state level. Each state sets its own requirements for licensure and there is currently no national uniform licensure requirement for the State Board to recognize. |
| 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? | Section 3319.65 of the Revised Code authorized the state board of education shall establish a credential review board. The credential review board shall carry out any functions assigned to it by the state board with respect to assessing individuals pursuing alternative routes to educator licensure and out of state educators seeking licensure in Ohio. |
| 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. |
|--|
| <p>The State Board of Education has the legal authority under Revised Code sections 3319.311 and 3319.31 to investigate educator misconduct and take disciplinary action against educational license holders and applicants who engage in criminal conduct, immoral acts, incompetence, negligence, conduct that is unbecoming to the teaching profession, or other violations of law as set forth in 3319.31(B). Conduct unbecoming to the teaching profession is further defined by the Licensure Code of Professional Conduct for Ohio Educators which provides the framework for professional conduct for all licensed Ohio educators.</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?

The State Board of Education of Ohio allows for bundling discounts for educators being issued more than one credential simultaneously (for example, someone with a principal license maintaining their teaching licensure). Because of this, and the fact that credentials are paid for in a single transaction, it is not possible to disaggregate fees paid by credential type. All funds generated from obtaining a credential through the State Board of Education are deposited into the Teacher Licensure fund 4L20.

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

The Elementary and Secondary Education Act of 1965 (ESEA) as amended by the Every Student Succeeds Act (ESSA) requires teachers and paraprofessionals working in a program receiving federal funds to meet applicable State certification and licensure requirements, including any requirements for certification obtained through alternative routes to certification. Further, the Individuals with Disabilities Education Act (IDEA) and accompanying regulations require teachers providing special education to obtain full State certification as a special education teacher.

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

The State Board of Education is responsible for administering the ethical standards for licensed Ohio educators with the goal of ensuring that all Ohio students receive instruction from educators who are committed to providing a safe, supportive, and healthy school environment while also safeguarding the integrity of the profession. Acts of misconduct can cause direct harm to students whom, due to age, experience, and/or imbalance of power, may be particularly vulnerable to harm.

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

The role of Revised Code sections [3319.311](#) and [3319.31](#) is primarily to respond to misconduct that has already occurred and to ensure that educators who pose a risk to profession or the safety of students are removed from the profession either until they have achieved rehabilitation and can become relicensed or permanently depending on the nature of the offense. The educator disciplinary process is effective at mitigating risk in this manner. Less restrictive means would be unlikely to prevent or mitigate potential harm. The educator disciplinary process can also have a deterrence effect on future misconduct as all disciplinary actions are posted and viewable on our website.

Are there any changes the Board would like to see implemented?**Survey response for professional school treasurer license (SBE)****Description**

The professional school treasurer license, valid for five years, shall be issued to an individual who holds a baccalaureate degree, who is deemed to be of good moral character, who has successfully completed an approved preparation program as approved by the chancellor of the Ohio department of higher education or the equivalent as determined by the Ohio department of education, and who has successfully completed an examination prescribed by the state board of education.

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

License

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

Number issued annually

274

Number renewed annually

172

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

Education or training requirements

A baccalaureate degree in business, plus a three-semester hour course in school law and a three-semester hour course in school finance, OR

A baccalaureate degree in a non-business area, plus

Three semester hours in accounting, and

Six additional semester hours in accounting, business or finance-related coursework (such as economics, statistics, information systems and operations management), and

A three-semester hour course in school law and a three-semester hour course in school finance.

| If the regulation is a registration, certification, or license requirement, please complete the following: | |
|--|---|
| Experience requirements | <p>Option 1 -300-hour internship in a school treasurer's office, under the direct supervision of a licensed school treasurer or</p> <p>Option 2- Two years of significant, full-time global fiscal officer responsibility in an organizational setting</p> <p>Option 3- Complete the approved Ohio Association of School Business Officials (OASBO) pathway.</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>The Ohio Assessment for Educators is administered by Evaluation Systems of Pearson. The exam administrator was selected by the state board of education through the RFP process. The assessment was recommended by the Educator Standards Board for approval by the state board of education.</p> |
| Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>) | <p>Currently Employed</p> <p>The professional license is valid for five years and may be renewed by individuals currently employed in a school or school district upon verification that the following requirements have been completed since the last issue date of the license to be renewed:</p> <p>RENEWAL COURSEWORK - Six (6) semester hours of coursework related to the area of licensure through an accredited college or university, OR</p> <p>LOCAL PROFESSIONAL DEVELOPMENT COMMITTEES (LPDC) APPROVED PROFESSIONAL DEVELOPMENT - Eighteen continuing education units (180 contact hours) or other equivalent activity related to the area of licensure as approved by the local professional development committee of the employing school or school district.</p> |

| If the regulation is a registration, certification, or license requirement, please complete the following: | |
|--|---|
| | <p>Not Currently Employed</p> <p>School treasurer license holders may renew their currently expiring professional license with one of the following:</p> <p>RENEWAL COURSEWORK - Six (6) semester hours of coursework related to the area of licensure through an accredited college or university, OR</p> <p>OHIO ASSOCIATION OF SCHOOL BUSINESS OFFICIALS (OASBO) LPDC APPROVED PROFESSIONAL DEVELOPMENT – see the OASBO LPDC webpage for information and requirements.</p> |
| Initial fee | \$200.00 |
| Duration | 5-year |
| Renewal fee <i>(If different from initial fee, please explain why.)</i> | |
| Does the Board recognize uniform licensure requirements or allow for reciprocity? | Licensure of educators is currently handled on the state level. Each state sets its own requirements for licensure and there is currently no national uniform licensure requirement for the State Board to recognize. |
| Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation? | Licensure of educators is currently handled on the state level. Each state sets its own requirements for licensure and there is currently no national uniform licensure requirement for the State Board to recognize. |

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? | Section 3319.65 of the Revised Code authorized the state board of education shall establish a credential review board. The credential review board shall carry out any functions assigned to it by the state board with respect to assessing individuals pursuing alternative routes to educator licensure and out of state educators seeking licensure in Ohio. |
| 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.

The State Board of Education has the legal authority under Revised Code sections [3319.311](#) and [3319.31](#) to investigate educator misconduct and take disciplinary action against educational license holders and applicants who engage in criminal conduct, immoral acts, incompetence, negligence, conduct that is unbecoming to the teaching profession, or other violations of law as set forth in 3319.31(B). Conduct unbecoming to the teaching profession is further defined by the [Licensure Code of Professional Conduct for Ohio Educators](#) which provides the framework for professional conduct for all licensed Ohio educators.

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 State Board of Education of Ohio allows for bundling discounts for educators being issued more than one credential simultaneously (for example, someone with a principal license maintaining their teaching licensure). Because of this, and the fact that credentials are paid for in a single transaction, it is not possible to disaggregate fees paid by credential type. All funds generated from obtaining a credential through the State Board of Education are deposited into the Teacher Licensure fund 4L20.

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

The Elementary and Secondary Education Act of 1965 (ESEA) as amended by the Every Student Succeeds Act (ESSA) requires teachers and paraprofessionals working in a program receiving federal funds to meet applicable State certification and licensure requirements, including any requirements for certification obtained through alternative routes to certification. Further, the Individuals with Disabilities Education Act (IDEA) and accompanying regulations require teachers providing special education to obtain full State certification as a special education teacher.

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

The State Board of Education is responsible for administering the ethical standards for licensed Ohio educators with the goal of ensuring that all Ohio students receive instruction from educators who are committed to providing a safe, supportive, and healthy school environment while also safeguarding the integrity of the profession. Acts of misconduct can cause direct harm to students whom, due to age, experience, and/or imbalance of power, may be particularly vulnerable to harm.

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

The role of Revised Code sections [3319.311](#) and [3319.31](#) is primarily to respond to misconduct that has already occurred and to ensure that educators who pose a risk to profession or the safety of students are removed from the profession either until they have achieved rehabilitation and can become relicensed or permanently depending on the nature of the offense. The educator disciplinary process is effective at mitigating risk in this manner. Less restrictive means would be unlikely to prevent or mitigate potential harm. The educator disciplinary process can also have a deterrence effect on future misconduct as all disciplinary actions are posted and viewable on our website.

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

Surrounding state comparison (LSC) (as of August 19, 2024)

| Business Manager and Treasurer | | | | | | |
|--|---|-----------------------------------|---|---------------------|---------------------|---|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Type of regulation (Name of regulation) | License (School business manager and school treasurer license) | No clear equivalent ³³ | License (Provisional school finance officer certification and school finance | No clear equivalent | No clear equivalent | License (Professional business official certificate and professional accountant) |

³³ The role of treasurer is filled by the superintendent or principal, clerk, or faculty member of a school (Ind. Code 20-41-1-5).

| Business Manager and Treasurer | | | | | | |
|--------------------------------|---|---------|---|----------|--------------|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | <i>(R.C. 3301.074; O.A.C. 3301-24-05)</i> | | officer certification) <i>(Ky. Rev. Stat. 160.431; 702 Ky. Admin. Regs. 3:320)</i> | | | <i>(W. Va. Code R. 126-136-10; W. Va. Bd. of Education policy 5202, section 10.6)</i> |
| Education or training | Bachelor's degree Approved program of preparation for the licensure area <i>(O.A.C. 3301-24-05)</i> | N/A | For provisional school finance officer certification, bachelor's degree with 12 credit hours in accounting course work For school finance officer certification, completion of the Kentucky Finance Officer Internship Program, 15 hours of finance officer training from an approved provider, and 12 hours of training in state-approved school district | N/A | N/A | Minimum of a bachelor's degree from an accredited institution of higher education with a minimum 2.5 GPA, including at least 24 semester hours of course work in accounting <i>(W. Va. Code R. 126-136-10; W. Va. Bd. of Education policy 5202, section 10.6)</i> |

| Business Manager and Treasurer | | | | | | |
|--------------------------------|--|---------|--|----------|--------------|---------------|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | | | financial software package <i>(702 Ky. Admin. Regs. 3:320)</i> | | | |
| Experience | For a school treasurer, a 300-hour internship in a school treasurer's office, two years of significant, full-time global fiscal officer responsibility in an organizational setting, or the Ohio Association of School Business Officials pathway program For a school business manager, a 300-hour internship in a school business manager's office or two years of experience as a business manager | N/A | For provisional school finance officer certification, at least four years of work experience primarily in accounting or finance or at least two years of experience in finance at a local school district For school finance officer certification, a provisional school finance officer certification <i>(702 Ky. Admin. Regs. 3:320)</i> | N/A | N/A | N/A |

| Business Manager and Treasurer | | | | | | |
|--------------------------------|--|---------|--|----------|--------------|---|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | or as a supervisor or director of business services in an organizational setting <i>(State Bd. of Education, School Treasurer Licenses and School Business Manager License)</i> | | | | | |
| Exam | Yes <i>(O.A.C. 3301-24-05)</i> | N/A | N/A | N/A | N/A | N/A |
| Continuing education | Six semester hours or 18 continuing education units (180 contact hours) <i>(O.A.C. 3301-24-08)</i> | N/A | For provisional school finance officer certification, completion of requirements for full certification For school finance officer certification, Kentucky Revised Statutes require | N/A | N/A | For professional business official, 15 hours annually of professional learning activities of in-service credit For professional accountant, six hours annually of professional learning activities |

| Business Manager and Treasurer | | | | | | |
|--------------------------------|---|---------|---|----------|--------------|---|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | | | <p>42 hours of continuing education every two years but the Kentucky Administrative Regulations require that at least 12 hours of continuing education be completed by June 30 of each fiscal year</p> <p><i>(Ky. Rev. Stat. 160.431; 702 Ky. Admin. Regs. 3:320)</i></p> | | | <p>of in-service credit</p> <p><i>(W. Va. Code R. 126-136-10; W. Va. Bd. of Education policy 5202, section 10.6)</i></p> |
| Initial licensure fee | <p>\$200</p> <p><i>(R.C. 3319.51, State Bd. of Education, Licensure Fees)</i></p> | N/A | <p>\$85</p> <p><i>(16 Ky. Admin. Regs. 4:040)</i></p> | N/A | N/A | <p>Not specified, all applicants seeking an initial licensure or certificate are responsible for paying fees associated with state and federal criminal history background checks and other</p> |

| Business Manager and Treasurer | | | | | | |
|--------------------------------|---|---------|---|----------|--------------|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | | | | | | fees for application processing <i>(W. Va. Dept. of Education, Application Forms; W. Va. Bd. of Education policy 5202, section 9.6)</i> |
| License duration | Five years <i>(O.A.C. 3301-24-05 and 3301-24-08)</i> | N/A | For provisional school finance officer certification, until the individual obtains a full certificate, the individual fails to provide proof of progress toward full certification, or five years For school finance officer certification, renews automatically unless the finance officer fails to | N/A | N/A | Three years <i>(W. Va. Code R. 126-136-10; W. Va. Bd. of Education policy 5202, section 10.6)</i> |

| Business Manager and Treasurer | | | | | | |
|--------------------------------|------|---------|--|----------|--------------|---------------|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | | | meet the biennial continuing education requirements <i>(702 Ky. Admin. Regs. 3:320)</i> | | | |
| Renewal fee | N/A | N/A | \$85 <i>(16 Ky. Admin. Regs. 4:040)</i> | N/A | N/A | N/A |

Provisional licenses

Survey response (SBE)

| Description |
|--|
| <p>Temporary Military Educator licenses are available for educators who are currently active-duty service members in Ohio or spouses of active-duty service members in Ohio and hold a valid (active) out-of-state license in the requested subject area. Candidates must be in good standing in the issuing state or jurisdiction of licensure or certification and may teach only the grade levels and subject area(s) listed on the Ohio temporary license.</p> <p>The Alternative Resident Educator license is an accelerated pathway to classroom teaching. This pathway allows students, schools and communities to benefit from the candidates' content-related knowledge, life experience and successful career experience. Ohio students can benefit from the rich knowledge base and successful career and life experiences of content experts in a variety of teaching fields. As Ohio focuses on assuring a high-quality teacher in every classroom, it is important that a wide range of professionals are invited to bring their talents and expertise into our schools.</p> |

Description

The Alternative Resident Educator - Montessori license is an accelerated pathway to classroom teaching for educators employed in an Ohio school that operates a program using the Montessori method endorsed by the American Montessori Society, the Montessori Accreditation Council for Teacher Education, or the Association Montessori International as its primary method of instruction. This two-year licensure pathway allows candidates to work in an Ohio school while completing requirements for a professional educator license.

Four-Year Early College High School teaching licenses are available for applicants who meet qualifications and have been hired to teach grades 7-12 at an Early College High School.

Two-Year Provisional Science, Technology, Engineering and Math (STEM) licenses (grades 6-12) are available for applicants who meet qualifications and have been hired by a designated Ohio STEM school.

There are two types of Resident Educator licenses available for beginning teachers. Standard Resident Educator licenses are issued to beginning teachers who have completed an approved, traditional teacher preparation program through an accredited college or university. Alternative Resident Educator licenses are issued to candidates completing the Ohio Alternative Resident Educator licensure pathway. Educators teaching under a standard or Alternative Resident Educator license will complete Ohio's Resident Educator Program to advance to a professional teaching license.

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

License

| If the regulation is a registration, certification, or license requirement, please complete the following: | |
|---|---|
| Number issued annually | <p>Note: all credential data in this document are from the 2023-2024 effective year, with the exception of credentials that were available to be issued for the first time in 2024-2025. When this is the case, it is noted.</p> <p>Temporary Military Educator: 1 (2024-2025)</p> <p>Alternative Resident Educator: 490 (2023-2024)</p> <p>Alternative Resident Educator - Montessori: 6 (2023-2024)</p> <p>Early College High School: 2 (2023-2024)</p> <p>Provisional STEM: 1 (2023-2024)</p> <p>Resident Educator: 5917 (2023-2024)</p> |
| Number renewed annually | <p>Temporary Military Educator: N/A</p> <p>Alternative Resident Educator: 13 (2023-2024)</p> <p>Alternative Resident Educator - Montessori: 1 (2023-2024)</p> <p>Early College High School: 0 (2023-2024)</p> <p>Provisional STEM: 0 (2023-2024)</p> <p>Resident Educator: 114 (2023-2024)</p> |
| Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years? | |

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

Education or training requirements

Early College High School - Candidates must have a minimum of a graduate degree in a field related to the subject area they will teach from [an accredited college or university](#).

Alternative Resident Educator – Montessori the state board shall issue an alternative resident educator license under division (C) of section [3319.26](#) of the Revised Code to each applicant who meets the following conditions:

- (1) Holds a bachelor's degree from an accredited institution of higher education;
- (2) Has successfully completed a teacher education program offered by one of the following entities:
 - (a) The American Montessori society;
 - (b) The association Montessori Internationale;
 - (c) An institution accredited by the Montessori accreditation council for teacher education.

Alternative Resident Educator - the rules adopted under this section shall require applicants for the alternative resident educator license to satisfy the following conditions prior to issuance of the license, but they shall not require applicants to have completed a major or coursework in the subject area for which application is being made:

- (1) Hold a minimum of a baccalaureate degree;
- (2) Successfully complete the pedagogical training institute described in division (B) of this section or the preservice training provided to participants of a teacher preparation program that has been approved by the chancellor. The chancellor may approve any such program that requires participants to hold a bachelor's degree; have either a cumulative undergraduate grade point average of at least 2.5 out of 4.0, or its equivalent or a cumulative graduate school grade point average of at least 3.0 out of 4.0; and successfully complete the program's preservice training.

| If the regulation is a registration, certification, or license requirement, please complete the following: | |
|--|---|
| | <p>(3) Pass an examination in the subject area for which application is being made.</p> <p>Provisional License for teaching in a STEM School - the state board shall issue a two-year provisional educator license for teaching science, technology, engineering, or mathematics in grades six through twelve in a STEM school to any applicant who meets the following conditions:</p> <p>(1) Holds a bachelor's degree from an accredited institution of higher education in a field related to the subject area to be taught;</p> <p>(2) Has passed an examination prescribed by the state board in the subject area to be taught.</p> |
| 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>) | The Ohio Assessment for Educators is administered by Evaluation Systems of Pearson. The exam administrator was selected by the state board of education through the RFP process. The assessment was recommended by the Educator Standards Board for approval by the state board of education. |
| Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>) | Six semester hours of coursework related to classroom teaching and/or the area of licensure as approved by the local professional development committee or 18 CEUs or other equivalent activities related to classroom teaching and/or the area of licensure as approved by the local professional development committee |
| Initial fee | Range from \$0.00 (military) to \$160.00 |
| Duration | Range from 1-year to 4-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> | |
| Does the Board recognize uniform licensure requirements or allow for reciprocity? | Licensure of educators is currently handled on the state level. Each state sets its own requirements for licensure and there is currently no national uniform licensure requirement for the State Board to recognize. |
| Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation? | Licensure of educators is currently handled on the state level. Each state sets its own requirements for licensure and there is currently no national uniform licensure requirement for the State Board to recognize. |
| 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? | Section 3319.65 of the Revised Code authorized the state board of education shall establish a credential review board. The credential review board shall carry out any functions assigned to it by the state board with respect to assessing individuals pursuing alternative routes to educator licensure and out of state educators seeking licensure in Ohio. |
| 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.

The State Board of Education has the legal authority under Revised Code sections [3319.311](#) and [3319.31](#) to investigate educator misconduct and take disciplinary action against educational license holders and applicants who engage in criminal conduct, immoral acts, incompetence, negligence, conduct that is unbecoming to the teaching profession, or other violations of law as set forth in 3319.31(B). Conduct unbecoming to the teaching profession is further defined by the [Licensure Code of Professional Conduct for Ohio Educators](#) which provides the framework for professional conduct for all licensed Ohio educators.

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 State Board of Education of Ohio allows for bundling discounts for educators being issued more than one credential simultaneously (for example, someone with a principal license maintaining their teaching licensure). Because of this, and the fact that credentials are paid for in a single transaction, it is not possible to disaggregate fees paid by credential type. All funds generated from obtaining a credential through the State Board of Education are deposited into the Teacher Licensure fund 4L20.

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

The Elementary and Secondary Education Act of 1965 (ESEA) as amended by the Every Student Succeeds Act (ESSA) requires teachers and paraprofessionals working in a program receiving federal funds to meet applicable State certification and licensure requirements, including any requirements for certification obtained through alternative routes to certification. Further, the Individuals with Disabilities Education Act (IDEA) and accompanying regulations require teachers providing special education to obtain full State certification as a special education teacher.

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

The State Board of Education is responsible for administering the ethical standards for licensed Ohio educators with the goal of ensuring that all Ohio students receive instruction from educators who are committed to providing a safe, supportive, and healthy school environment while also safeguarding the integrity of the profession. Acts of misconduct can cause direct harm to students whom, due to age, experience, and/or imbalance of power, may be particularly vulnerable to harm.

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

The role of Revised Code sections [3319.311](#) and [3319.31](#) is primarily to respond to misconduct that has already occurred and to ensure that educators who pose a risk to profession or the safety of students are removed from the profession either until they have achieved rehabilitation and can become relicensed or permanently depending on the nature of the offense. The educator disciplinary process is effective at mitigating risk in this manner. Less restrictive means would be unlikely to prevent or mitigate potential harm. The educator disciplinary process can also have a deterrence effect on future misconduct as all disciplinary actions are posted and viewable on our website.

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

Surrounding state comparison for alternative resident educator license (LSC) (as of August 29, 2024)

| Alternative Resident Educator | | | | | | |
|--|---|---|--|---------------------|---|---|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Type of regulation (Name of regulation) | License (Alternative resident educator license) (R.C. 3319.26) | License (Transition to teaching license) (Ind. Code 20-28-4-1 to 20-28-4-5, 20-28-4-11, and 20-28-4-12) | License (Temporary provisional teaching certificate) (Ky. Rev. Stat. 161.068; Ky. Education Professional Standards Bd., University-Based Alternative Route for Teaching) | No clear equivalent | License (Residency certificate) (24 P.S. 12-1207.1) | License (Alternative Program Teacher Certificate) (W. Va. Code 18A-3-1a and 18A-3-1f) |
| Education or training | Bachelor's degree Successful completion of either (1) the pedagogical training institute jointly developed by the Superintendent of Public Instruction and the Chancellor of | Bachelor's degree with (1) at least a 3.0 GPA in subject area to be taught or (2) at least a 2.5 GPA in subject area to be taught with five years of professional experience, or a bachelor's degree and passage of a | Bachelor's or graduate degree with at least a cumulative 2.75 GPA or 3.0 GPA on the last 30 hours of credit completed (Ky. Education Professional Standards Bd., University-Based | N/A | A doctoral, master's, or bachelor's degree from an accredited college or university in the subject area of shortage Continual enrollment in a state-approved | Minimum of a bachelor's degree Participation in a WVDE-approved alternative education program (W. Va. Code 18A-3-1a and 18A-3-1f) |

| Alternative Resident Educator | | | | | | |
|-------------------------------|--|--|---|----------|---|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | Higher Education or (2) the preservice training provided to participants of a teacher preparation program that has been approved by the Chancellor <i>(R.C. 3319.26; O.A.C. 3301-24-19)</i> | state-approved content area exam or a graduate degree <i>(Ind. Code 20-28-4-5)</i> | <u>Alternative Route for Teaching</u> | | residency program <i>(24 P.S. 12-1207.1)</i> | |
| Experience | N/A | Five years of professional experience in a related field if an individual uses the bachelor's degree with 2.5 GPA option <i>(Ind. Code 20-28-4-5)</i> | N/A | N/A | If the individual does not have a doctoral or master's degree, at least three years of work experience in the subject area or related field <i>(24 P.S. 12-1207.1)</i> | Must be at least 18 years of age <i>(W. Va. Code 18A-3-1.f)</i> |
| Exam | Yes <i>(R.C. 3319.26)</i> | A state-approved content area exam if an individual uses | N/A | N/A | Yes <i>(24 P.S. 12-1207.1)</i> | Yes <i>(W. Va. Code 18A-3-1.f)</i> |

| Alternative Resident Educator | | | | | | |
|-------------------------------|---|---|--|----------|--------------|---|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | | the bachelor's and passing the test admission option otherwise, no <i>(Ind. Code 20-28-4-5 and 20-28-4-12)</i> | | | | |
| Continuing education | Satisfactory progress in taking and successfully completing professional development provided by an approved teacher preparation program and three semester hours of course work related to classroom teaching and area of licensure <i>(R.C. 3319.26; O.A.C. 3301-24-19; State Bd. of Education, Resident Educator)</i> | N/A | Participation in postbaccalaureate teacher preparation program <i>(Ky. Rev. Stat. 161.068; Ky. Education Professional Standards Bd., University-Based Alternative Route for Teaching)</i> | N/A | N/A | Satisfactory progress in the applicable alternative education program <i>(W. Va. Code 18A-3-1.f)</i> |

| Alternative Resident Educator | | | | | | |
|-------------------------------|---|--|--|----------|--|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | <i>Licenses - Extend, Renew, and Advance</i> | | | | | |
| Initial licensure fee | \$160 (for four years) and \$50 for the evaluation <i>(R.C. 3319.51; State Bd. of Education, Licensure Fees)</i> | \$36.72 <i>(511 Ind. Admin. Code 16-1-2; Ind. Dept. of Education, Licensing Fees)</i> | N/A | N/A | N/A | \$35 <i>(W. Va. Dept. of Education, Professional Teaching Certificate, Summary of Application Requirements)</i> |
| License duration | Two years <i>(R.C. 3319.26)</i> | Three years, not renewable <i>(Ind. Code 20-28-4-11)</i> | One year, renewable four times <i>(Ky. Rev. Stat. 161.068; Ky. Education Professional Standards Bd., University-Based Alternative Route for Teaching)</i> | N/A | Three years, not renewable <i>(24 P.S. 12-1207.1)</i> | One year <i>(W. Va. Code 18A-3-1.f)</i> |

| Alternative Resident Educator | | | | | | |
|-------------------------------|---|---------|----------|----------|--------------|---------------|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Renewal fee | \$160 (for four years) <i>(R.C. 3319.51; State Bd. of Education, Licensure Fees)</i> | N/A | N/A | N/A | N/A | N/A |

Surrounding state comparison for alternative resident educator license (Montessori) (LSC) (as of August 29, 2024)

Ohio issues a separate alternative resident educator license for teaching in a Montessori setting to individuals who hold a bachelor's degree and successfully complete a teacher education program offered by the American Montessori Society, the Association Montessori Internationale, or an institution accredited by the Montessori Accreditation Council for Teacher Education. An applicant for this license must be employed in a school that operates a program that uses the Montessori method as its primary method of instruction.³⁴ If a Montessori license-holder wishes to obtain a professional educator license, the individual must complete the same pathway as an alternative resident educator to obtain that license.

While Indiana has a pathway for licensed teachers to obtain a Montessori endorsement,³⁵ it does not appear that any surveyed state has an educator license similar to Ohio's. No other state seems to have a clear equivalent.

Surrounding state comparison for early college high school educator license (LSC) (as of August 27, 2024)

Ohio issues a nonrenewable four-year initial early college high school educator license for teaching in grades seven through 12 at an early college high school. An applicant for this license must (1) have a graduate or terminal degree from an accredited institution of higher education in a field related to the subject area to be taught, as determined by the State Board of Education, (2) obtain a passing score on a subject matter examination prescribed by the State Board, (3) have experience teaching students at any grade level,

³⁴ R.C. 3319.261.

³⁵ See [MACTE Accredited Program](#), which is available at the Indiana Department of Education's website: [in.gov/doe](https://www.in.gov/doe).

and (4) be employed by an early college high school. After four years of teaching under that license, the individual may receive a renewable five-year professional educator license in the same subject area named in the initial license. The State Board must issue the professional educator license if the applicant has passed an assessment of professional knowledge.³⁶ The fee for the four-year license is \$160.³⁷

It appears that the surrounding states do not offer an equivalent license.

Surrounding state comparison for provisional educator license for teaching in a STEM school (LSC) (as of August 27, 2024)

Ohio issues a two-year provisional educator license for teaching science, technology, engineering, or mathematics (STEM) in grades six through 12 in a STEM school to an applicant that (1) holds a bachelor's degree in a field related to the subject area to be taught and (2) passes an examination prescribed by the State Board in the subject area to be taught. The license holder must complete a structured apprenticeship program provided by an educational service center or teacher preparation program, in partnership with the employing STEM school. The apprenticeship program must include mentoring and regularly scheduled seminars or meetings that address an array of specified topics. After two years of teaching under the license and completion of the apprenticeship program, an individual who receives a positive recommendation indicating effectiveness as a teacher may apply for a five-year professional educator license in the same subject area named in the initial license.³⁸ The fee for the two-year license is \$80.³⁹

It appears that the surrounding states do not offer an equivalent license.

³⁶ R.C. 3319.262.

³⁷ State Bd. of Education, [Licensure Fees](#).

³⁸ R.C. 3319.28.

³⁹ State Bd. of Education, [Licensure Fees](#).

Surrounding state comparison for resident educator license (LSC) (as of August 29, 2024)

| Provisional Licenses: Resident Educator | | | | | | |
|--|--|--|--|---|---|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Type of regulation (Name of regulation) | License (Resident educator license) (R.C. 3319.22) | License (Initial Practitioner License (beginning teacher residency)) (Ind. Code 20-28-4-6; 515 Ind. Admin. Code 1-5-3) | License (Provisional internship certificate) (Ky. Rev. Stat. 161.028; 16 Ky. Admin. Regs. 2:010) | License (Standard teaching certificate-pathway 1) (Mich. Admin. Code 390.1101) | License (Instructional I certificate) (22 Pa. Code 49.82) | License (Initial Professional Teaching Certificate) (W. Va. Code R. 126-136-9, 126-136-10; W. Va. Bd. of Education Policy 5202, section 10.1.e) |
| Education or training | Bachelor's degree from an accredited teacher preparation program 12 semester hours in teaching of reading and three semester hours on the teaching of reading in the content area | Bachelor's degree Participation in the Beginning Teacher Residency Program (Ind. Code 20-28-4-6) | Bachelor's degree Completion of a traditional educator preparation program (Ky. Rev. Stat. 161.028; 16 Ky. Admin. Regs. 2:010) | Bachelor's degree Completion of a state approved educator preparation program that meets the state's requirements (Mich. Comp. Laws 380.1531; Mich. Admin. Code R. 390.1101 and 390.1123) | Bachelor's degree Successful completion of a Pennsylvania teacher preparation program approved by the Department of Education (22 Pa. Code 49.82) | Minimum of a bachelor's degree or master's degree with a minimum 2.5 GPA from an accredited institution of higher education or hold a valid certificate from the National Board of Professional Teaching |

| Provisional Licenses: Resident Educator | | | | | | |
|---|---|--|--|--|--|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | <p>Participation in the Ohio Teacher Residency Program</p> <p>For an individual participating in the Teach for America program, a bachelor's degree and completion of a summer training institute operated by Teach for America</p> <p><i>(R.C. 3319.22, 3319.223, and 3319.227; O.A.C. 3301-24-18)</i></p> | | | | | <p>Standards in a specialization</p> <p><i>(W. Va. Code R. 126-136-9, 126-136-10; W. Va. Bd. of Education Policy 5202, section 10.1.e)</i></p> |
| Experience | N/A | N/A | N/A | N/A | N/A | N/A |
| Exam | <p>Yes</p> <p><i>(R.C. 3319.22 and 3319.227; O.A.C. 3301-24-18)</i></p> | <p>Yes</p> <p><i>(Ind. Code 20-28-4-6)</i></p> | <p>Yes</p> <p><i>(16 Ky. Admin. Regs. 6:010)</i></p> | <p>Yes</p> <p><i>(Mich. Comp. Laws 380.1531)</i></p> | <p>Yes</p> <p><i>(22 Pa. Code 49.82)</i></p> | <p>Yes, except for applicants who have a master's or doctorate degree</p> <p><i>(W. Va. Code R. 126-136-10; W. Va. Bd. of</i></p> |

| Provisional Licenses: Resident Educator | | | | | | |
|---|---|---|--|---|--------------|---|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | | | | | | <i>Education Policy 5202, section 10.1.e)</i> |
| Continuing education | Completion of the Ohio Resident Educator Program or three semester hours of course work related to classroom teaching and area of licensure <i>(O.A.C. 3301-24-23)</i> | Completion of the Beginning Teacher Residency Program or a professional growth plan including a minimum of 40 professional growth experience points, including in-service workshops, professional workshops and conferences, mentoring of beginning teacher, cooperating teacher for any college field experience <i>(511 Ind. Admin. Code 14-2-3)</i> | Completion of KTIP during the certification period <i>(16 Ky. Admin. Regs. 2:010)</i> | 150 hours of education-related professional learning hours <i>(Mich. Admin. Code R. 390.1129b)</i> | N/A | To be eligible for renewal of a three-year certificate, applicant must show evidence of completing six semester hours at a college/ university or WVDE e-Learning related to public school programming with a minimum 3.0 GPA Applicants seeking renewal for only one year must complete three semester hours in the manner described above Applicants who have a minimum |

| Provisional Licenses: Resident Educator | | | | | | |
|---|---|---|--|---|--|---|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | | | | | | <p>of a MA+30 salary classification or has reached 60 years of age are not required to engage in continuing education</p> <p>(W. Va. Code R. 126-136-10; W. Va. Bd. of Education Policy 5202, section 10.1.e)</p> |
| Initial licensure fee | \$80 <i>(R.C. 3319.51; State Bd. of Education, Licensure Fees)</i> | \$71.72 (\$36.72 plus \$35 initial evaluation fee) <i>(511 Ind. Admin. Code 16-1-2; Ind. Dept. of Education, Licensing Fees)</i> | \$85 <i>(16 Ky. Admin. Regs. 4:040)</i> | \$160 <i>(Mich. Dept. of Education, Certificate Evaluation Fees)</i> | \$200 (if teacher preparation program is completed in Pennsylvania) \$260 (if teacher preparation program is completed in another state) <i>(Pa. Dept. of Education, Application Fees)</i> | \$35 <i>(W. Va. Dept. of Education, Professional Teaching Certificate, Summary of Application Requirements)</i> |

| Provisional Licenses: Resident Educator | | | | | | |
|---|--|--|---|---|---|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| License duration | Two years, renewable on a case-by-case basis (R.C. 3319.22; O.A.C. 3301-24-18 and 3301-24-23) | Two years (511 Ind. Admin. Code 14-1-1) | One year (16 Ky. Admin. Regs. 2:010) | Five years (Mich. Admin. Code 390.1129b) | Six years, not renewable (22 Pa. Code 49.82) | Initial Professional Teaching Certificate, valid for three school years, expires on June 30 of the last year of its validity (W. Va. Code R. 126-136-10; W. Va. Bd. of Education Policy 5202, section 10.1.e) |
| Renewal fee | \$80 (R.C. 3319.51; State Bd. of Education, Licensure Fees) | \$36.72 (511 Ind. Admin. Code 16-1-2; Ind. Dept. of Education, Licensing Fees) | N/A | \$100 (Mich. Dept. of Education, Certificate Evaluation Fees) | N/A | N/A |

Pupil-activity program permit

Survey response (SBE)

| Description | |
|---|-------|
| Pupil-activity (coaching) permits are required for individuals who will direct, supervise or coach a student activity program that involves athletics, routine or regular physical activity or activities with health and safety considerations. School districts determine which staff members need to have a permit | |
| Type <i>(License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)</i> | |
| Permit | |
| If the regulation is a registration, certification, or license requirement, please complete the following: | |
| Number issued annually | 21074 |
| Number renewed annually | 8479 |

| 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 | As required by statute |
| 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>) | Pupil-Activity Program Permit holders must comply with statutory requirements for training. |
| Initial fee | \$45.00 (1-year) \$60.00 (4-year) \$75.00 (5-year) |
| Duration | 1-year, 4-year, 5-year |
| Renewal fee (<i>If different from initial fee, please explain why.</i>) | |

| 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? | Licensure of educators is currently handled on the state level. Each state sets its own requirements for licensure and there is currently no national uniform licensure requirement for the State Board to recognize. |
| Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation? | Licensure of educators is currently handled on the state level. Each state sets its own requirements for licensure and there is currently no national uniform licensure requirement for the State Board to recognize. |
| 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>) | |

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

The State Board of Education has the legal authority under Revised Code sections [3319.311](#) and [3319.31](#) to investigate educator misconduct and take disciplinary action against educational license holders and applicants who engage in criminal conduct, immoral acts, incompetence, negligence, conduct that is unbecoming to the teaching profession, or other violations of law as set forth in 3319.31(B). Conduct unbecoming to the teaching profession is further defined by the [Licensure Code of Professional Conduct for Ohio Educators](#) which provides the framework for professional conduct for all licensed Ohio educators.

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 State Board of Education of Ohio allows for bundling discounts for educators being issued more than one credential simultaneously (for example, someone with a principal license maintaining their teaching licensure). Because of this, and the fact that credentials are paid for in a single transaction, it is not possible to disaggregate fees paid by credential type. All funds generated from obtaining a credential through the State Board of Education are deposited into the Teacher Licensure fund 4L20.

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

The Elementary and Secondary Education Act of 1965 (ESEA) as amended by the Every Student Succeeds Act (ESSA) requires teachers and paraprofessionals working in a program receiving federal funds to meet applicable State certification and licensure requirements, including any requirements for certification obtained through alternative routes to certification. Further, the Individuals with Disabilities Education Act (IDEA) and accompanying regulations require teachers providing special education to obtain full State certification as a special education teacher.

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

The State Board of Education is responsible for administering the ethical standards for licensed Ohio educators with the goal of ensuring that all Ohio students receive instruction from educators who are committed to providing a safe, supportive, and healthy school environment while also safeguarding the integrity of the profession. Acts of misconduct can cause direct harm to students whom, due to age, experience, and/or imbalance of power, may be particularly vulnerable to harm.

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

The role of Revised Code sections [3319.311](#) and [3319.31](#) is primarily to respond to misconduct that has already occurred and to ensure that educators who pose a risk to profession or the safety of students are removed from the profession either until they have achieved rehabilitation and can become relicensed or permanently depending on the nature of the offense. The educator disciplinary process is effective at mitigating risk in this manner. Less restrictive means would be unlikely to prevent or mitigate potential harm. The educator disciplinary process can also have a deterrence effect on future misconduct as all disciplinary actions are posted and viewable on our website.

Are there any changes the Board would like to see implemented?**Surrounding state comparison (LSC) (as of August 20, 2024)**

Ohio requires an individual who does not have a valid educator's license, certificate, or permit to have a pupil-activity program permit to direct, supervise, or coach a student activity program. However, anyone may apply for a pupil-activity program permit for the purpose of coaching, supervising, or directing a pupil-activity program. Generally, to receive this license an individual must show

evidence of substantive knowledge of the activity and its rules and regulations and of the licensure code of professional conduct for Ohio educators and complete training on all of the following (1) the National Federation of State High School Associations' fundamentals of coaching course, (2) CPR, (3) brain trauma injury management, (4) symptoms of concussions and head injuries, (5) sudden cardiac arrest, (6) first aid training, and (7) student mental health training. The fees for this permit depend on the length of the permit: \$45 for a three-year permit, \$60 for a four-year permit, or \$75 for a five-year permit. Applicants select the length of their pupil-activity program permit based on if they have another educator credential. If the individual does not have another license, the pupil-activity program permit is good for three years. Otherwise, it is for the same duration as the individual's educator license – four years for a four-year Resident Educator or Alternative Resident Educator license or five years for a Professional license.⁴⁰

West Virginia issues a similar permit, called a coaching authorization. An individual assigned as an athletic coach must hold a valid coaching authorization, a professional certificate, or a substitute permit. To be issued a coaching authorization, an applicant must (1) submit to a criminal background check and pay any fees associated with the state and federal criminal history background checks and other fees for application processing, (2) hold a minimum of a high school diploma or approved high school equivalency examination, (3) be employed under contract with a board of education to serve as a coach or be authorized to be a volunteer coach, (4) complete the approved trainings, determined by either the local board of education or the West Virginia Secondary School Activities Commission, as well as CPR and AED training, (5) receive the recommendation of the county superintendent, and (6) pay a fee of \$35. The authorization is valid for one school year. West Virginia requires the same requirements for the renewal as for the initial license.⁴¹

Substitute teaching license

Survey response (SBE)

| Description |
|---|
| The 1-Year Multi-Age (P-12) Temporary Non-Bachelor's Substitute Teaching License is available for candidates who do not hold a post-secondary degree but meet the employing school or district's set of educational requirements to serve in the role of a substitute teacher. This license may be issued only at the request of the employing Ohio school or district. It is valid for teaching in any assigned class of any subject area and grade level. |

⁴⁰ R.C. 3319.303 and 3319.51; O.A.C. 3301-27-01; State Bd. of Education, [Licensure Fees](#) and [Pupil-Activity \(Coaching\) Permits](#).

⁴¹ W. Va. Bd. of Education policy 5202; W. Va. Dept. of Education, [Application Forms](#).

| Description | |
|---|-------|
| Standard 1-Year and 5-Year Multi-Age (P-12) substitute teaching licenses are available for applicants who meet qualifications and have been hired to serve in Ohio schools or districts. | |
| Type <i>(License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)</i> | |
| | |
| If the regulation is a registration, certification, or license requirement, please complete the following: | |
| Number issued annually | 32758 |
| Number renewed annually | 9929 |
| Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years? | |

| If the regulation is a registration, certification, or license requirement, please complete the following: | |
|--|--|
| Education or training requirements | <p>Temporary Non-Bachelor substitute license - You must meet your employing Ohio school or district's education requirements for this license.</p> <p>Standard substitute license - You must have a minimum of a bachelor's degree from an accredited college or university (official transcripts required).</p> |
| Experience requirements | NA |
| 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 | \$25.00 (1-year) \$125.00 (5-year) |
| Duration | 1-year or 5-year |
| Renewal fee (<i>If different from initial fee, please explain why.</i>) | |

| 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? | Licensure of educators is currently handled on the state level. Each state sets its own requirements for licensure and there is currently no national uniform licensure requirement for the State Board to recognize. |
| Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation? | Licensure of educators is currently handled on the state level. Each state sets its own requirements for licensure and there is currently no national uniform licensure requirement for the State Board to recognize. |
| 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>) | |

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

The State Board of Education has the legal authority under Revised Code sections [3319.311](#) and [3319.31](#) to investigate educator misconduct and take disciplinary action against educational license holders and applicants who engage in criminal conduct, immoral acts, incompetence, negligence, conduct that is unbecoming to the teaching profession, or other violations of law as set forth in 3319.31(B). Conduct unbecoming to the teaching profession is further defined by the [Licensure Code of Professional Conduct for Ohio Educators](#) which provides the framework for professional conduct for all licensed Ohio educators.

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 State Board of Education of Ohio allows for bundling discounts for educators being issued more than one credential simultaneously (for example, someone with a principal license maintaining their teaching licensure). Because of this, and the fact that credentials are paid for in a single transaction, it is not possible to disaggregate fees paid by credential type. All funds generated from obtaining a credential through the State Board of Education are deposited into the Teacher Licensure fund 4L20.

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

The Elementary and Secondary Education Act of 1965 (ESEA) as amended by the Every Student Succeeds Act (ESSA) requires teachers and paraprofessionals working in a program receiving federal funds to meet applicable State certification and licensure requirements, including any requirements for certification obtained through alternative routes to certification. Further, the Individuals with Disabilities Education Act (IDEA) and accompanying regulations require teachers providing special education to obtain full State certification as a special education teacher.

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

The State Board of Education is responsible for administering the ethical standards for licensed Ohio educators with the goal of ensuring that all Ohio students receive instruction from educators who are committed to providing a safe, supportive, and healthy school environment while also safeguarding the integrity of the profession. Acts of misconduct can cause direct harm to students whom, due to age, experience, and/or imbalance of power, may be particularly vulnerable to harm.

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

The role of Revised Code sections [3319.311](#) and [3319.31](#) is primarily to respond to misconduct that has already occurred and to ensure that educators who pose a risk to profession or the safety of students are removed from the profession either until they have achieved rehabilitation and can become relicensed or permanently depending on the nature of the offense. The educator disciplinary process is effective at mitigating risk in this manner. Less restrictive means would be unlikely to prevent or mitigate potential harm. The educator disciplinary process can also have a deterrence effect on future misconduct as all disciplinary actions are posted and viewable on our website.

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

Surrounding state comparison for substitute teaching licenses (LSC) (as of August 14, 2024)

| Substitute Teacher | | | | | | |
|--|--|---|--|--|---|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Type of regulation (Name of regulation) | License (Substitute teaching license) <i>(R.C. 3319.226; O.A.C. 3302-23-44)</i> | License (Substitute teacher permit) <i>(511 Ind. Admin. Code 16-4-5)</i> | License (Certificate for substitute teaching) <i>(16 Ky. Admin. Regs. 2:010 and 2:030)</i> | License (Full-year and daily substitute permits) <i>(Mich. Comp. Laws 380.1233)</i> | License (Day-to-day substitute permit) <i>(22 Pa. Code 49.31)</i> | License (Long-term and short-term substitute permits) <i>(W. Va. Bd. of Education policy 5202, section 11.9; W. Va. Dept. of Education, Certification Info)</i> |
| Education or training | Postsecondary degree, but not required for a substitute for career-technical education classes if the individual holds a career-technical workforce development license <i>(R.C. 3319.229; O.A.C. 3302-23-44)</i> | A high school diploma or high school equivalency certificate <i>(511 Ind. Admin. Code 16-4-5; Ind. Dept. of Education, Substitute Permits)</i> | For a five-year certificate, a bachelor's degree from a regionally or accredited postsecondary institution For a ten-year certificate, a valid statement of eligibility for a Kentucky teaching certificate <i>(16 Ky. Admin. Regs. 2:030; Ky.</i> | Completion of at least 60 semester hours of college credit or an associate's degree For a full-year permit, a major or minor in the discipline area in which the individual will teach and 20 semester credits in that area | Pennsylvania public educator or professional-level out-of-state educator certificate <i>(22 Pa. Code 49.31; Pa. Dept. of Education, Substitute Teaching)</i> | For a short-term permit, a bachelor's degree, 2.0 GPA, and a county-authorized initial substitute teacher training For a long-term permit, a bachelor's degree, 2.0 GPA, 18 semester hours in a content area, a county-authorized |

| Substitute Teacher | | | | | | |
|----------------------|------|---|---|---|--------------|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | | | <i>Education Professional Standards Bd., Substitute Teacher Certificate</i> | <i>(Mich. Comp. Laws 380.1233; Mich. Admin. Code R. 390.1143)</i> | | initial substitute teacher training <i>(W. Va. Bd. of Education policy 5202, section 11.9)</i> |
| Experience | N/A | Must be at least 18 years of age <i>(511 Ind. Admin. Code 16-4-5; Ind. Dept. of Education, Substitute Permits)</i> | N/A | N/A | N/A | N/A |
| Exam | N/A | N/A | N/A | Yes, for a full-year permit <i>(Mich. Admin. Code R. 390.1143)</i> | N/A | N/A |
| Continuing education | N/A | N/A | N/A | For a full-year permit first renewal, must be enrolled in an approved teacher preparation program that leads to an initial teaching | N/A | 12 clock hours of in-service training from county board of WVDE that includes classroom management, teaching strategies. and |

| Substitute Teacher | | | | | | |
|--------------------|------|---------|----------|--|--------------|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | | | | <p>certificate or an additional endorsement on an existing teaching certificate and develop and implement an individualized development plan</p> <p>For a full-year permit each subsequent renewal, demonstrate progress toward completion of an educator preparation program and develop and implement an individualized development plan</p> <p>Daily substitute permit is not renewable</p> | | <p>trauma-informed best practices, with no more than three hours of classroom observation; or</p> <p>Six semester hours of course work from an accredited institution of higher education related to public school programming</p> <p><i>(W. Va. Bd. of Education policy 5202, section 11.9)</i></p> |

| Substitute Teacher | | | | | | |
|-----------------------|---|--|--|---|---------------|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | | | | <i>(Mich. Admin. Code R. 390.1142 and 390.1143)</i> | | |
| Initial licensure fee | \$25 (for a one-year license) or \$125 (for a five-year license) <i>(R.C. 3319.51; State Bd. of Education, Licensure Fees)</i> | \$16.32 (per Admin. Code) \$15.70 (per website) <i>(511 Ind. Admin. Code 16-1-2; Ind. Dept. of Education, Licensing Fees)</i> | \$15 <i>(16 Ky. Admin. Regs. 4:040)</i> | \$45 <i>(Mich. Comp. Laws 380.1538)</i> | Not specified | Not specified <i>(W. Va. Dept. of Education, Application Forms; W. Va. Bd. of Education policy 5202, section 9.6)</i> |
| License duration | One year or five years <i>(O.A.C. 3302-23-44)</i> | Three years (per Admin. Code) Nonrenewable (per website) <i>(511 Ind. Admin. Code 16-4-3; Ind. Dept. of Education, Substitute Permits)</i> | Five years or ten years <i>(Ky. Admin. Regs. 2:030; Ky. Education Professional Standards Bd., Substitute Teacher Certificate)</i> | For a daily permit, 90 consecutive days (extendable once for another 90 days, and for another emergency 90 days) For a full-year permit, until the end of the school year for which the permit is issued | N/A | Three years <i>(W. Va. Bd. of Education policy 5202, section 11.9; W. Va. Dept. of Education, Certification Info)</i> |

| Substitute Teacher | | | | | | |
|--------------------|---|---|--|--|--------------|---------------|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | | | | <i>(Mich. Admin. Code R. 390.1141 and 390.1142)</i> | | |
| Renewal fee | Not specified, license may be renewed on the request and recommendation of an employing superintendent or governing authority <i>(O.A.C. 3302-23-44)</i> | \$16.32 <i>(511 Ind. Admin. Code 16-1-2)</i> | \$15 <i>(16 Ky. Admin. Regs. 4:040)</i> | For a full-year permit, \$45 <i>(Mich. Comp. Laws 380.1538)</i> | N/A | N/A |

Surrounding state comparison for substitute teaching licenses (temporary) (LSC) (as of August 14, 2024)

| Substitute Teacher – Temporary | | | | | | |
|--|--|---------------------|--|---------------------|---|---|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Type of regulation (Name of regulation) | License (Temporary substitute teaching license) <i>(R.C. 3319.102)</i> | No clear equivalent | License (Emergency substitute teaching certificate) | No clear equivalent | License (Emergency day-to-day substitute permit and long-term substitute permit) | License (Restricted short-term substitute) <i>(W. Va. Bd. of Education policy 5202, section 11.9)</i> |

| Substitute Teacher – Temporary | | | | | | |
|--------------------------------|---|---------|---|----------|---|---|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | | | <i>(Ky. Rev. Stat. 161.100; 16 Ky. Admin. Regs. 2:030 and 2:120)</i> | | <i>(22 Pa. Code 49.31; Pa. Dept. of Education, Emergency Permits)</i> | |
| Education or training | Determined by the school or district <i>(R.C. 3319.102; State Bd. of Education, Substitute Licenses)</i> | N/A | A high school diploma or equivalent An 18 clock-hour orientation program including emphasis on student safety, district policies, and procedures <i>(16 Ky. Admin. Regs. 2:030)</i> | N/A | Bachelor's degree <i>(22 Pa. Code 49.31; Pa. Dept. of Education, Emergency Permits)</i> | An associate's degree or 60 semester or 90 quarter hours, 2.0 GPA, and a county-authorized initial substitute teacher training <i>(W. Va. Bd. of Education policy 5202, section 11.9; W. Va. Dept. of Education, Certification Info)</i> |
| Experience | Determined by the school or district <i>(R.C. 3319.102; State Bd. of Education, Substitute Licenses)</i> | N/A | Must be at least 25 years of age unless enrolled in an approved teacher education program | N/A | Determined by the school or district <i>(22 Pa. Code 49.31; Pa. Dept. of Education, Emergency Permits)</i> | Must be at least 21 years of age |

| Substitute Teacher – Temporary | | | | | | |
|--------------------------------|------|---------|----------|----------|--------------|---|
| | 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 | <p>12 clock hours of in-service training from county board of WVDE that includes classroom management, teaching strategies, and trauma-informed best practices, with no more than three hours of classroom observation; or</p> <p>Six semester hours of course work from an accredited institution of higher education related to public school programming</p> <p><i>(W. Va. Bd. of Education policy 5202, section 11.9)</i></p> |

| Substitute Teacher – Temporary | | | | | | |
|--------------------------------|---|---------|--|----------|--|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Initial licensure fee | \$25 <i>(R.C. 3319.51; State Bd. of Education, Licensure Fees)</i> | N/A | \$85 <i>(16 Ky. Admin. Regs. 4:040)</i> | N/A | For a long-term substitute permit, \$100 For a day-to-day substitute permit, \$5 <i>(Pa. Dept. of Education, Application Fees)</i> | N/A |
| License duration | One year <i>(R.C. 3319.102)</i> | N/A | One year <i>(16 Ky. Admin. Regs. 2:030)</i> | N/A | One year for a day-to-day substitute permit; not specified for long-term substitute permit <i>(Pa. Dept. of Education, Substitute Teaching)</i> | One year <i>(W. Va. Bd. of Education policy 5202, section 11.9)</i> |
| Renewal fee | N/A | N/A | N/A | N/A | N/A | N/A |

Supplemental teaching license

Survey response (SBE)

| Description | |
|--|------|
| <p>Teachers who hold an active, standard Ohio teaching license and need an additional licensure area for employment in an Ohio school or district should consider the Ohio Supplemental Licensure pathway. Teachers working under a supplemental teaching license are properly certified in the supplemental licensure area while completing this pathway. Additionally, educators are permitted to teach in a supplemental licensure area for up to 60 days while completing content area exam requirements for the initial supplemental license. Teachers must have an active, standard Ohio teaching license and a pending application for the supplemental license to be eligible for this conditional employment. Please use the links below to access additional information for each supplemental licensure area, including checklists to guide applicants through the licensure process.</p> | |
| Type (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.) | |
| License | |
| If the regulation is a registration, certification, or license requirement, please complete the following: | |
| Number issued annually | 1775 |
| Number renewed annually | 836 |

| 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 | |
| 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>) | The Ohio Assessment for Educators is administered by Evaluation Systems of Pearson. The exam administrator was selected by the state board of education through the RFP process. The assessment was recommended by the Educator Standards Board for approval by the state board of education. |
| Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>) | |
| Initial fee | \$40.00 |
| Duration | 1-year |
| Renewal fee (<i>If different from initial fee, please explain why.</i>) | |

| 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? | Licensure of educators is currently handled on the state level. Each state sets its own requirements for licensure and there is currently no national uniform licensure requirement for the State Board to recognize. |
| Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation? | Licensure of educators is currently handled on the state level. Each state sets its own requirements for licensure and there is currently no national uniform licensure requirement for the State Board to recognize. |
| 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>) | |

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

The State Board of Education has the legal authority under Revised Code sections [3319.311](#) and [3319.31](#) to investigate educator misconduct and take disciplinary action against educational license holders and applicants who engage in criminal conduct, immoral acts, incompetence, negligence, conduct that is unbecoming to the teaching profession, or other violations of law as set forth in 3319.31(B). Conduct unbecoming to the teaching profession is further defined by the [Licensure Code of Professional Conduct for Ohio Educators](#) which provides the framework for professional conduct for all licensed Ohio educators.

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?**

The Elementary and Secondary Education Act of 1965 (ESEA) as amended by the Every Student Succeeds Act (ESSA) requires teachers and paraprofessionals working in a program receiving federal funds to meet applicable State certification and licensure requirements, including any requirements for certification obtained through alternative routes to certification. Further, the Individuals with Disabilities Education Act (IDEA) and accompanying regulations require teachers providing special education to obtain full State certification as a special education teacher.

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

The State Board of Education is responsible for administering the ethical standards for licensed Ohio educators with the goal of ensuring that all Ohio students receive instruction from educators who are committed to providing a safe, supportive, and healthy school environment while also safeguarding the integrity of the profession. Acts of misconduct can cause direct harm to students whom, due to age, experience, and/or imbalance of power, may be particularly vulnerable to harm.

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

The role of Revised Code sections [3319.311](#) and [3319.31](#) is primarily to respond to misconduct that has already occurred and to ensure that educators who pose a risk to profession or the safety of students are removed from the profession either until they have achieved rehabilitation and can become relicensed or permanently depending on the nature of the offense. The educator disciplinary process is effective at mitigating risk in this manner. Less restrictive means would be unlikely to prevent or mitigate potential harm. The educator disciplinary process can also have a deterrence effect on future misconduct as all disciplinary actions are posted and viewable on our website.

Are there any changes the Board would like to see implemented?**Surrounding state comparison (LSC) (as of August 27, 2024)**

Ohio offers a supplemental teaching license to educators who already hold a valid standard teaching certificate or license, at the request of an employing district, while the educator is in the process of obtaining standard licensure to teach in a different area. In Ohio, an individual with a valid standard teaching certificate or license may be issued a supplemental teaching license to teach in a

different licensure area or teaching field from the individual's certificate or license. The license is renewable twice and must be issued at the request of the employing school district. The individual must be employed in a supplemental licensure area or teaching field and pass an examination in that field. As a condition of the license, the individual also must complete additional course work in the area or field and have a mentor who teaches in that area. After teaching under the supplemental teaching license for two years and completing the course work, the individual may advance to a standard license in that area.⁴² The fee for the one-year license is \$40.⁴³

It appears that the surrounding states do not offer an equivalent license.

Temporary teaching license for military science

Survey response (SBE)

| Description |
|--|
| |
| Type <i>(License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)</i> |
| |

⁴² R.C. 3319.361; O.A.C. 3301-24-14.

⁴³ State Bd. of Education, [Licensure Fees](#).

| If the regulation is a registration, certification, or license requirement, please complete the following: | |
|--|-----|
| Number issued annually | 123 |
| Number renewed annually | 89 |
| 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 (<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>) | |
| Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>) | |
| Initial fee | |

| If the regulation is a registration, certification, or license requirement, please complete the following: | |
|--|----|
| Duration | |
| Renewal fee <i>(If different from initial fee, please explain why.)</i> | |
| Does the Board recognize uniform licensure requirements or allow for reciprocity? | |
| Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation? | |
| Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Board? | No |
| Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual? | |
| Other information <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i> | |

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

The State Board of Education has the legal authority under Revised Code sections [3319.311](#) and [3319.31](#) to investigate educator misconduct and take disciplinary action against educational license holders and applicants who engage in criminal conduct, immoral acts, incompetence, negligence, conduct that is unbecoming to the teaching profession, or other violations of law as set forth in 3319.31(B). Conduct unbecoming to the teaching profession is further defined by the [Licensure Code of Professional Conduct for Ohio Educators](#) which provides the framework for professional conduct for all licensed Ohio educators.

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 State Board of Education of Ohio allows for bundling discounts for educators being issued more than one credential simultaneously (for example, someone with a principal license maintaining their teaching licensure). Because of this, and the fact that credentials are paid for in a single transaction, it is not possible to disaggregate fees paid by credential type. All funds generated from obtaining a credential through the State Board of Education are deposited into the Teacher Licensure fund 4L20.

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

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

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

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

Surrounding state comparison (LSC) (as of August 23, 2024)

| Temporary Teaching License for Military Science | | | | | | |
|---|--|---------------------|--|---------------------|--|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Type of regulation (Name of regulation) | License (Temporary teaching license for military science) <i>(O.A.C. 3301-23-44)</i> | No clear equivalent | License (Certificate for junior and senior instructors, JROTC) <i>(16 Ky. Admin. Regs. 2:100)</i> | No clear equivalent | License (Military science certificate) <i>(24 P.S. 12-1207.2)</i> | License (Authorization for JROTC Program) <i>(W. Va. Code R. 126-136-11)</i> |
| Education or training | Necessary skills, as determined by the hiring authority <i>(O.A.C. 3301-23-44)</i> | N/A | All the following: <ul style="list-style-type: none"> ▪ High school diploma for a junior certificate and a bachelor's degree for senior certificate; ▪ Recommendation by appropriate military service branch; ▪ Contract for employment by a local school district; | N/A | Valid military science certificate or endorsement issued by a branch of the U.S. Armed Forces authorizing the person to teach military science and the JROTC <i>(24 P.S. 12-1207.2)</i> | Bachelor's degree from an accredited institution of higher education, JROTC Instructor certification awarded by a branch of the U.S. military, and the recommendation of the employing county superintendent <i>(W. Va. Code R. 126-136-11)</i> |

| Temporary Teaching License for Military Science | | | | | | |
|---|------|---------|--|----------|--------------|---------------|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | | | <ul style="list-style-type: none"> Recommendation for certification by local school district superintendent <i>(16 Ky. Admin. Regs. 2:100)</i> | | | |
| Experience | N/A | N/A | DD214 documenting honorable service <i>(16 Ky. Admin. Regs. 2:100)</i> | 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 | For a junior certificate, six semester hours selected from an associate degree program or 24 clock hours of district-approved professional development, annually | N/A | N/A | N/A |

| Temporary Teaching License for Military Science | | | | | | |
|---|--|---------|---|----------|---|---|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | | | For a senior certificate two years of experience teaching JROTC over the duration of the previously held license <i>(16 Ky. Admin. Regs. 2:100)</i> | | | |
| Initial licensure fee | N/A | N/A | \$85 <i>(Ky. Education Professional Standards Bd., Certification Fees)</i> | N/A | N/A | N/A |
| License duration | One year <i>(State Bd. of Education, Temporary Military Science Licenses)</i> | N/A | Two years for the junior certificate and first issuance of the senior certificate and five years upon renewal of the senior certificate <i>(16 Ky. Admin. Regs. 2:100)</i> | N/A | Permanent <i>(Pa. Dept. of Education, CSPG 67 – Military Science Programs)</i> | Two years <i>(W. Va. Code R. 126-136-11)</i> |

| Temporary Teaching License for Military Science | | | | | | |
|---|------|---------|--|----------|--------------|---------------|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Renewal fee | N/A | N/A | Not specified for junior certificate \$85 for senior certificate <i>(Ky. Education Professional Standards Bd., Certification Fees)</i> | N/A | N/A | N/A |

Twelve-hour teaching permit

Survey response (SBE)

| Description |
|--|
| Educators are limited to teaching 12 hours a week in the subject area(s) listed on the permit. The one-year permit is valid only in the requesting Ohio school district. |

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

Permit

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

| | |
|---|---|
| Number issued annually | 99 |
| Number renewed annually | 75 |
| Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years? | |
| Education or training requirements | Candidates must have a minimum of a bachelor's degree from an accredited university in OR significant work experience in the subject area to be taught. |
| Experience requirements | No |

| 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>) | No |
| Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>) | |
| Initial fee | \$40.00 |
| Duration | 1-year |
| Renewal fee (<i>If different from initial fee, please explain why.</i>) | |
| Does the Board recognize uniform licensure requirements or allow for reciprocity? | Licensure of educators is currently handled on the state level. Each state sets its own requirements for licensure and there is currently no national uniform licensure requirement for the State Board to recognize. |
| Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation? | Licensure of educators is currently handled on the state level. Each state sets its own requirements for licensure and there is currently no national uniform licensure requirement for the State Board to recognize. |

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? | Section 3319.65 of the Revised Code authorized the state board of education shall establish a credential review board. The credential review board shall carry out any functions assigned to it by the state board with respect to assessing individuals pursuing alternative routes to educator licensure and out of state educators seeking licensure in Ohio. |
| 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.

The State Board of Education has the legal authority under Revised Code sections [3319.311](#) and [3319.31](#) to investigate educator misconduct and take disciplinary action against educational license holders and applicants who engage in criminal conduct, immoral acts, incompetence, negligence, conduct that is unbecoming to the teaching profession, or other violations of law as set forth in 3319.31(B). Conduct unbecoming to the teaching profession is further defined by the [Licensure Code of Professional Conduct for Ohio Educators](#) which provides the framework for professional conduct for all licensed Ohio educators.

**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 State Board of Education of Ohio allows for bundling discounts for educators being issued more than one credential simultaneously (for example, someone with a principal license maintaining their teaching licensure). Because of this, and the fact that credentials are paid for in a single transaction, it is not possible to disaggregate fees paid by credential type. All funds generated from obtaining a credential through the State Board of Education are deposited into the Teacher Licensure fund 4L20.

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

The Elementary and Secondary Education Act of 1965 (ESEA) as amended by the Every Student Succeeds Act (ESSA) requires teachers and paraprofessionals working in a program receiving federal funds to meet applicable State certification and licensure requirements, including any requirements for certification obtained through alternative routes to certification. Further, the Individuals with Disabilities Education Act (IDEA) and accompanying regulations require teachers providing special education to obtain full State certification as a special education teacher.

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

The State Board of Education is responsible for administering the ethical standards for licensed Ohio educators with the goal of ensuring that all Ohio students receive instruction from educators who are committed to providing a safe, supportive, and healthy school environment while also safeguarding the integrity of the profession. Acts of misconduct can cause direct harm to students whom, due to age, experience, and/or imbalance of power, may be particularly vulnerable to harm.

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

The role of Revised Code sections [3319.311](#) and [3319.31](#) is primarily to respond to misconduct that has already occurred and to ensure that educators who pose a risk to profession or the safety of students are removed from the profession either until they have achieved rehabilitation and can become relicensed or permanently depending on the nature of the offense. The educator disciplinary process is effective at mitigating risk in this manner. Less restrictive means would be unlikely to prevent or mitigate potential harm. The educator disciplinary process can also have a deterrence effect on future misconduct as all disciplinary actions are posted and viewable on our website.

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

Surrounding state comparison (LSC) (as of August 23, 2024)

| Twelve-Hour Temporary Teacher | | | | | | |
|--|--|---------------------|--|---------------------|--|---------------------|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Type of regulation (Name of regulation) | License (12-hour teaching permit) <i>(R.C. 3319.301)</i> | No clear equivalent | License (Adjunct Instructor) <i>(Ky. Rev. Stat. 161.046)</i> | No clear equivalent | License (Resource Specialist Permit, only for arts and other specialty areas) <i>(22 Pa. Code 49.62)</i> | No clear equivalent |

| Twelve-Hour Temporary Teacher | | | | | | |
|-------------------------------|--|---------|--|----------|--|---------------|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Education or training | Bachelor's degree or higher, or evidence of significant experience, as verified by the employing district, in the subject to be taught <i>(O.A.C. 3301-23-41)</i> | N/A | Expertise in a specific area and the applicable of the following: <ul style="list-style-type: none"> ▪ For elementary certification, a bachelor's degree with an overall 2.75 GPA; ▪ For middle or secondary certification, a bachelor's degree with an overall 2.75 GPA and in the major, minor, or area of concentration in the subject to be taught; ▪ For vocational education certification, a high school diploma | N/A | Professional knowledge, skill, and license (if required) in an area for supplemental instruction in a course of study directed by a certified teacher <i>(22 Pa. Code 49.62; Pa. Dept. of Education, CSPG 100 – Temporary Permits for Resource Specialists and Resource Specialist Permit Request Form (PDF))</i> | N/A |

| Twelve-Hour Temporary Teacher | | | | | | |
|-------------------------------|---|---------|---|----------|--------------|---------------|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | | | (Ky. Rev. Stat. 161.046; Education Professional Standards Bd., Option 4: Adjunct Instructor for Teaching Grades P-12) | | | |
| Experience | Yes, if no college degree (see "Education or training," above) (O.A.C. 3301-23-41) | N/A | For vocational education, four years of appropriate occupational experience (Ky. Rev. Stat. 161.046; Education Professional Standards Bd., Option 4: Adjunct Instructor for Teaching Grades P-12) | 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 |

| Twelve-Hour Temporary Teacher | | | | | | |
|-------------------------------|---|---------|---|----------|---|---------------|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Initial licensure fee | \$40 (<i>State Bd. of Education, Licensure Fees</i>) | N/A | N/A | N/A | \$100 (<i>Pa. Dept. of Education, Application Fees</i>) | N/A |
| License duration | One year (<i>O.A.C. 3301-23-41</i>) | N/A | One year (<i>Ky. Rev. Stat. 161.046</i>) | N/A | Three years (<i>Pa. Dept. of Education, CSPG 100 – Temporary Permits for Resource Specialists</i>) | N/A |
| Renewal fee | N/A | N/A | N/A | N/A | N/A | N/A |

Visiting international teacher license

Survey response (SBE)

| Description |
|---|
| Three-year visiting international teacher licenses are available for applicants who meet qualifications and have been hired to teach in Ohio schools or districts via an exchange program or other recruitment effort. The license is issued at the request of an employing Ohio school or district for a visiting teacher who is a citizen of another country. The non-renewable license will be valid only in the employing school or district and only for the grade levels and subject areas listed on the license. |

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

License

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

Number issued annually

39

Number renewed annually

N/A

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

Education or training requirements

Candidates must have completed both of the following:

The US equivalent of a bachelor's degree; and

A traditional educator preparation program. Note that candidates may be hired to teach either of the following:

The grade levels and subject areas of the educator preparation program they completed, or

Their native language.

| If the regulation is a registration, certification, or license requirement, please complete the following: | |
|--|---|
| | Candidates must comply with all U.S. Federal J-1 Visa requirements. |
| Experience requirements | Teacher Program candidates must have prior teaching experience, per federal and state teacher exchange program 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 |
| Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>) | |
| Initial fee | \$120.00 |
| Duration | 3-year |
| Renewal fee (<i>If different from initial fee, please explain why.</i>) | |
| Does the Board recognize uniform licensure requirements or allow for reciprocity? | Licensure of educators is currently handled on the state level. Each state sets its own requirements for licensure and there is currently no national uniform licensure requirement for the State Board to recognize. |

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? | Licensure of educators is currently handled on the state level. Each state sets its own requirements for licensure and there is currently no national uniform licensure requirement for the State Board to recognize. |
| 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? | Section 3319.65 of the Revised Code authorized the state board of education shall establish a credential review board. The credential review board shall carry out any functions assigned to it by the state board with respect to assessing individuals pursuing alternative routes to educator licensure and out of state educators seeking licensure in Ohio. |
| 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.

The State Board of Education has the legal authority under Revised Code sections [3319.311](#) and [3319.31](#) to investigate educator misconduct and take disciplinary action against educational license holders and applicants who engage in criminal conduct, immoral acts, incompetence, negligence, conduct that is unbecoming to the teaching profession, or other violations of law as set forth in 3319.31(B). Conduct unbecoming to the teaching profession is further defined by the [Licensure Code of Professional Conduct for Ohio Educators](#) which provides the framework for professional conduct for all licensed Ohio educators.

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 State Board of Education of Ohio allows for bundling discounts for educators being issued more than one credential simultaneously (for example, someone with a principal license maintaining their teaching licensure). Because of this, and the fact that credentials are paid for in a single transaction, it is not possible to disaggregate fees paid by credential type. All funds generated from obtaining a credential through the State Board of Education are deposited into the Teacher Licensure fund 4L20.

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

The Elementary and Secondary Education Act of 1965 (ESEA) as amended by the Every Student Succeeds Act (ESSA) requires teachers and paraprofessionals working in a program receiving federal funds to meet applicable State certification and licensure requirements, including any requirements for certification obtained through alternative routes to certification. Further, the Individuals with Disabilities Education Act (IDEA) and accompanying regulations require teachers providing special education to obtain full State certification as a special education teacher.

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

The State Board of Education is responsible for administering the ethical standards for licensed Ohio educators with the goal of ensuring that all Ohio students receive instruction from educators who are committed to providing a safe, supportive, and healthy school environment while also safeguarding the integrity of the profession. Acts of misconduct can cause direct harm to students whom, due to age, experience, and/or imbalance of power, may be particularly vulnerable to harm.

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

The role of Revised Code sections [3319.311](#) and [3319.31](#) is primarily to respond to misconduct that has already occurred and to ensure that educators who pose a risk to profession or the safety of students are removed from the profession either until they have achieved rehabilitation and can become relicensed or permanently depending on the nature of the offense. The educator disciplinary process is effective at mitigating risk in this manner. Less restrictive means would be unlikely to prevent or mitigate potential harm. The educator disciplinary process can also have a deterrence effect on future misconduct as all disciplinary actions are posted and viewable on our website.

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

Surrounding state comparison (LSC) (as of August 1, 2024)

| Visiting International Teacher | | | | | | |
|--|--|---|--|---|---------------------|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Type of regulation (Name of regulation) | License (Visiting international teacher license) (O.A.C. 3302-24-05) | License (Visiting teacher license) (Ind. Code 20-28-5-28) | License (Certification for foreign teachers serving under the International Teacher Program) (16 Ky. Admin. Regs. 4:070) | License (Temporary teaching certificate) (Mich. Comp. Laws 380.1531; Mich. Dept. of | No clear equivalent | License (Non-United States citizen permit) (W. Va. Code 18A-3-2a; W. Va. Bd. of Education, |

| Visiting International Teacher | | | | | | |
|--------------------------------|--|--|---|---|--------------|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | | | | <i>Education, Out-of-State Applicants</i> | | <i>Policy 5202, Section 17</i> |
| Education or training | <p>The U.S. equivalent of a bachelor's degree</p> <p>Teacher preparation program</p> <p>Academic major in the area to be taught, or, in the case of world languages, evidence of proficiency in the target language as determined by the employing school district or the Department of Education and Workforce</p> <p>English language proficiency as determined by the employing school district or the Department</p> | <p>Equivalent of a bachelor's degree from a regionally accredited institution, as determined by a third-party comparability evaluation</p> <p>Completion of one of the curriculum requirements for a grade level</p> <p><i>(Ind. Code 20-28-5-28; Ind. Dept. of Education, Visiting Teacher Permits)</i></p> | <p>Credentials or other legal authorization for teaching in their native country.</p> <p><i>(16 Ky. Admin. Regs. 4:070)</i></p> | <p>Teacher preparation program</p> <p><i>(Mich. Comp. Laws 380.1531; Mich. Dept. of Education, Out-of-Country Applicants and Out-of-State Applicants)</i></p> | N/A | <p>Verification from the partnering organization that the applicant has:</p> <ul style="list-style-type: none"> ▪ Completed an equivalent of an approved educational personnel preparation program in the U.S. and in a specialization offered in West Virginia; and ▪ Completed a degree equivalent to the required degree level in the U.S. and has earned an overall GPA equivalent to a 2.50 in the U.S. |

| Visiting International Teacher | | | | | | |
|--------------------------------|---|---|---|----------|--------------|---|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | (O.A.C. 3302-24-05; State Bd. of Education, Visiting International Teacher Licenses) | | | | | (W. Va. Code R. 126-136-17) |
| Experience | Prior teaching experience, per federal and state teacher exchange program requirements (O.A.C. 3302-24-05; State Bd. of Education, Visiting International Teacher Licenses) | Teaching or related professional experience (Ind. Code 20-28-5-28; Ind. Dept. of Education, Visiting Teacher Permits) | At least one year of teaching experience (16 Ky. Admin. Regs. 4:070) | 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 | To be eligible for renewal, applicant must (a) successfully complete six semester hours of eligible college/ university course work or WVDE WVLearns courses |

| Visiting International Teacher | | | | | | |
|--------------------------------|---|---|---|---|--------------|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | | | | | | related to the public school program, or (b) hold a minimum of an MA+30 salary classification, or (c) is age 60 or older (W. Va. Code R. 126-136-17 and 126-136-10.4) |
| Initial licensure fee | \$120 (O.A.C. 3302-24-05; State Bd. of Education, Licensure Fees) | \$71.72 (\$36.72 for the license and \$35 for an evaluation) (511 Ind. Admin. Code 16-1-2; Ind. Dept. of Education, Licensing Fees) | N/A | \$210 (Mich. Dept. of Education, Certificate Evaluation Fees and Out-of-Country Applicants) | N/A | Not specified plus \$47.25 fee for the cost for fingerprinting for licensure (W. Va. Dept. of Education, First Time Application) |
| License duration | Three years (O.A.C. 3302-24-05) | Five years, nonrenewable (Ind. Code 20-28-5-28; Ind. Dept. of Education, Visiting Teacher Permits) | One year (16 Ky. Admin. Regs. 4:070) | One year, nonrenewable (Mich. Comp. Laws 380.1531; Mich. Dept. of Education, Out-of-State Applicants) | N/A | One year, may be renewed once (W. Va. Code R. 126-136-17) |

| Visiting International Teacher | | | | | | |
|--------------------------------|------|---------|----------|----------|--------------|---|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Renewal fee | N/A | N/A | N/A | N/A | N/A | \$35 <i>(W. Va. Dept. of Education, Form 4NT Application Instructions)</i> |

State Board of Education Workload Data

Data notes

Licensure data are from CORE, conduct data are from ECM, and Evaluation and Resident Educator data are provided by the Office of Educator Licensure and Effectiveness. All CORE and ECM data pulled by Chris Worth (chris.worth@sboe.ohio.gov) between 7/12/2024 and 7/15/2024.

Questions and Data

1. How many active licenses (permits or registrations) does you board or commission have right now?

The number of credentials in Issued status is **360776**.

2. What is the average number of new licenses (permits or registrations) authorized yearly?

When counted by year of issue year, over a period of ten years: **133956.7**. Note that this number may include credentials that were subsequently voided or revoked.

3. How many active investigations (disciplinary or appeal cases) does your board or commission have right now?

The number of cases in Open status is **6646**. Note that this number does include cases that have been referred, but have not yet been determined to require full investigation, i.e., they are still in intake.

4. What is the average number of new investigations (disciplinary or appeal cases) received/reviewed yearly?

Since the first full year of ECM data was 2020, these averages were computer over a period of 4 years (2020 – 2024):

- Average number of referrals: **18311**
 - Average number of investigations opened: **1156**
 - Average number of investigations completed: **864.25**
 - Average number of dispositions: **982**
 - Average number of appeals: **8.25**
5. The Office of Educator Licensure and Effectiveness also oversees the Resident Educator Program, including the following categories of related personnel:
- **11,773** registered resident educators
 - **6,336** resident educator mentors
 - **1995** program coordinators
6. The Office of Educator Licensure and Effectiveness also oversees the Ohio Evaluation Systems, including the following categories of educators:
- **111,883** teachers enrolled in the Ohio Teacher Evaluation System
 - **5,884** principals enrolled in the Ohio Principal Evaluation System
 - **3,945** school counselors enrolled in the Ohio Counselor Evaluation System
7. The Office of Educator Licensure and Effectiveness also provides Evaluations for Alternative Resident Educators credentials, Alternative Administrative credentials, and Supplemental credentials. The total number of those evaluations for the 2023-2024 fiscal year is **6139**.

State Board of Education Data Notes

Credential data and counts were sourced from CORE (Connected Ohio Records for Educators) on October 10, 2024. Except where specifically noted, all credential counts are from the 2023-2024 effective year. The assignment of credentials to various survey items was done in coordination with the Office of Educator Licensure and Effectiveness. A number of credential descriptions issued by the State Board of Education were not able to be assigned to a particular survey item. Those credentials were coded with the category **99: Other**. The summary list of unassigned credentials is as follows:

- 1 Year Coordinating Service Center Tutor Registration

- 1 Year Instructional Assistant Instructional Assistant Permit
- 1 Year Temporary Interim License
- 2 Year Alternative Educator License
- 1 Year Temporary Alternative License
- 1 Year Temporary License
- 1 Year Interim License
- 3 Year Temporary Military Duty License

State Board of Education: Survey Item to Credential Assignment

| Survey Item | Credential Description |
|--|--|
| 1a: Alternative Military Resident Educator | 2 Year Alternative Military Resident Educator Intervention Specialist (PreK-12) License |
| 1a: Alternative Military Resident Educator | 2 Year Alternative Military Resident Educator Designated Subjects (PreK-12) License |
| 1a: Alternative Military Resident Educator | 2 Year Alternative Military Resident Educator Montessori (PK-12) License |
| 1a: Alternative Military Resident Educator | 2 Year Alternative Military Resident Educator Multi Age (P-12) License |
| 1b: Alternative Resident Educator | 4 Year Alternative Resident Educator Career Technical (4-12) License |
| 1b: Alternative Resident Educator | 4 Year Alternative Resident Educator Designated Subject (4-12) License |
| 1b: Alternative Resident Educator | 4 Year Alternative Resident Educator Multi Age (P-12) License |
| 1b: Alternative Resident Educator | 4 Year Alternative Resident Educator Intervention Specialist (K-12) License |
| 1b: Alternative Resident Educator | 4 Year Alternative Resident Educator Career Technical Workforce Development License |
| 1b: Alternative Resident Educator | 4 Year Alternative Resident Educator Designated Subject (Grades K-12) License |
| 1b: Alternative Resident Educator | 2 Year Alternative Resident Educator Designated Subjects (PreK-12) License |
| 1b: Alternative Resident Educator | 2 Year Alternative Resident Educator Multi Age (P-12) License |
| 1b: Alternative Resident Educator | 2 Year Alternative Resident Educator Intervention Specialist (PreK-12) License |
| 1c: Alternative Resident Educator - Montessori | 4 Year Alternative Resident Educator Alternative Resident Educator- Montessori (PK-12) License |
| 1c: Alternative Resident Educator - Montessori | 4 Year Alternative Resident Educator Montessori (PK-12) License |

| Survey Item | Credential Description |
|--|--|
| 1c: Alternative Resident Educator - Montessori | 2 Year Alternative Resident Educator Montessori (PK-12) License |
| 1d: Early College High School | 4 Year Early College High School (7-12) License |
| 1e: Provisional STEM | 2 Year Provisional STEM (6-12) License |
| 1f: Resident Educator | 4 Year Resident Educator Adolescence to Young Adult (7-12) License |
| 1f: Resident Educator | 4 Year Resident Educator Career Technical (4-12) License |
| 1f: Resident Educator | 4 Year Resident Educator Early Childhood (P-3) License |
| 1f: Resident Educator | 4 Year Resident Educator Early Childhood Intervention Specialist (P-3) License |
| 1f: Resident Educator | 4 Year Resident Educator Intervention Specialist (K-12) License |
| 1f: Resident Educator | 4 Year Resident Educator Middle Childhood (4-9) License |
| 1f: Resident Educator | 4 Year Resident Educator Multi Age (P-12) License |
| 1f: Resident Educator | 4 Year Resident Educator Adolescence to Young Adult (Grades 7-12) License |
| 1f: Resident Educator | 4 Year Resident Educator Early Childhood (Grades P-3) License |
| 1f: Resident Educator | 4 Year Resident Educator Primary (PreK-5) License |
| 1f: Resident Educator | 4 Year Resident Educator Primary Intervention Specialist (PreK-5) License |
| 1f: Resident Educator | 2 Year Resident Educator Adolescence to Young Adult (7-12) License |
| 1f: Resident Educator | 2 Year Resident Educator Career Technical (4-12) License |
| 1f: Resident Educator | 2 Year Resident Educator Early Childhood (P-3) License |
| 1f: Resident Educator | 2 Year Resident Educator Early Childhood Intervention Specialist (P-3) License |
| 1f: Resident Educator | 2 Year Resident Educator Intervention Specialist (K-12) License |
| 1f: Resident Educator | 2 Year Resident Educator Middle Childhood (4-9) License |
| 1f: Resident Educator | 2 Year Resident Educator Multi Age (P-12) License |
| 1f: Resident Educator | 2 Year Resident Educator Primary (PreK-5) License |
| 1f: Resident Educator | 2 Year Resident Educator Primary Intervention Specialist (PreK-5) License |
| 1f: Resident Educator | 2 Year Resident Educator Early Childhood (Grades P-3) License |
| 1f: Resident Educator | 2 Year Resident Educator Adolescence to Young Adult (Grades 7-12) License |
| 1f: Resident Educator | 2 Year Resident Educator Intervention Specialist 4-9 License |
| 1f: Resident Educator | 2 Year Resident Educator Intervention Specialist 7-12 License |

| Survey Item | Credential Description |
|-------------------------------|---|
| 1g: Two Year Provisional | 2 Year Provisional Adolescence to Young Adult (7-12) License |
| 1g: Two Year Provisional | 2 Year Provisional Career Technical (4-12) License |
| 1g: Two Year Provisional | 2 Year Provisional Early Childhood (P-3) License |
| 1g: Two Year Provisional | 2 Year Provisional Early Childhood Intervention Specialist (P-3) License |
| 1g: Two Year Provisional | 2 Year Provisional Intervention Specialist (K-12) License |
| 1g: Two Year Provisional | 2 Year Provisional Middle Childhood (4-9) License |
| 1g: Two Year Provisional | 2 Year Provisional Multi Age (P-12) License |
| 1g: Two Year Provisional | 2 Year Provisional Associate License |
| 1g: Two Year Provisional | 2 Year Provisional High School (7-12) License |
| 1g: Two Year Provisional | 2 Year Provisional Kindergarten-Primary (K-3) License |
| 1g: Two Year Provisional | 2 Year Provisional Prekindergarten Associate License |
| 1g: Two Year Provisional | 2 Year Provisional Special All Grades (K-12) License |
| 1g: Two Year Provisional | 2 Year Provisional Vocational Education License |
| 1g: Two Year Provisional | 2 Year Provisional Early Childhood (Grades P-3) License |
| 1g: Two Year Provisional | 2 Year Provisional Adolescence to Young Adult (Grades 7-12) License |
| 2: Lead Professional Educator | 5 Year Lead Professional Educator Adolescence to Young Adult (7-12) License |
| 2: Lead Professional Educator | 5 Year Lead Professional Educator Career Technical (4-12) License |
| 2: Lead Professional Educator | 5 Year Lead Professional Educator Comprehensive High School (7-12) License |
| 2: Lead Professional Educator | 5 Year Lead Professional Educator Early Childhood (P-3) License |
| 2: Lead Professional Educator | 5 Year Lead Professional Educator Early Childhood Intervention Specialist (P-3) License |
| 2: Lead Professional Educator | 5 Year Lead Professional Educator Education of the Handicapped (K-12) License |
| 2: Lead Professional Educator | 5 Year Lead Professional Educator Elementary (1-8) License |
| 2: Lead Professional Educator | 5 Year Lead Professional Educator High School (7-12) License |
| 2: Lead Professional Educator | 5 Year Lead Professional Educator Intervention Specialist (K-12) License |
| 2: Lead Professional Educator | 5 Year Lead Professional Educator Kindergarten-Elementary (K-8) License |
| 2: Lead Professional Educator | 5 Year Lead Professional Educator Kindergarten-Primary (K-3) License |
| 2: Lead Professional Educator | 5 Year Lead Professional Educator Middle Childhood (4-9) License |
| 2: Lead Professional Educator | 5 Year Lead Professional Educator Middle School (4-9) License |

| Survey Item | Credential Description |
|-------------------------------|--|
| 2: Lead Professional Educator | 5 Year Lead Professional Educator Multi Age (P-12) License |
| 2: Lead Professional Educator | 5 Year Lead Professional Educator Prekindergarten License |
| 2: Lead Professional Educator | 5 Year Lead Professional Educator Special All Grades (K-12) License |
| 2: Lead Professional Educator | 5 Year Lead Professional Educator Vocational Education License |
| 2: Lead Professional Educator | 5 Year Lead Professional Educator Early Childhood (Grades P-3) License |
| 2: Lead Professional Educator | 5 Year Lead Professional Educator Adolescence to Young Adult (Grades 7-12) License |
| 2: Lead Professional Educator | 5 Year Lead Professional Educator Out of State Educator License |
| 2: Lead Professional Educator | 5 Year Lead Professional Educator Primary (PreK-5) License |
| 2: Lead Professional Educator | 5 Year Lead Professional Educator Primary Intervention Specialist (PreK-5) License |
| 3: Professional Educator | 5 Year Professional Adolescence to Young Adult (7-12) License |
| 3: Professional Educator | 5 Year Professional Career Technical (4-12) License |
| 3: Professional Educator | 5 Year Professional Comprehensive High School (7-12) License |
| 3: Professional Educator | 5 Year Professional Early Childhood (P-3) License |
| 3: Professional Educator | 5 Year Professional Early Childhood Intervention Specialist (P-3) License |
| 3: Professional Educator | 5 Year Professional Education of the Handicapped (K-12) License |
| 3: Professional Educator | 5 Year Professional Elementary (1-8) License |
| 3: Professional Educator | 5 Year Professional High School (7-12) License |
| 3: Professional Educator | 5 Year Professional Intervention Specialist (K-12) License |
| 3: Professional Educator | 5 Year Professional Kindergarten-Elementary (K-8) License |
| 3: Professional Educator | 5 Year Professional Kindergarten-Primary (K-3) License |
| 3: Professional Educator | 5 Year Professional Middle Childhood (4-9) License |
| 3: Professional Educator | 5 Year Professional Middle School (4-9) License |
| 3: Professional Educator | 5 Year Professional Multi Age (P-12) License |
| 3: Professional Educator | 5 Year Professional Prekindergarten License |
| 3: Professional Educator | 5 Year Professional Special All Grades (K-12) License |
| 3: Professional Educator | 5 Year Professional Vocational Education License |
| 3: Professional Educator | Permanent Comprehensive High School (7-12) Certificate |
| 3: Professional Educator | Permanent Education of the Handicapped (K-12) Certificate |

| Survey Item | Credential Description |
|--------------------------|--|
| 3: Professional Educator | Permanent Permanent Elementary (1-8) Certificate |
| 3: Professional Educator | Permanent Permanent High School (7-12) Certificate |
| 3: Professional Educator | Permanent Permanent Kindergarten-Elementary (K-8) Certificate |
| 3: Professional Educator | Permanent Permanent Kindergarten-Primary (K-3) Certificate |
| 3: Professional Educator | Permanent Permanent Middle School (4-9) Certificate |
| 3: Professional Educator | Permanent Permanent Prekindergarten Certificate |
| 3: Professional Educator | Permanent Permanent Prekindergarten Associate Certificate |
| 3: Professional Educator | Permanent Permanent Special All Grades (K-12) Certificate |
| 3: Professional Educator | Permanent Permanent Vocational Education Certificate |
| 3: Professional Educator | 5 Year Professional General Education License |
| 3: Professional Educator | 5 Year Professional Prekindergarten Associate License |
| 3: Professional Educator | 5 Year Professional Adolescence to Young Adult (Grades 7-12) License |
| 3: Professional Educator | 5 Year Professional Early Childhood (Grades P-3) License |
| 3: Professional Educator | 5 Year Professional Designated Subject (4-12) License |
| 3: Professional Educator | 5 Year Professional Designated Subject (Grades K-12) License |
| 3: Professional Educator | 5 Year Professional Montessori (PK-12) License |
| 3: Professional Educator | 5 Year Professional Primary (PreK-5) License |
| 3: Professional Educator | 5 Year Professional Primary Intervention Specialist (PreK-5) License |
| 3: Professional Educator | 1 Year Reinstatement Adolescence to Young Adult (7-12) License |
| 3: Professional Educator | 1 Year Reinstatement Career Technical (4-12) License |
| 3: Professional Educator | 1 Year Reinstatement Designated Subject (4-12) License |
| 3: Professional Educator | 1 Year Reinstatement Designated Subject (Grades K-12) License |
| 3: Professional Educator | 1 Year Reinstatement Early Childhood (P-3) License |
| 3: Professional Educator | 1 Year Reinstatement Early Childhood Intervention Specialist (P-3) License |
| 3: Professional Educator | 1 Year Reinstatement Intervention Specialist (K-12) License |
| 3: Professional Educator | 1 Year Reinstatement Middle Childhood (4-9) License |
| 3: Professional Educator | 1 Year Reinstatement Multi Age (P-12) License |
| 3: Professional Educator | 1 Year Reinstatement Prekindergarten Associate License |

| Survey Item | Credential Description |
|--------------------------|---|
| 3: Professional Educator | 1 Year Reinstatement Primary (PreK-5) License |
| 3: Professional Educator | 1 Year Reinstatement Primary Intervention Specialist (PreK-5) License |
| 3: Professional Educator | 1 Year Reinstatement Education of the Handicapped (K-12) License |
| 3: Professional Educator | 1 Year Reinstatement Comprehensive High School (7-12) License |
| 3: Professional Educator | 1 Year Reinstatement Prekindergarten License |
| 3: Professional Educator | 1 Year Reinstatement Kindergarten-Primary (K-3) License |
| 3: Professional Educator | 1 Year Reinstatement Kindergarten-Elementary (K-8) License |
| 3: Professional Educator | 1 Year Reinstatement Elementary (1-8) License |
| 3: Professional Educator | 1 Year Reinstatement Special All Grades (K-12) License |
| 3: Professional Educator | 1 Year Reinstatement Vocational Education License |
| 3: Professional Educator | 1 Year Reinstatement Middle School (4-9) License |
| 3: Professional Educator | 1 Year Reinstatement High School (7-12) License |
| 3: Professional Educator | 2 Year Reinstatement Adolescence to Young Adult (7-12) License |
| 3: Professional Educator | 2 Year Reinstatement Career Technical (4-12) License |
| 3: Professional Educator | 2 Year Reinstatement Comprehensive High School (7-12) License |
| 3: Professional Educator | 2 Year Reinstatement Designated Subject (4-12) License |
| 3: Professional Educator | 2 Year Reinstatement Designated Subject (Grades K-12) License |
| 3: Professional Educator | 2 Year Reinstatement Early Childhood (P-3) License |
| 3: Professional Educator | 2 Year Reinstatement Elementary (1-8) License |
| 3: Professional Educator | 2 Year Reinstatement High School (7-12) License |
| 3: Professional Educator | 2 Year Reinstatement Kindergarten-Elementary (K-8) License |
| 3: Professional Educator | 2 Year Reinstatement Kindergarten-Primary (K-3) License |
| 3: Professional Educator | 2 Year Reinstatement Middle Childhood (4-9) License |
| 3: Professional Educator | 2 Year Reinstatement Middle School (4-9) License |
| 3: Professional Educator | 2 Year Reinstatement Multi Age (P-12) License |
| 3: Professional Educator | 2 Year Reinstatement Prekindergarten License |
| 3: Professional Educator | 2 Year Reinstatement Prekindergarten Associate License |
| 3: Professional Educator | 2 Year Reinstatement Primary (PreK-5) License |

| Survey Item | Credential Description |
|---------------------------------|---|
| 3: Professional Educator | 2 Year Reinstatement Special All Grades (K-12) License |
| 3: Professional Educator | 2 Year Reinstatement Vocational Education License |
| 4: Senior Professional Educator | 5 Year Senior Professional Educator Adolescence to Young Adult (7-12) License |
| 4: Senior Professional Educator | 5 Year Senior Professional Educator Career Technical (4-12) License |
| 4: Senior Professional Educator | 5 Year Senior Professional Educator Comprehensive High School (7-12) License |
| 4: Senior Professional Educator | 5 Year Senior Professional Educator Early Childhood (P-3) License |
| 4: Senior Professional Educator | 5 Year Senior Professional Educator Early Childhood Intervention Specialist (P-3) License |
| 4: Senior Professional Educator | 5 Year Senior Professional Educator Education of the Handicapped (K-12) License |
| 4: Senior Professional Educator | 5 Year Senior Professional Educator Elementary (1-8) License |
| 4: Senior Professional Educator | 5 Year Senior Professional Educator High School (7-12) License |
| 4: Senior Professional Educator | 5 Year Senior Professional Educator Intervention Specialist (K-12) License |
| 4: Senior Professional Educator | 5 Year Senior Professional Educator Kindergarten-Elementary (K-8) License |
| 4: Senior Professional Educator | 5 Year Senior Professional Educator Kindergarten-Primary (K-3) License |
| 4: Senior Professional Educator | 5 Year Senior Professional Educator Middle Childhood (4-9) License |
| 4: Senior Professional Educator | 5 Year Senior Professional Educator Middle School (4-9) License |
| 4: Senior Professional Educator | 5 Year Senior Professional Educator Multi Age (P-12) License |
| 4: Senior Professional Educator | 5 Year Senior Professional Educator Prekindergarten License |
| 4: Senior Professional Educator | 5 Year Senior Professional Educator Special All Grades (K-12) License |
| 4: Senior Professional Educator | 5 Year Senior Professional Educator Vocational Education License |
| 4: Senior Professional Educator | 5 Year Senior Professional Educator Early Childhood (Grades P-3) License |
| 4: Senior Professional Educator | 5 Year Senior Professional Educator Adolescence to Young Adult (Grades 7-12) License |
| 4: Senior Professional Educator | 5 Year Senior Professional Educator Designated Subject (4-12) License |
| 4: Senior Professional Educator | 5 Year Senior Professional Educator Designated Subject (Grades K-12) License |
| 4: Senior Professional Educator | 5 Year Senior Professional Educator Primary (PreK-5) License |
| 4: Senior Professional Educator | 5 Year Senior Professional Educator Primary Intervention Specialist (PreK-5) License |
| 5: Adult Education | 1 Year Adult Education Adult Education Permit |
| 5: Adult Education | 1 Year Temporary Adult Education License |
| 5: Adult Education | 4 Year Adult Education Adult Education Permit |

| Survey Item | Credential Description |
|--------------------------------------|---|
| 6: Career-Tech Workforce Development | 5 Year Professional Career Technical Workforce Development License |
| 6: Career-Tech Workforce Development | 5 Year Advanced Career Technical Workforce Development License |
| 7: Initial Career-Tech | 2 Year Provisional Career Technical Workforce Development License |
| 8: Alternative Administrative | 1 Year Alternative Administrative Administrative Specialist License |
| 8: Alternative Administrative | 1 Year Alternative Administrative Superintendent License |
| 8: Alternative Administrative | 2 Year Alternative Administrative Superintendent License |
| 8: Alternative Administrative | 2 Year Alternative Administrative Administrative Specialist License |
| 9: Alternative Principal | 1 Year Alternative Administrative Principal License |
| 11: Administrator | 2 Year Provisional Administrative Specialist License |
| 11: Administrator | 2 Year Provisional EAS - Education of Exceptional Pupils License |
| 11: Administrator | 2 Year Provisional EAS - Educational Personnel License |
| 11: Administrator | 2 Year Provisional EAS - Educational Research License |
| 11: Administrator | 2 Year Provisional EAS - Educational Staff Personnel Administration License |
| 11: Administrator | 2 Year Provisional EAS - Instructional Services License |
| 11: Administrator | 2 Year Provisional Principal License |
| 11: Administrator | 2 Year Provisional EAS - Pupil Personnel Administration License |
| 11: Administrator | 2 Year Provisional EAS - School-Community Relations License |
| 11: Administrator | 2 Year Provisional EAS - Vocational Director License |
| 11: Administrator | 5 Year Professional Administrative Specialist License |
| 11: Administrator | 5 Year Professional Assistant Superintendent License |
| 11: Administrator | 5 Year Professional EAS - Vocational Supervisor License |
| 11: Administrator | 5 Year Professional EAS - Educational Personnel License |
| 11: Administrator | 5 Year Professional Elementary Principal (K-8) License |
| 11: Administrator | 5 Year Professional High School Principal (7-12) License |
| 11: Administrator | 5 Year Professional Local Superintendent License |
| 11: Administrator | 5 Year Professional MRDD Principal License |
| 11: Administrator | 5 Year Professional MRDD Supervisor License |
| 11: Administrator | 5 Year Professional Middle School Principal (4-9) License |

| Survey Item | Credential Description |
|--------------------|--|
| 11: Administrator | 5 Year Professional Principal License |
| 11: Administrator | 5 Year Professional Reading Supervisor License |
| 11: Administrator | 5 Year Professional Superintendent License |
| 11: Administrator | 5 Year Professional Supervisor License |
| 11: Administrator | 1 Year Temporary Administrative Specialist License |
| 11: Administrator | 1 Year Temporary Principal License |
| 11: Administrator | 1 Year Temporary Superintendent License |
| 11: Administrator | 5 Year Professional EAS - Education of Exceptional Pupils License |
| 11: Administrator | 5 Year Professional EAS - Educational Research License |
| 11: Administrator | 5 Year Professional EAS - Educational Staff Personnel Administration License |
| 11: Administrator | 5 Year Professional EAS - Instructional Services License |
| 11: Administrator | 5 Year Professional EAS - School-Community Relations License |
| 11: Administrator | 5 Year Professional EAS - Vocational Director License |
| 11: Administrator | 2 Year Provisional Elementary Principal (K-8) License |
| 11: Administrator | 2 Year Provisional Superintendent License |
| 11: Administrator | 2 Year Provisional Supervisor License |
| 11: Administrator | Permanent Permanent Administrative Specialist Certificate |
| 11: Administrator | Permanent Permanent Assistant Superintendent Certificate |
| 11: Administrator | Permanent Permanent EAS - Educational Research Certificate |
| 11: Administrator | Permanent Permanent EAS - Educational Staff Personnel Administration Certificate |
| 11: Administrator | Permanent Permanent Elementary Principal (K-8) Certificate |
| 11: Administrator | Permanent Permanent EAS - Exceptional Pupil Certificate |
| 11: Administrator | Permanent Permanent High School Principal (7-12) Certificate |
| 11: Administrator | Permanent Permanent EAS - Instructional Services Certificate |
| 11: Administrator | Permanent Permanent Local Superintendent Certificate |
| 11: Administrator | Permanent Permanent MRDD Principal Certificate |
| 11: Administrator | Permanent Permanent Middle School Principal (4-9) Certificate |
| 11: Administrator | Permanent Permanent Personnel Administration Certificate |

| Survey Item | Credential Description |
|-------------------|---|
| 11: Administrator | Permanent Permanent EAS - Pupil Personnel Administration Certificate |
| 11: Administrator | Permanent Permanent Reading Supervisor Certificate |
| 11: Administrator | Permanent Permanent EAS - School-Community Relations Certificate |
| 11: Administrator | Permanent Permanent Superintendent Certificate |
| 11: Administrator | Permanent Permanent Supervisor Certificate |
| 11: Administrator | Permanent Permanent EAS - Vocational Director Certificate |
| 11: Administrator | Permanent Permanent Vocational Supervisor Certificate |
| 11: Administrator | 5 Year Professional EAS - Business Management License |
| 11: Administrator | 5 Year Professional EAS - Exceptional Pupil License |
| 11: Administrator | 5 Year Professional Personnel Administration License |
| 11: Administrator | 5 Year Professional EAS - Pupil Personnel Administration License |
| 11: Administrator | 5 Year Professional Vocational Supervisor License |
| 11: Administrator | 1 Year Temporary Elementary Principal (K-8) License |
| 11: Administrator | 1 Year Temporary EAS - Exceptional Pupil License |
| 11: Administrator | 1 Year Temporary EAS - Instructional Services License |
| 11: Administrator | 1 Year Temporary MRDD Supervisor License |
| 11: Administrator | 1 Year Temporary EAS - Pupil Personnel Administration License |
| 11: Administrator | 1 Year Temporary Supervisor License |
| 11: Administrator | 1 Year Reinstatement Administrative Specialist License |
| 11: Administrator | 1 Year Reinstatement Principal License |
| 11: Administrator | 1 Year Reinstatement Superintendent License |
| 11: Administrator | 1 Year Reinstatement School Business Manager License |
| 11: Administrator | 1 Year Reinstatement EAS - Educational Research License |
| 11: Administrator | 1 Year Reinstatement EAS - Educational Staff Personnel Administration License |
| 11: Administrator | 1 Year Reinstatement EAS - Instructional Services License |
| 11: Administrator | 1 Year Reinstatement EAS - Pupil Personnel Administration License |
| 11: Administrator | 1 Year Reinstatement EAS - School-Community Relations License |
| 11: Administrator | 1 Year Reinstatement EAS - Vocational Director License |

| Survey Item | Credential Description |
|-------------------|---|
| 11: Administrator | 1 Year Reinstatement Supervisor License |
| 11: Administrator | 1 Year Reinstatement Vocational Supervisor License |
| 11: Administrator | 1 Year Reinstatement Elementary Principal (K-8) License |
| 11: Administrator | 1 Year Reinstatement Middle School Principal (4-9) License |
| 11: Administrator | 1 Year Reinstatement High School Principal (7-12) License |
| 11: Administrator | 1 Year Reinstatement Assistant Superintendent License |
| 11: Administrator | 1 Year Reinstatement Local Superintendent License |
| 11: Administrator | 1 Year Reinstatement Reading Supervisor License |
| 11: Administrator | 1 Year Reinstatement MRDD Supervisor License |
| 11: Administrator | 1 Year Reinstatement MRDD Principal License |
| 11: Administrator | 1 Year Reinstatement EAS - Educational Personnel License |
| 11: Administrator | 1 Year Reinstatement EAS - Exceptional Pupil License |
| 11: Administrator | 1 Year Reinstatement Personnel Administration License |
| 11: Administrator | 2 Year Reinstatement Administrative Specialist License |
| 11: Administrator | 2 Year Reinstatement Assistant Superintendent License |
| 11: Administrator | 2 Year Reinstatement EAS - Educational Personnel License |
| 11: Administrator | 2 Year Reinstatement EAS - Educational Research License |
| 11: Administrator | 2 Year Reinstatement EAS - Educational Staff Personnel Administration License |
| 11: Administrator | 2 Year Reinstatement EAS - Exceptional Pupil License |
| 11: Administrator | 2 Year Reinstatement EAS - Instructional Services License |
| 11: Administrator | 2 Year Reinstatement EAS - Pupil Personnel Administration License |
| 11: Administrator | 2 Year Reinstatement EAS - School-Community Relations License |
| 11: Administrator | 2 Year Reinstatement EAS - Vocational Director License |
| 11: Administrator | 2 Year Reinstatement Elementary Principal (K-8) License |
| 11: Administrator | 2 Year Reinstatement High School Principal (7-12) License |
| 11: Administrator | 2 Year Reinstatement Local Superintendent License |
| 11: Administrator | 2 Year Reinstatement Middle School Principal (4-9) License |
| 11: Administrator | 2 Year Reinstatement MRDD Principal License |

| Survey Item | Credential Description |
|-----------------------------|--|
| 11: Administrator | 2 Year Reinstatement MRDD Supervisor License |
| 11: Administrator | 2 Year Reinstatement Personnel Administration License |
| 11: Administrator | 2 Year Reinstatement Principal License |
| 11: Administrator | 2 Year Reinstatement Reading Supervisor License |
| 11: Administrator | 2 Year Reinstatement Superintendent License |
| 11: Administrator | 2 Year Reinstatement Supervisor License |
| 11: Administrator | 2 Year Reinstatement Vocational Supervisor License |
| 12: School Business Manager | 5 Year School Business Manager School Business Manager License |
| 12: School Business Manager | 1 Year Temporary EAS - Business Management License |
| 12: School Business Manager | 1 Year Temporary School Business Manager License |
| 12: School Business Manager | 2 Year Reinstatement School Business Manager License |
| 13: School Treasurer | 5 Year School Treasurer School Treasurer License |
| 13: School Treasurer | 1 Year Reinstatement School Treasurer License |
| 13: School Treasurer | 2 Year Reinstatement School Treasurer License |
| 14: Associate | 5 Year Associate N/A License |
| 14: Associate | 5 Year Associate Prekindergarten License |
| 14: Associate | 1 Year Temporary Associate License |
| 14: Associate | 5 Year Professional Associate License |
| 14: Associate | 5 Year Associate Associate License |
| 14: Associate | 1 Year Reinstatement Associate License |
| 14: Associate | 2 Year Reinstatement Associate License |
| 15: Educational Aide | 1 Year Educational Aide Student Monitor Permit |
| 15: Educational Aide | 1 Year Educational Aide Educational Aide Permit |
| 15: Educational Aide | 4 Year Educational Aide Educational Aide Permit |
| 15: Educational Aide | 4 Year Educational Aide Technologist Permit |
| 15: Educational Aide | 4 Year Educational Aide Student Monitor Permit |
| 15: Educational Aide | 1 Year Student Monitor Aide Student Monitor Permit |
| 17: Pupil Services | 2 Year Provisional Pupil Services License* |

| Survey Item | Credential Description |
|--------------------|---|
| 17: Pupil Services | 5 Year Professional Pupil Services License* |
| 17: Pupil Services | 1 Year Temporary Pupil Services License* |
| 17: Pupil Services | Permanent Permanent Occupational Therapist Certificate |
| 17: Pupil Services | Permanent Permanent Physical Therapist Certificate |
| 17: Pupil Services | Permanent Permanent School Audiologist Certificate |
| 17: Pupil Services | Permanent Permanent School Counselor Certificate |
| 17: Pupil Services | Permanent Permanent School Nurse Certificate |
| 17: Pupil Services | Permanent Permanent School Psychologist Certificate |
| 17: Pupil Services | Permanent Permanent School Social Worker Certificate |
| 17: Pupil Services | Permanent Permanent Visiting Teacher Certificate |
| 17: Pupil Services | 5 Year Professional Occupational Therapist License |
| 17: Pupil Services | 5 Year Professional Physical Therapist License |
| 17: Pupil Services | 5 Year Professional School Audiologist License |
| 17: Pupil Services | 5 Year Professional School Counselor License |
| 17: Pupil Services | 5 Year Professional School Nurse License |
| 17: Pupil Services | 5 Year Professional School Psychologist License |
| 17: Pupil Services | 5 Year Professional School Social Worker License |
| 17: Pupil Services | 1 Year Temporary Occupational Therapist License |
| 17: Pupil Services | 1 Year Temporary School Audiologist License |
| 17: Pupil Services | 1 Year Temporary School Counselor License |
| 17: Pupil Services | 1 Year Temporary School Nurse License |
| 17: Pupil Services | 1 Year Temporary School Psychologist License |
| 17: Pupil Services | 5 Year Pupil Services Occupational Therapist Registration |
| 17: Pupil Services | 5 Year Pupil Services Physical Therapist Registration |
| 17: Pupil Services | 5 Year Pupil Services Audiologist Registration |
| 17: Pupil Services | 5 Year Pupil Services Nurse Registration |
| 17: Pupil Services | 5 Year Pupil Services Social Worker Registration |
| 17: Pupil Services | 5 Year Pupil Services Occupational Therapy Assistant Registration |

| Survey Item | Credential Description |
|---------------------------------|---|
| 17: Pupil Services | 5 Year Pupil Services Physical Therapy Assistant Registration |
| 17: Pupil Services | 1 Year Reinstatement Pupil Services License* |
| 17: Pupil Services | 1 Year Reinstatement School Counselor License |
| 17: Pupil Services | 1 Year Reinstatement School Psychologist License |
| 17: Pupil Services | 2 Year Reinstatement Pupil Services License* |
| 17: Pupil Services | 2 Year Reinstatement School Counselor License |
| 17: Pupil Services | 2 Year Reinstatement School Psychologist License |
| 18: Speech-Language Pathologist | Permanent Permanent School Speech-Language Pathologist Certificate |
| 18: Speech-Language Pathologist | 1 Year Substitute School Speech-Language Pathologist Certificate |
| 18: Speech-Language Pathologist | 5 Year Professional School Speech-Language Pathologist License |
| 18: Speech-Language Pathologist | 1 Year Temporary School Speech-Language Pathologist License |
| 18: Speech-Language Pathologist | 5 Year Pupil Services Speech Language Pathologist Registration |
| 18: Speech-Language Pathologist | 2 Year Provisional Pupil Services License** |
| 18: Speech-Language Pathologist | 5 Year Professional Pupil Services License** |
| 18: Speech-Language Pathologist | 1 Year Temporary Pupil Services License** |
| 18: Speech-Language Pathologist | 1 Year Reinstatement Pupil Services License** |
| 18: Speech-Language Pathologist | 2 Year Reinstatement Pupil Services License** |
| 20: 40 Hour STEM | 1 Year 40 Hour STEM School Teaching Multi Age (P-12) Permit |
| 20: 40 Hour STEM | 1 Year 40 Hour STEM School Teaching Adolescence to Young Adult (7-12) Permit |
| 20: 40 Hour STEM | 1 Year 40 Hour STEM School Teaching Middle Childhood (4-9) Permit |
| 20: 40 Hour STEM | 1 Year 40 Hour Industry-Recognized Credential Career Technical Workforce Development Permit |
| 21: Temporary Military Science | 1 Year Temporary Military Science License |
| 22: 12 Hour Teaching | 1 Year 12 Hour Teaching Adolescence to Young Adult (7-12) Permit |
| 22: 12 Hour Teaching | 1 Year 12 Hour Teaching Middle Childhood (4-9) Permit |
| 22: 12 Hour Teaching | 1 Year 12 Hour Teaching Multi Age (P-12) Permit |
| 22: 12 Hour Teaching | 1 Year 12 Hour Teaching Adult Education Permit |
| 22: 12 Hour Teaching | 1 Year 12 Hour Teaching Career Technical (4-12) Permit |

| Survey Item | Credential Description |
|----------------------------|---|
| 22: 12 Hour Teaching | 1 Year 12 Hour Teaching Early Childhood (P-3) Permit |
| 22: 12 Hour Teaching | 1 Year 12 Hour Teaching Education of the Handicapped (K-12) Permit |
| 22: 12 Hour Teaching | 1 Year 12 Hour Teaching Elementary (1-8) Permit |
| 22: 12 Hour Teaching | 1 Year 12 Hour Teaching High School (7-12) Permit |
| 22: 12 Hour Teaching | 1 Year 12 Hour Teaching Intervention Specialist (K-12) Permit |
| 22: 12 Hour Teaching | 1 Year 12 Hour Teaching Kindergarten-Elementary (K-8) Permit |
| 22: 12 Hour Teaching | 1 Year 12 Hour Teaching Kindergarten-Primary (K-3) Permit |
| 22: 12 Hour Teaching | 1 Year 12 Hour Teaching Middle School (4-9) Permit |
| 22: 12 Hour Teaching | 1 Year 12 Hour Teaching Occupational Therapist Permit |
| 22: 12 Hour Teaching | 1 Year 12 Hour Teaching Pupil Services Permit |
| 22: 12 Hour Teaching | 1 Year 12 Hour Teaching Special All Grades (K-12) Permit |
| 22: 12 Hour Teaching | 1 Year 12 Hour Teaching Vocational Education Permit |
| 23: Out of State Educator | 1 Year Out of State Educator High School (7-12) License |
| 23: Out of State Educator | 1 Year Out of State Educator Early Childhood (P-3) License |
| 23: Out of State Educator | 1 Year Out of State Educator Early Childhood Intervention Specialist (P-3) License |
| 23: Out of State Educator | 1 Year Out of State Educator Intervention Specialist (K-12) License |
| 23: Out of State Educator | 1 Year Out of State Educator Middle Childhood (4-9) License |
| 23: Out of State Educator | 1 Year Out of State Educator Multi Age (P-12) License |
| 23: Out of State Educator | 1 Year Out of State Educator Career Technical (4-12) License |
| 23: Out of State Educator | 1 Year Out of State Educator Adolescence to Young Adult (7-12) License |
| 23: Out of State Educator | 1 Year Out of State Educator Adolescence to Young Adult (Grades 7-12) License |
| 23: Out of State Educator | 1 Year Out of State Educator Primary (PreK-5) License |
| 23: Out of State Educator | 1 Year Out of State Educator Primary Intervention Specialist (PreK-5) License |
| 24: Visiting International | 3 Year Visiting International Teacher Adolescence to Young Adult (7-12) License |
| 24: Visiting International | 3 Year Visiting International Teacher Career Technical (4-12) License |
| 24: Visiting International | 3 Year Visiting International Teacher Early Childhood (P-3) License |
| 24: Visiting International | 3 Year Visiting International Teacher Early Childhood Intervention Specialist (P-3) License |
| 24: Visiting International | 3 Year Visiting International Teacher High School (7-12) License |

| Survey Item | Credential Description |
|----------------------------|--|
| 24: Visiting International | 3 Year Visiting International Teacher Intervention Specialist (K-12) License |
| 24: Visiting International | 3 Year Visiting International Teacher Middle Childhood (4-9) License |
| 24: Visiting International | 3 Year Visiting International Teacher Multi Age (P-12) License |
| 24: Visiting International | 3 Year Visiting International Teacher Primary (PreK-5) License |
| 24: Visiting International | 3 Year Visiting International Teacher Primary Intervention Specialist (PreK-5) License |
| 25: Pre-Service Teacher | 1 Year Pre-Service Teacher Permit |
| 25: Pre-Service Teacher | 3 Year Pre-Service Teacher Permit |
| 26: Substitute | 1 Year Short Term Substitute N/A License |
| 26: Substitute | 5 Year Short Term Substitute N/A License |
| 26: Substitute | 1 Year Long Term Substitute Adolescence to Young Adult (7-12) License |
| 26: Substitute | 1 Year Long Term Substitute Associate License |
| 26: Substitute | 1 Year Long Term Substitute Career Technical (4-12) License |
| 26: Substitute | 1 Year Long Term Substitute Early Childhood (P-3) License |
| 26: Substitute | 1 Year Long Term Substitute Elementary (1-8) License |
| 26: Substitute | 1 Year Long Term Substitute High School (7-12) License |
| 26: Substitute | 1 Year Long Term Substitute Intervention Specialist (K-12) License |
| 26: Substitute | 1 Year Long Term Substitute Kindergarten-Elementary (K-8) License |
| 26: Substitute | 1 Year Long Term Substitute Kindergarten-Primary (K-3) License |
| 26: Substitute | 1 Year Long Term Substitute Middle Childhood (4-9) License |
| 26: Substitute | 1 Year Long Term Substitute Multi Age (P-12) License |
| 26: Substitute | 1 Year Long Term Substitute Prekindergarten License |
| 26: Substitute | 1 Year Long Term Substitute Pupil Services License |
| 26: Substitute | 5 Year Long Term Substitute Adolescence to Young Adult (7-12) License |
| 26: Substitute | 5 Year Long Term Substitute Associate License |
| 26: Substitute | 5 Year Long Term Substitute Career Technical (4-12) License |
| 26: Substitute | 5 Year Long Term Substitute Early Childhood (P-3) License |
| 26: Substitute | 5 Year Long Term Substitute Elementary (1-8) License |
| 26: Substitute | 5 Year Long Term Substitute High School (7-12) License |

| Survey Item | Credential Description |
|----------------|---|
| 26: Substitute | 5 Year Long Term Substitute Intervention Specialist (K-12) License |
| 26: Substitute | 5 Year Long Term Substitute Kindergarten-Elementary (K-8) License |
| 26: Substitute | 5 Year Long Term Substitute Kindergarten-Primary (K-3) License |
| 26: Substitute | 5 Year Long Term Substitute Middle Childhood (4-9) License |
| 26: Substitute | 5 Year Long Term Substitute Multi Age (P-12) License |
| 26: Substitute | 5 Year Long Term Substitute Prekindergarten License |
| 26: Substitute | 1 Year Long Term Substitute EAS - Business Management License |
| 26: Substitute | 1 Year Long Term Substitute Comprehensive High School (7-12) License |
| 26: Substitute | 1 Year Long Term Substitute Early Childhood Intervention Specialist (P-3) License |
| 26: Substitute | 1 Year Long Term Substitute Education of the Handicapped (K-12) License |
| 26: Substitute | 1 Year Long Term Substitute Elementary Principal (K-8) License |
| 26: Substitute | 1 Year Long Term Substitute General Education License |
| 26: Substitute | 1 Year Long Term Substitute MRDD Principal License |
| 26: Substitute | 1 Year Long Term Substitute Middle School (4-9) License |
| 26: Substitute | 1 Year Long Term Substitute Occupational Therapist License |
| 26: Substitute | 1 Year Long Term Substitute Physical Therapist License |
| 26: Substitute | 1 Year Long Term Substitute Reading Supervisor License |
| 26: Substitute | 1 Year Long Term Substitute School Counselor License |
| 26: Substitute | 1 Year Long Term Substitute School Nurse License |
| 26: Substitute | 1 Year Long Term Substitute Special All Grades (K-12) License |
| 26: Substitute | 1 Year Long Term Substitute Superintendent License |
| 26: Substitute | 1 Year Long Term Substitute Vocational Education License |
| 26: Substitute | 1 Year Short Term Substitute Adolescence to Young Adult (7-12) License |
| 26: Substitute | 1 Year Short Term Substitute General Education License |
| 26: Substitute | 1 Year Short Term Substitute EAS - Instructional Services License |
| 26: Substitute | 1 Year Short Term Substitute Intervention Specialist (K-12) License |
| 26: Substitute | 1 Year Short Term Substitute Personnel Administration License |
| 26: Substitute | 1 Year Substitute Adolescence to Young Adult (7-12) Certificate |

| Survey Item | Credential Description |
|--------------------|--|
| 26: Substitute | 1 Year Substitute Adult Education Certificate |
| 26: Substitute | 1 Year Substitute EAS - Business Management Certificate |
| 26: Substitute | 1 Year Substitute Comprehensive High School (7-12) Certificate |
| 26: Substitute | 1 Year Substitute Education of the Handicapped (K-12) Certificate |
| 26: Substitute | 1 Year Substitute Elementary (1-8) Certificate |
| 26: Substitute | 1 Year Substitute High School (7-12) Certificate |
| 26: Substitute | 1 Year Substitute Intervention Specialist (K-12) Certificate |
| 26: Substitute | 1 Year Substitute Kindergarten-Elementary (K-8) Certificate |
| 26: Substitute | 1 Year Substitute Kindergarten-Primary (K-3) Certificate |
| 26: Substitute | 1 Year Substitute Middle School (4-9) Certificate |
| 26: Substitute | 1 Year Substitute Multi Age (P-12) Certificate |
| 26: Substitute | 1 Year Substitute Prekindergarten Certificate |
| 26: Substitute | 1 Year Substitute Pupil Services Certificate |
| 26: Substitute | 1 Year Substitute School Counselor Certificate |
| 26: Substitute | 1 Year Substitute School Nurse Certificate |
| 26: Substitute | 1 Year Substitute Special All Grades (K-12) Certificate |
| 26: Substitute | 1 Year Substitute Tutor Certificate |
| 26: Substitute | 1 Year Substitute Vocational Education Certificate |
| 26: Substitute | 1 Year Substitute Vocational Supervisor Certificate |
| 26: Substitute | 5 Year Short Term Substitute Adolescence to Young Adult (7-12) License |
| 26: Substitute | 5 Year Short Term Substitute Early Childhood (P-3) License |
| 26: Substitute | 5 Year Short Term Substitute General Education License |
| 26: Substitute | 5 Year Short Term Substitute Middle Childhood (4-9) License |
| 26: Substitute | 5 Year Short Term Substitute Multi Age (P-12) License |
| 26: Substitute | 5 Year Short Term Substitute School Counselor License |
| 26: Substitute | 5 Year Long Term Substitute Administrative Specialist License |
| 26: Substitute | 5 Year Long Term Substitute Assistant Superintendent License |
| 26: Substitute | 5 Year Long Term Substitute Comprehensive High School (7-12) License |

| Survey Item | Credential Description |
|----------------|---|
| 26: Substitute | 5 Year Long Term Substitute Early Childhood Intervention Specialist (P-3) License |
| 26: Substitute | 5 Year Long Term Substitute Education of the Handicapped (K-12) License |
| 26: Substitute | 5 Year Long Term Substitute General Education License |
| 26: Substitute | 5 Year Long Term Substitute EAS - Instructional Services License |
| 26: Substitute | 5 Year Long Term Substitute MRDD Principal License |
| 26: Substitute | 5 Year Long Term Substitute Middle School (4-9) License |
| 26: Substitute | 5 Year Long Term Substitute Principal License |
| 26: Substitute | 5 Year Long Term Substitute Pupil Services License |
| 26: Substitute | 5 Year Long Term Substitute School Counselor License |
| 26: Substitute | 5 Year Long Term Substitute School Nurse License |
| 26: Substitute | 5 Year Long Term Substitute School Psychologist License |
| 26: Substitute | 5 Year Long Term Substitute Special All Grades (K-12) License |
| 26: Substitute | 5 Year Long Term Substitute Superintendent License |
| 26: Substitute | 5 Year Long Term Substitute Vocational Education License |
| 26: Substitute | 1 Year Substitute Pupil Services License |
| 26: Substitute | 5 Year Substitute Pupil Services License |
| 26: Substitute | 1 Year Substitute Multi-Age PK-12 License |
| 26: Substitute | 5 Year Substitute Multi-Age PK-12 License |
| 26: Substitute | 1 Year Substitute Career Technical Workforce Development License |
| 26: Substitute | 5 Year Substitute Career Technical Workforce Development License |
| 26: Substitute | 1 Year Temporary Substitute Multi-Age PK-12 License |
| 27: Nonpublic | Permanent Permanent Non-Tax Certificate |
| 27: Nonpublic | Permanent Non Tax Non-Tax Certificate |
| 27: Nonpublic | Permanent Non Tax School Psychologist Certificate |
| 27: Nonpublic | Permanent Non Tax Supervisor Certificate |
| 27: Nonpublic | Permanent Non Tax N/A Certificate |
| 27: Nonpublic | Permanent Non Tax Non-Tax,Non Bachelors Certificate |
| 27: Nonpublic | Permanent Non Tax Non-Chartered,Non-Tax Supported School Certificate |

| Survey Item | Credential Description |
|--------------------|---|
| 28: Pupil Activity | 3 Year Pupil Activity N/A Permit |
| 28: Pupil Activity | 4 Year Pupil Activity N/A Permit |
| 28: Pupil Activity | 5 Year Pupil Activity N/A Permit |
| 29: Supplemental | 1 Year Supplemental Adolescence to Young Adult (7-12) License |
| 29: Supplemental | 1 Year Supplemental Career Technical (4-12) License |
| 29: Supplemental | 1 Year Supplemental Early Childhood (P-3) License |
| 29: Supplemental | 1 Year Supplemental Early Childhood Intervention Specialist (P-3) License |
| 29: Supplemental | 1 Year Supplemental Intervention Specialist (K-12) License |
| 29: Supplemental | 1 Year Supplemental Middle Childhood (4-9) License |
| 29: Supplemental | 1 Year Supplemental Multi Age (P-12) License |
| 29: Supplemental | 1 Year Supplemental High School (7-12) License |
| 29: Supplemental | 1 Year Supplemental Elementary (1-8) License |
| 29: Supplemental | 1 Year Supplemental Special All Grades (K-12) License |
| 29: Supplemental | 1 Year Supplemental Kindergarten-Elementary (K-8) License |
| 29: Supplemental | 1 Year Supplemental Kindergarten-Primary (K-3) License |
| 29: Supplemental | 1 Year Supplemental Comprehensive High School (7-12) License |
| 29: Supplemental | 1 Year Supplemental Education of the Handicapped (K-12) License |
| 29: Supplemental | 1 Year Supplemental Career Technical Workforce Development License |
| 29: Supplemental | 1 Year Supplemental Adolescence to Young Adult (Grades 7-12) License |
| 29: Supplemental | 1 Year Supplemental Early Childhood (Grades P-3) License |
| 29: Supplemental | 1 Year Supplemental Prekindergarten License |
| 29: Supplemental | 1 Year Supplemental Vocational Education License |
| 29: Supplemental | 1 Year Supplemental Designated Subject (Grades K-12) License |
| 29: Supplemental | 1 Year Supplemental Middle School (4-9) License |
| 29: Supplemental | 1 Year Supplemental Designated Subject (4-12) License |
| 29: Supplemental | 1 Year Supplemental Primary (PreK-5) License |
| 29: Supplemental | 1 Year Supplemental Primary Intervention Specialist (PreK-5) License |
| 29: Supplemental | 1 Year Supplemental Montessori (PK-12) License |

| Survey Item | Credential Description |
|-------------|--|
| 99: Other | 1 Year Temporary Career Technical (4-12) License |
| 99: Other | 1 Year Temporary Early Childhood (P-3) License |
| 99: Other | 1 Year Temporary Early Childhood Intervention Specialist (P-3) License |
| 99: Other | 1 Year Temporary Intervention Specialist (K-12) License |
| 99: Other | 1 Year Temporary Middle Childhood (4-9) License |
| 99: Other | 1 Year Temporary Multi Age (P-12) License |
| 99: Other | 2 Year Alternative Educator Adolescence to Young Adult (7-12) License |
| 99: Other | 2 Year Alternative Educator Intervention Specialist (K-12) License |
| 99: Other | 1 Year Temporary Comprehensive High School (7-12) License |
| 99: Other | 1 Year Temporary Education of the Handicapped (K-12) License |
| 99: Other | 1 Year Temporary Elementary (1-8) License |
| 99: Other | 1 Year Temporary High School (7-12) License |
| 99: Other | 1 Year Temporary Kindergarten-Elementary (K-8) License |
| 99: Other | 1 Year Temporary Kindergarten-Primary (K-3) License |
| 99: Other | 1 Year Temporary Middle School (4-9) License |
| 99: Other | 1 Year Temporary Prekindergarten License |
| 99: Other | 1 Year Temporary Prekindergarten Associate License |
| 99: Other | 1 Year Temporary Special All Grades (K-12) License |
| 99: Other | 1 Year Temporary Vocational Education License |
| 99: Other | 1 Year Interim Adolescence to Young Adult (7-12) License |
| 99: Other | 1 Year Interim Associate License |
| 99: Other | 1 Year Interim Career Technical (4-12) License |
| 99: Other | 1 Year Interim Early Childhood (P-3) License |
| 99: Other | 1 Year Interim Early Childhood Intervention Specialist (P-3) License |
| 99: Other | 1 Year Interim Elementary (1-8) License |
| 99: Other | 1 Year Interim High School (7-12) License |
| 99: Other | 1 Year Interim Intervention Specialist (K-12) License |
| 99: Other | 1 Year Interim Kindergarten-Elementary (K-8) License |

| Survey Item | Credential Description |
|-------------|---|
| 99: Other | 1 Year Interim Middle Childhood (4-9) License |
| 99: Other | 1 Year Interim Multi Age (P-12) License |
| 99: Other | 1 Year Interim Pupil Services License |
| 99: Other | 1 Year Interim Adult Education License |
| 99: Other | 2 Year Alternative Educator Adolescence to Young Adult (Grades 7-12) License |
| 99: Other | 1 Year Interim Early Childhood (Grades P-3) License |
| 99: Other | 1 Year Interim Adolescence to Young Adult (Grades 7-12) License |
| 99: Other | 1 Year Interim Career Technical Workforce Development License |
| 99: Other | 1 Year Interim Designated Subject (4-12) License |
| 99: Other | 1 Year Interim Designated Subject (Grades K-12) License |
| 99: Other | 1 Year Instructional Assistant Instructional Assistant Permit |
| 99: Other | 1 Year Interim Multi-Age PK-12 License |
| 99: Other | 1 Year Temporary Adolescence to Young Adult (7-12) License |
| 99: Other | 1 Year Temporary Alternative Intervention Specialist (K-12) License |
| 99: Other | 1 Year Temporary Alternative Multi Age (P-12) License |
| 99: Other | 1 Year Temporary Alternative Designated Subject (Grades K-12) License |
| 99: Other | 1 Year Temporary Interim Early Childhood (P-3) License |
| 99: Other | 1 Year Temporary Interim Multi-Age PK-12 License |
| 99: Other | 1 Year Temporary Primary (PreK-5) License |
| 99: Other | 1 Year Temporary Primary Intervention Specialist (PreK-5) License |
| 99: Other | 3 Year Temporary Military Duty Administrative Specialist License |
| 99: Other | 3 Year Temporary Military Duty Adolescence to Young Adult (7-12) License |
| 99: Other | 3 Year Temporary Military Duty Career Technical (4-12) License |
| 99: Other | 3 Year Temporary Military Duty Intervention Specialist (K-12) License |
| 99: Other | 3 Year Temporary Military Duty Middle Childhood (4-9) License |
| 99: Other | 3 Year Temporary Military Duty Multi Age (P-12) License |
| 99: Other | 3 Year Temporary Military Duty Primary (PreK-5) License |
| 99: Other | 3 Year Temporary Military Duty Primary Intervention Specialist (PreK-5) License |

| Survey Item | Credential Description |
|-------------|---|
| 99: Other | 3 Year Temporary Military Duty Principal License |
| 99: Other | 3 Year Temporary Military Duty Pupil Services License |
| 99: Other | 3 Year Temporary Military Duty Superintendent License |
| 99: Other | 1 Year Coordinating Service Center Tutor Registration |

*Does not include Speech-Language Pathologists

**Includes Speech-Language Pathologists

ADDITIONAL OCCUPATIONAL REGULATIONS

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

Table of Contents

| | |
|--|----|
| Department of Aging | 1 |
| State Chiropractic Board | 8 |
| Counselor, Social Worker, and Marriage and Family Therapist Board..... | 9 |
| State Dental Board | 9 |
| Department of Developmental Disabilities | 12 |
| Board of Embalmers and Funeral Directors..... | 22 |
| State Fire Marshal | 51 |
| Division of Industrial Compliance | 57 |
| State Board of Nursing..... | 65 |
| Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board | 66 |
| Department of Public Safety | 72 |
| Miscellaneous | 80 |

Department of Aging
Health services executive
Survey response (AGE)

Description

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

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

License

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

Number issued annually

20

Number renewed annually

50

| 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 | <p>An active, current nursing home administrator license.</p> <p>There is a special pathway that does not require the three years' experience, and that is if the individual graduated from a NAB (National Association of Long-Term Care Administrator Boards)-accredited college or university with a degree in Long-Term Care Administration.</p> |
| Experience requirements | Three years' experience as the administrator of record of a skilled nursing facility, or as an LNHA who actively directs the practice of other administrators of record. |
| Examination requirements (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?</i>) | 4 NAB examinations: The NHA (Nursing home), the RC/AL (residential care/assisted living), and the HCBS (Home and Community-Based Services). The exams are developed, maintained, and charged for by NAB, and the Board receives no income from them. NHA/CORE exams-\$440 if taken together, RC/AL exam-\$185, HCBS exam-\$185. The exams are created by the LOFT process, and no two exams are exactly the same due to the databank of questions. |
| Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>) | <p>The license requires four continuing education (CE) hours per year (eight hours biennially) that are NAB or BELTSS approved. These hours are above the 20 annual/40 biennial CEs required to renew the LNHA.</p> <p>The lists of approved NAB and BELTSS courses are available online. Course material must include NAB's domains of practice. BELTSS suggests CEs for the HSE license be in the area of home and community-based services, but this is not a requirement. CEs can be completed online or in-person, and proof of completion is submitted online.</p> |

| If the regulation is a registration, certification, or license requirement, please complete the following: | |
|--|--|
| Initial fee | \$100 |
| Duration | One year |
| Renewal fee <i>(If different from initial fee, please explain why.)</i> | \$50, because there are also an additional four CE credit hours that must be submitted for renewal. |
| Does the Department 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, this voluntary license was established by NAB as a credential that states could choose to accept in order to try to make transferring between states easier, as each individual state has its own requirements for NHA licensure. The national credential from NAB was used to develop Ohio's license. Ohio is one of 27 states that currently recognize the HSE. |
| Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department? | No. |
| Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual? | Some, but the individual must meet the standards set by both NAB and the Board. |

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 Department respecting individuals engaged in the occupation.

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

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

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

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

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

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

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

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

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

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

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

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

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

| Health Services Executive | | | | | | |
|--|---|-------------------------------------|-------------------------------------|------------------------|------------------------|------------------------|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Type of regulation (Name of regulation) | License (License) (R.C. 4751.21) | No clear equivalent ¹ | No clear equivalent ² | No clear equivalent | No clear equivalent | No clear equivalent |
| Education or training | Licensed as a nursing home administrator and has obtained the health services executive qualification | N/A | N/A | N/A | N/A | N/A |

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

² While Kentucky law deems an individual seeking licensure as a long-term care administrator to have satisfied certain requirements if the applicant holds a health services executive license, it does not establish an independent health services executive license (see 201 Ky. Admin. Regs. 6:020).

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

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

State Chiropractic Board

Animal chiropractor

Under Ohio law, no individual can act as an animal chiropractor unless the individual is a licensed chiropractor and holds a specified private certification.³ Although the certificate is required to engage in the activity, it is not an “occupational regulation” and is beyond the scope of this report.

³ R.C. 4734.151.

Counselor, Social Worker, and Marriage and Family Therapist Board

Art therapist

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

Music therapist

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

State Dental Board

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

Dental temporary limited continuing education license

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

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

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

If the dentist fails to complete the endorsing practicum within the one year, the Dental Board may, upon the dentist's application and payment of a \$94 renewal fee, renew the license for a consecutive one-year period. Only two renewals may be granted.⁴

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

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

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

Under Ohio law, a dental hygienist may apply for a license from the Dental Board to practice under the Oral Health Access Supervision Program under the supervision of a dentist.⁵ This program allows a dentist to authorize a dental hygienist to perform dental hygiene services at certain facilities when no dentist is present, such as nursing homes, clinics, and public schools. If a dental hygienist is not practicing under the program, a dentist must generally be present for the hygienist to perform dental hygiene services.⁶ The program was created to help increase access to dental care for underserved populations.⁷

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

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

⁴ R.C. 4715.16.

⁵ R.C. 4715.363 and 4715.364.

⁶ LSC, [Final Analysis for H.B. 190 of the 128th General Assembly \(PDF\)](#).

⁷ Ohio Dental Association, [Annual Session to Offer Free Oral Health Access Supervision Program Course](#).

- Be developed and offered by an institution accredited by the American Dental Association Commission on Dental Accreditation or a program provided by a sponsor of continuing education approved by the Dental Board; and
- Includes content that is separate and independent from the course content required for completion of dental hygiene education from an accredited dental hygiene school;
- Complete, during the two years prior to the submission of the application, a course pertaining to the identification and prevention of potential medical emergencies;
- Pay a \$25 license fee.⁸

The license expires on the 31st day of December of the odd-numbered year that occurs after the permit's issuance. It may be renewed for \$25. On renewal, the license is valid for two years.⁹

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

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

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

Under Ohio law, a dentist may apply to the Dental Board for a permit to supervise a dental hygienist under the Oral Health Access Supervision Program.¹⁰ To be eligible, the dentist must be in good standing with the Board and submit a form prescribed by the Board. There are no requirements related to education, experience, and training that are separate from the requirements to practice dentistry. Both the initial license fee and the license renewal fee are \$25.¹¹ Similar to the dental hygienist license under this program, the license expires on the 31st day of December of the odd-numbered year that occurs after the permit's issuance. Upon renewal, it is valid for two years.¹²

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

⁸ R.C. 4715.363 and 4715.372.

⁹ R.C. 4715.37.

¹⁰ R.C. 4715.362 and 4715.364.

¹¹ R.C. 4715.362 and 4719.369.

¹² R.C. 4715.369.

Department of Developmental Disabilities

County board of developmental disabilities (DD) business manager

Survey response (DDD)

Description

The business manager is responsible for budgeting, financial reporting, preparing cost reports, and advancing informed and strategic decision-making by the county board.

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

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.

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

| 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 Department 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>) | Renewal of certification requires completion of 100 hours of continuing education. The department-provided annual training in cost report preparation and annual training in the rights of individuals with developmental disabilities and the requirements of rule 5123-17-02 count toward the 100 hours. |
| Initial fee | A superintendent may compel an applicant for business manager certification to pay an application fee to the county board which will not exceed \$75 |
| Duration | Initial certification is one year; renewal certification is five years |
| Renewal fee (<i>If different from initial fee, please explain why.</i>) | A superintendent may compel an applicant for business manager certification to pay an application fee to the county board which will not exceed \$75 |
| Does the Department recognize uniform licensure requirements or allow for reciprocity? | Yes, a superintendent of a county board is required to accept certification issued by the superintendent of another county board |
| Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation? | None we are aware of |

| 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 Department? | No, persons serving as business managers of county boards of developmental disabilities must hold certification |
| Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual? | No, Section 5126.25 of the Revised Code sets forth that the superintendent of the county board of developmental disabilities is responsible for taking all actions regarding the certification |
| Other information <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i> | N/A |

| Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation. |
|---|
| These certifications are subject to denial, suspension, or revocation by the County Board Superintendent. |

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

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

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

No

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

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

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

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

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

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

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

| County Board of Developmental Disabilities Business Manager | | | | | | |
|---|--|--------------------------------------|--------------------------------------|------------------------|------------------------|--------------------------------------|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Type of regulation (Name of regulation) | License (Certification) (O.A.C. 5123-5-08) | No clear equivalent ¹³ | No clear equivalent ¹⁴ | No clear equivalent | No clear equivalent | No clear equivalent ¹⁵ |

¹³ Indiana does not have a county board structure for the administration of services to individuals with developmental disabilities.

¹⁴ Kentucky does not have a county board structure for the administration of services to individuals with developmental disabilities.

¹⁵ West Virginia does not have a county board structure for the administration of services to individuals with developmental disabilities.

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

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

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

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

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

Board of Embalmers and Funeral Directors

Funeral home operator

Survey response (FUN)

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

| Description |
|--|
| <p>licenses of the embalmers and funeral directors employed by the funeral home shall be displayed in a conspicuous place within the funeral home.</p> <p>(2) The funeral home shall have on the premises one of the following:</p> <p>(a) If embalming will take place at the funeral home, an embalming room that is adequately equipped and maintained. The embalming room shall be kept in a clean and sanitary manner and used only for the embalming, preparation, or holding of dead human bodies. The embalming room shall contain only the articles, facilities, and instruments necessary for those purposes.</p> <p>(b) If embalming will not take place at the funeral home, a holding room that is adequately equipped and maintained. The holding room shall be kept in a clean and sanitary manner and used only for the preparation, other than embalming, and holding of dead human bodies. The holding room shall contain only the articles and facilities necessary for those purposes.</p> <p>(3) Each funeral home shall be directly supervised by a funeral director licensed under this chapter, who may supervise more than one funeral home.</p> <p>Definitions related to funeral home licensure used in Chapter 4717. of the Revised Code include, but are not limited to:</p> <p>R.C. 4717.01(B) "Funeral business" means a sole proprietorship, partnership, corporation, limited liability company, or other business entity that is engaged in funeral directing for profit or for free from one or more funeral homes licensed under this chapter.</p> <p>R.C. 4717.01(D) "Funeral home" means a fixed place for the care, preparation for burial, or disposition of dead human bodies or the conducting of funerals. Each business location is a funeral home, regardless of common ownership or management.</p> <p>R.C. 4717.01(F) "Funeral director" means a person who engages, in whole or in part, in funeral directing and who is licensed under this chapter.</p> <p>Definitions related to funeral home licensure used in Chapter 4717. of the Administrative Code include, but are not limited to:</p> <p>O.A.C. 4717-1-01(A) "Actually in charge," as used with regard to a funeral home license, means a licensed funeral director who has decision-making authority over the funeral home, including, but not limited to, hiring employees, disciplining employees, and making managerial decisions regarding daily operations.</p> |

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

Occupational license.

FH. – Funeral Home

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

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

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

| If the regulation is a registration, certification, or license requirement, please complete the following: | |
|--|--|
| | As per R.C. 4717.07(A)(4), for applying for an initial license to operate a funeral home, four hundred dollars and biennial renewal of a license to operate a funeral home, four hundred dollars. |
| Duration | Biennial. As per R.C. 4717.08(A), every license and permit issued under this chapter expires on the last day of December of each even-numbered year and shall be renewed on or before that date according to the standard license renewal procedure set forth in Chapter 4745. of the Revised Code. Licenses and permits not renewed by the last day of December of each even-numbered year are lapsed. |
| Renewal fee (<i>If different from initial fee, please explain why.</i>) | Same as initial fee. |
| Does the Board recognize uniform licensure requirements or allow for reciprocity? | No, the board does not allow for reciprocity for a funeral home 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. |

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

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

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

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

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

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

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

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

Based on the total number of funeral home licenses issued in each of the preceding six state fiscal years, an average of 80 funeral home licenses were issued annually, at \$400 fee per application, earning an average annual total of \$32,000 in revenue.

Based on the total number of active funeral home licenses eligible for renewal in each of the preceding three biennial renewal periods, an average of 1,141 funeral home licenses were renewed, at \$400 fee per renewal application, earning an average biennial total of \$456,400 in revenue.

How much revenue is derived from fees charged by the Board to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?

Revenue collected by the Board of Embalmers and Funeral Directors is paid into the state treasury to the credit of the occupational licensing and regulatory fund, which was created for use in administering, among others, Chapter 4717. of the Revised Code. Operational funding for the board's licensing and enforcement services provided is sourced from this fund.

Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?

No.

What is the harm that the regulation seeks to prevent? (*See, R.C. 4798.02(B).*)

The Board of Embalmers and Funeral Directors allows only a funeral director licensed under Chapter 4717. of the Revised Code to apply for and to be issued a license to operate a funeral home in this state. The regulation intends to protect consumers from potential fraudulent practices and unsanitary facilities by an unlicensed person operating an unregulated funeral home.

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

Yes, the regulation is effective at preventing the harm described above.

Are there any changes the Board would like to see implemented?

Not at this time.

Surrounding state comparison (LSC) (as of August 7, 2024)

| Funeral Home Operator | | | | | | |
|--|--|---|--|--|--|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Type of regulation (Name of regulation) | License (License) (R.C. 4717.06) | License (License) (Funeral home license covers both funeral homes and embalming facilities) | License (License) (Ky. Rev. Stat. 316.125) | License (License) (Funeral establishment license covers both funeral homes and | License (License) (Funeral establishment license covers both funeral homes and | License (License) (Funeral establishment license covers both funeral homes and |

| Funeral Home Operator | | | | | | |
|-----------------------|--|--|---|---|---|---|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | | <i>(Ind. Code 25-15-8-24)</i> | | embalming facilities) <i>(Mich. Comp. Laws 339.1804)</i> | embalming facilities) <i>(63 Pa. Cons. Stat. 479.7; 49 Pa. Code 13.91)</i> | embalming facilities) <i>(W. Va. Code 30-6-18)</i> |
| Education or training | N/A | N/A | N/A | N/A | N/A | N/A |
| Experience | Hold a funeral director license <i>(R.C. 4717.06)</i> | Hold a funeral director license <i>(832 Ind. Admin. Code 5-2-4)</i> | Hold a funeral director license <i>(Ky. Rev. Stat. 316.125; 201 Ky. Admin. Regs. 15:110)</i> | Hold a mortuary science license <i>(Mich. Comp. Laws 339.1806 and 339.1809)</i> | Hold a funeral director license <i>(49 Pa. Code 13.81)</i> | Hold a funeral director license <i>(W. Va. Code 30-6-19)</i> |
| Exam | N/A | N/A | N/A | N/A | N/A | N/A |
| Continuing education | N/A | N/A | N/A | N/A | N/A | N/A |
| Initial licensure fee | \$400 <i>(R.C. 4717.07)</i> | \$50 <i>(832 Ind. Admin. Code 2-1-2)</i> | \$500 <i>(201 Ky. Admin. Regs. 15:030)</i> | \$170 (one year) or \$225 (two years) <i>(LARA, Mortuary Science – Fee Schedule (PDF))</i> | \$125 (sole proprietor) or \$150 (corporation or partnership) <i>(49 Pa. Code 13.12)</i> | \$625 <i>(W. Va. Code R. 6-7-4)</i> |

| Funeral Home Operator | | | | | | |
|-----------------------|-----------------------------|---|---|---|-----------------------------------|-------------------------------------|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| License duration | Two years (R.C. 4717.08) | Two years (832 Ind. Admin. Code 4-2-4) | One year (Ky. Rev. Stat. Ann. 316.130) | Two years (LARA, Mortuary Science – Fee Schedule (PDF)) | Two years (49 Pa. Code 13.231) | Two years (W. Va. Code R. 6-7-4) |
| Renewal fee | \$400 (R.C. 4717.07) | \$50 (832 Ind. Admin. Code 2-1-2) | \$500 (201 Ky. Admin. Regs. 15:030) | \$110 (LARA, Mortuary Science – Fee Schedule (PDF)) | \$400 (49 Pa. Code 13.12) | \$500 (W. Va. Code R. 6-7-4) |

Embalming facility operator

Survey response (FUN)

| Description |
|--|
| <p>To operate an embalming facility in this state, an embalming facility license issued under Chapter 4717. is required, pursuant to Section 4717.06(A)(1) of the Ohio Revised Code.</p> <p>According to Rule 4717-7-01(A) of the Ohio Administrative Code, the business and practice of funeral directing and embalming shall be conducted from a fixed place or location which is licensed by the board.</p> <p>As per R.C. 4717.06(C)(1), the board shall issue a license to operate an embalming facility only to a licensed embalmer who is actually in charge of and ultimately responsible for the embalming facility. The board shall issue the license only for the address at which the embalming facility is physically located and operated. The license shall be displayed in a conspicuous place within the facility.</p> <p>(2) The embalming facility shall be adequately equipped and maintained in a sanitary manner. The embalming room at such a facility shall contain only the articles, facilities, and instruments necessary for its stated purpose. The embalming room shall be kept in a clean and sanitary condition and used only for the care and preparation of dead human bodies.</p> |

| Description | |
|--|--|
| <p>Definitions related to embalming facility licensure used in Chapter 4717. of the Revised Code include, but are not limited to:</p> <p>R.C. 4717.01(E) "Embalmer" means a person who engages, in whole or in part, in embalming and who is licensed under this chapter.</p> <p>R.C. 4717.01(J) "Embalming facility" means a fixed location, separate from the funeral home, that is licensed under this chapter whose only function is the embalming and preparation of dead human bodies.</p> <p>Definitions related to embalming facility licensure used in Chapter 4717. of the Administrative Code include, but are not limited to:</p> <p>O.A.C. 4717-1-01(A) "Actually in charge," as used with regard to an embalming facility, means a licensed embalmer who has decision-making authority over the embalming facility, including, but not limited to, hiring employees, disciplining employees, and making managerial decisions regarding daily operations.</p> <p>O.A.C. 4717-1-01(F) "Fixed place" means a physical structure, having a United States post office street, avenue, or road address.</p> <p>O.A.C. 4717-1-01(O) "Preparation room" or "embalming room" means the area in a funeral home or embalming facility exclusively used for the care and preparation of dead human bodies for burial or final disposition.</p> | |
| Type (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.) | |
| <p>Occupational license.</p> <p>EFAC. – Embalming facility</p> | |
| If the regulation is a registration, certification, or license requirement, please complete the following: | |
| Number issued annually | Based on the total number of embalming facility licenses issued in each of the preceding six state fiscal years, an average of one embalming facility license was issued annually. |

| If the regulation is a registration, certification, or license requirement, please complete the following: | |
|--|---|
| Number renewed annually | <p>Biennial renewal.</p> <p>Based on the total number of active embalming facility licenses eligible for renewal in each of the preceding three biennial renewal periods, an average of four embalming facility licenses were renewed.</p> |
| 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 no education or training requirements applicable to an embalming facility license.</p> <p>However, the holder of an embalming facility license must be a licensed embalmer in this state. To obtain a license to practice as an embalmer, an applicant must meet education and training requirements as per R.C. 4717.05 that includes being at least 18 years of age, holds at least a bachelor's degree from a college or university, has satisfactorily completed at least 12 months of mortuary science college training, has satisfactorily completed at least a one-year apprenticeship under a licensed embalmer in this state and has participated in embalming at least 15 dead human bodies.</p> |
| Experience requirements | There are no experience requirements applicable to an embalming facility 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>) | <p>There are no examination requirements applicable to an embalming facility license.</p> <p>However, the holder of an embalming facility license must be a licensed embalmer in this state. To obtain a license to practice as an embalmer, an applicant must meet examination requirements as per R.C. 4717.05 that includes earning a passing score of 75% or higher on the</p> |

| If the regulation is a registration, certification, or license requirement, please complete the following: | |
|---|--|
| | <p>National Board Examination Sciences section and a passing score of 75% or higher on the Ohio laws and rules examination.</p> <p>Both exams are administered by The International Conference of Funeral Service Examining Boards (or “The Conference”).</p> <p>Examination fees are assessed by The Conference. Currently, the fee to take the NBE Sciences exam is \$285, and the fee to take the Ohio LRR exam is \$140. The Board of Embalmers and Funeral Directors does not receive proceeds of fees collected by The Conference.</p> |
| Continuing education requirements <i>(Including a description of the curriculum and the process of setting it.)</i> | <p>There are no continuing education requirements applicable to an embalming facility license.</p> <p>However, the embalmer who holds the embalming facility license must earn a minimum of 18 hours of continuing education programs approved by the board every two years, as per R.C. 4717.09 and Rule 4717-9-01 of the Ohio Administrative Code.</p> |
| Initial fee | <p>\$400</p> <p>As per R.C. 4717.07(A)(7), for applying for an initial license to operate an embalming facility, four hundred dollars and biennial renewal of a license to operate an embalming facility, four hundred dollars.</p> |
| Duration | <p>Biennial.</p> <p>As per R.C. 4717.08(A), every license and permit issued under this chapter expires on the last day of December of each even-numbered year and shall be renewed on or before that date according to the standard license renewal procedure set forth in Chapter 4745. of the Revised Code. Licenses and permits not renewed by the last day of December of each even-numbered year are lapsed.</p> |

| If the regulation is a registration, certification, or license requirement, please complete the following: | |
|--|---|
| Renewal fee <i>(If different from initial fee, please explain why.)</i> | Same as initial fee. |
| Does the Board recognize uniform licensure requirements or allow for reciprocity? | No, the board does not allow for reciprocity for an embalming facility 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? | If an applicant submits a complete application for an initial embalming facility licensure pursuant to R.C. 4717.06, there is no discretion in determining whether to issue the license to the individual, unless the applicant may be determined disqualified according with Section 9.79 of the Revised Code. |
| 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.

Chapter 4717. of the Ohio Revised Code authorizes the Board of Embalmers and Funeral Directors to have oversight and disciplinary authority of licensed embalmers who hold an embalming facility license.

R.C. 4717.04 authorizes the board to adopt rules for the administration and enforcement of Chapter 4717. The board's rules are contained in Chapter 4717 of the Ohio Administrative Code.

How much revenue is derived from fees charged by the Board to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?

Based on the total number of embalming facility licenses issued in each of the preceding six state fiscal years, an average of one embalming facility license was issued annually, at \$400 fee per application, earning an average annual total of \$400 in revenue.

Based on the total number of active embalming facility licenses eligible for renewal in each of the preceding three biennial renewal periods, an average of four embalming facility licenses were renewed, at \$400 fee per renewal application, earning an average biennial total of \$1,600 in revenue.

Revenue collected by the Board of Embalmers and Funeral Directors is paid into the state treasury to the credit of the occupational licensing and regulatory fund, which was created for use in administering, among others, Chapter 4717. of the Revised Code. Operational funding for the board's licensing and enforcement services provided is sourced from this fund.

Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?

No.

What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)

The Board of Embalmers and Funeral Directors allows only an embalmer licensed under Chapter 4717. of the Revised Code to apply for and to be issued a license to operate an embalming facility in this state. The regulation intends to protect consumers from potential fraudulent practices and unsanitary facilities by an unlicensed person operating an unregulated embalming facility.

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

Yes, the regulation is effective at preventing the harm described above.

Are there any changes the Board would like to see implemented?

Not at this time.

Surrounding state comparison (LSC) (as of August 7, 2024)

In Ohio, a license is required to operate an embalming facility that is separate from a funeral home. The fees and biennial renewal requirement are identical to the funeral home operator license.¹⁶

As noted above, Indiana, Michigan, and Pennsylvania do not require a separate license for embalming facilities. In Kentucky, a facility can be licensed as either a “full-service” establishment (i.e., an establishment offering both embalming and funeral services), an embalming facility, or a “visitation and ceremonial” establishment, which does not authorize embalming. For any of those licenses, the fee is \$500 annually.¹⁷ In West Virginia, a facility that performs only embalming services may be licensed as a “mortuary service” establishment. The fee for either an initial or biennial renewal license is \$500.¹⁸

Crematory operator

Survey response (FUN)

| Description |
|--|
| <p>To operate a crematory in this state, a crematory license issued under Chapter 4717. is required, pursuant to Section 4717.06(A)(1) of the Ohio Revised Code. Only a licensed crematory operator may hold the license.</p> <p>According to Rule 4717-7-04(A)(1) of the Ohio Administrative Code, the facility is at a fixed place or location.</p> <p>As per R.C. 4717.06(D)(1), the board shall issue a license to operate a crematory facility only to a crematory operator who is actually in charge and ultimately responsible for the crematory facility. The board shall issue the license only for the address at which the crematory facility is physically located and operated. The license shall be displayed in a conspicuous place within the crematory facility.</p> <p>(2) The crematory facility shall be adequately equipped and maintained in a clean and sanitary manner. The crematory facility may be located in a funeral home, embalming facility, cemetery building, or other building in which the crematory facility may lawfully operate. If a crematory facility engages in the cremation of animals, the crematory facility shall cremate animals in a cremation chamber that also is not used to cremate dead human bodies or human body parts and shall not cremate animals in a cremation chamber used for the cremation of dead human bodies and human body parts. Cremation chambers that are used for the cremation of dead human bodies or human body parts and</p> |

¹⁶ R.C. 4717.06, 4717.07, and 4717.08.

¹⁷ Ky. Rev. Stat. 316.010, 316.125, and 316.130; 201 Ky. Admin. Regs. 15:030.

¹⁸ W. Va. Code R. 6-1-2 and 6-7-4.

Description

cremation chambers used for the cremation of animals may be located in the same area. Cremation chambers used for the cremation of animals shall have conspicuously displayed on the unit a notice that the unit is to be used for animals only.

(3) A license to operate a crematory facility shall be issued to the person actually in charge of the crematory facility. This section does not require the individual who is actually in charge of the crematory facility to be an embalmer or funeral director licensed under this chapter.

(4) Nothing in this section or rules adopted under section 4717.04 of the Revised Code precludes the establishment and operation of a crematory facility on or adjacent to the property on which a cemetery, funeral home, or embalming facility is located.

Definitions related to crematory facility licensure used in Chapter 4717. of the Revised Code include, but are not limited to:

R.C. 4717.01(K) "Crematory facility" means the physical location at which a cremation chamber is located and the cremation process takes place. "Crematory facility" does not include an infectious waste incineration facility for which a license is held under division (B) of section [3734.05](#) of the Revised Code, or a solid waste incineration facility for which a license is held under division (A) of that section that includes a notation pursuant to division (B)(3) of that section authorizing the facility to also treat infectious wastes, in connection with the incineration of body parts other than dead human bodies that were donated to science for purposes of medical education or research.

R.C. 4717.01(L) "Crematory" means the building or portion of a building that houses the holding facility and the cremation chamber.

R.C. 4717.01(M) "Cremation" means the technical process of using heat and flame to reduce human or animal remains to bone fragments or ashes or any combination thereof. "Cremation" includes processing and may include the pulverization of bone fragments.

R.C. 4717.01(N) "Cremation chamber" means the enclosed space within which cremation takes place.

R.C. 4717.01(O) "Cremated remains" means all human or animal remains recovered after the completion of the cremation process, which may include the residue of any foreign matter such as casket material, dental work, or eyeglasses that were cremated with the human or animal remains.

R.C. 4717.01(Q) "Crematory operator" means the person who engages, in whole or in part, in cremation from one or more crematories licensed under this chapter and who has been issued a crematory operator permit under this chapter.

Definitions related to funeral home licensure used in Chapter 4717. of the Administrative Code include, but are not limited to:

| Description | |
|--|---|
| <p>O.A.C. 4717-1-01(A) "Actually in charge," as used with regard to a crematory facility, means a licensed crematory operator who has decision-making authority over the crematory facility, including, but not limited to, hiring employees, disciplining employees, and making managerial decisions regarding daily operations.</p> <p>O.A.C. 4717-1-01(F) "Fixed place" means a physical structure, having a United States post office street, avenue, or road address.</p> | |
| Type (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.) | |
| <p>Occupational license.</p> <p>CREM. – Crematory facility</p> | |
| If the regulation is a registration, certification, or license requirement, please complete the following: | |
| Number issued annually | Based on the total number of crematory facility licenses issued in each of the preceding six state fiscal years, an average of 14 crematory facility licenses were issued annually. |
| Number renewed annually | <p>Biennial renewal.</p> <p>Based on the total number of active crematory facility licenses eligible for renewal in each of the preceding three biennial renewal periods, an average of 170 crematory facility licenses were renewed.</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? | No. |
| Education or training requirements | There are no education or training requirements applicable to a crematory facility license. However, the holder of a crematory facility license must be a licensed crematory operator in this state. To obtain a permit to practice as a crematory operator, an applicant must meet training requirements as per R.C. 4717.051 that includes being at least 18 years of age and has satisfactorily completed a crematory operation certification program. |
| Experience requirements | There are no experience requirements applicable to a crematory facility 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>) | There are no examination requirements applicable to a crematory facility license. |
| Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>) | There are no continuing education requirements applicable to a crematory facility license. However, the crematory operator who holds the crematory facility license shall maintain an active certification from a crematory operator certification program as a condition for renewal of the permit, according to R.C. 4717.09(D). Additionally, the crematory operator must successfully complete a two-hour continuing education course approved by the board consisting of laws and rules relevant to this state and specific to crematory operation every two years, as per R.C. 4717.09 and Rule 4717-15-02 of the Ohio Administrative Code. |

| If the regulation is a registration, certification, or license requirement, please complete the following: | |
|--|---|
| Initial fee | <p>\$400</p> <p>As per R.C. 4717.08(A)(9), for applying for a license to operate a crematory facility, four hundred dollars and biennial renewal of a license to operate a crematory facility, four hundred dollars.</p> |
| Duration | <p>Biennial.</p> <p>As per R.C. 4717.08(A), every license and permit issued under this chapter expires on the last day of December of each even-numbered year and shall be renewed on or before that date according to the standard license renewal procedure set forth in Chapter 4745. of the Revised Code. Licenses and permits not renewed by the last day of December of each even-numbered year are lapsed.</p> |
| Renewal fee <i>(If different from initial fee, please explain why.)</i> | Same as initial fee. |
| Does the Board recognize uniform licensure requirements or allow for reciprocity? | No, the board does not allow for reciprocity for a crematory facility 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. |

If the regulation is a registration, certification, or license requirement, please complete the following:

Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?

If an applicant submits a complete application for an initial crematory facility licensure pursuant to R.C. 4717.06, there is no discretion in determining whether to issue the license to the individual, unless the applicant may be determined disqualified according with Section 9.79 of the Revised Code.

Other information (*Significant attributes or prerequisites to licensure not addressed in this chart.*)

Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.

Chapter 4717. of the Ohio Revised Code authorizes the Board of Embalmers and Funeral Directors to have oversight and disciplinary authority of licensed crematory operators who hold a crematory facility license.

R.C. 4717.04 authorizes the board to adopt rules for the administration and enforcement of Chapter 4717. The board's rules are contained in Chapter 4717 of the Ohio Administrative Code.

How much revenue is derived from fees charged by the Board to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?

Based on the total number of crematory facility licenses issued in each of the preceding six state fiscal years, an average of 14 crematory facility licenses were issued annually, at \$400 fee per application, earning an average annual total of \$5,800 in revenue.

Based on the total number of active crematory facility licenses eligible for renewal in each of the preceding three biennial renewal periods, an average of 170 crematory facility licenses were renewed, at \$400 fee per renewal application, earning an average biennial total of \$68,000 in revenue.

How much revenue is derived from fees charged by the Board to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?

Revenue collected by the Board of Embalmers and Funeral Directors is paid into the state treasury to the credit of the occupational licensing and regulatory fund, which was created for use in administering, among others, Chapter 4717. of the Revised Code. Operational funding for the board's licensing and enforcement services provided is sourced from this fund.

Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?

No.

What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)

The Board of Embalmers and Funeral Directors allows only a crematory operator licensed under Chapter 4717. of the Revised Code to apply for and to be issued a license to operate a crematory facility in this state. The regulation intends to protect consumers from potential fraudulent practices and unsanitary facilities by an unlicensed person operating an unregulated crematory facility.

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

Yes, the regulation is effective at preventing the harm described above.

Are there any changes the Board would like to see implemented?

Not at this time.

Surrounding state comparison (LSC)

The surrounding state comparison for the crematory operator license is available in LSC's [Occupational Regulation Report](#) for the 133rd General Assembly.

Combined funeral director/embalmer and funeral director/embalmer apprentice**Survey response (FUN)**

| Description |
|---|
| <p>The Board of Embalmers and Funeral Directors does not issue a combined funeral director and embalmer license. Applicants apply to the board for each license separately. The board issues each license separately to the applicant.</p> <p>The board also does not issue a combined certification of funeral director apprenticeship and certification of embalmer apprenticeship. Applicants apply to the board for each certification separately. The board issues each certification separately to the applicant.</p> |

Type *(License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)*

If the regulation is a registration, certification, or license requirement, please complete the following:

| | |
|--------------------------------|--|
| Number issued annually | |
| Number renewed 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 | |
| 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>) | |
| Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>) | |
| Initial fee | |
| Duration | |
| Renewal fee (<i>If different from initial fee, please explain why.</i>) | |

| If the regulation is a registration, certification, or license requirement, please complete the following: | |
|---|--|
| Does the Board recognize uniform licensure requirements or allow for reciprocity? | |
| Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation? | |
| Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Board? | |
| Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual? | |
| Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>) | |

Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.

**How much revenue is derived from fees charged by the Board to individuals engaged in the occupation (such as license and renewal fees)?
How is that revenue used?**

Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?

What is the harm that the regulation seeks to prevent? (*See, R.C. 4798.02(B).*)

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

Are there any changes the Board would like to see implemented?

Surrounding state comparison (LSC) (as of August 7, 2024)

Ohio allows individuals to be licensed as both a funeral director and an embalmer, and to complete a “dual” funeral director and embalmer apprenticeship. The individual must meet all of the requirements of both licenses or both apprenticeships, as outlined in LSC’s [Occupational Regulation Report](#) for the 133rd General Assembly.¹⁹

Indiana, Michigan, Pennsylvania, and West Virginia do not offer separate licenses for funeral directors and embalmers or for funeral director apprentices and embalmer apprentices.²⁰ Like Ohio, Kentucky does offer separate licenses, but also allows applicants to request both funeral director and embalmer licenses, or both funeral director apprentice and embalmer apprentice licenses, at the same time. The applicant must meet the requirements necessary for both licenses.²¹

State Fire Marshal

Fountain device (fireworks) retailer

Survey response (COM)

| Description |
|--|
| HB 172 of the 134 th General Assembly defined “Fountain Devices” as a specific type of 1.4G consumer grade firework that is all of the following: 1) Nonaerial and nonreport producing; Recognized and manufactured in accordance with sections 3.1.1 and 3.5 of APA standard 87-1 (2001 edition); 2) A ground-based or hand-held sparkler with one or more tubes containing a nonexplosive pyrotechnic mixture that produces a shower of sparks, with or without additional effects that may include a colored flame, audible crackling effect, audible whistle effect, or smoke; and 3) Containing no more than 75 grams of the pyrotechnic mixture in any individual tube and no more than 500 total grams of the mixture total in the case of multiple tubes. HB 172 further created a new fireworks retail sales license that allowed the sales of fountain devices by a significantly wider variety of retailers than can sell display grade and other consumer grade fireworks. Generally, the State Fire Marshal must issue a fountain device retailer license if the applicant submits: 1)a license fee of \$25; 2) An affidavit affirming that the applicant is in compliance with the National Fire Protection Association’s standard “NFPA 1124, Code for the Manufacture, Transportation, Storage, and Retail Sales of Fireworks and Pyrotechnic Articles (2006 Edition)” (NFPA 1124) or that they will be in compliance before engaging in the storage and sale of fountain devices; and 3) Proof of insurance. |

¹⁹ R.C. 4717.07; O.A.C. 4717-4-3 and 4717-5-01. See also FUN’s [Apprenticeship License Requirements](#).

²⁰ See [133rd General Assembly Occupational Regulation Report](#).

²¹ See Kentucky Board of Embalmers & Funeral Directors’ [Application for Licensure \(PDF\)](#) and [Apprenticeship Application \(PDF\)](#).

Type *(License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)*

Per R.C. 3737.26, a fountain device retailer license is a state issued license.

If the regulation is a registration, certification, or license requirement, please complete the following:

| | |
|---|---|
| Number issued annually | 783 |
| Number renewed annually | 783 |
| Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years? | At the inception of this license, in March of 2023, the SFM Testing & Registration Bureau issued 705 initial licenses. As of October 1, 2024, that number increased to 783. |
| Education or training requirements | For employees of license holder after license issued, but not as a condition of licensure. |
| Experience requirements | None. |

| 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 Department 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 | \$25 |
| Duration | One year from December 1 through November 30 of the following year (the license year). Exception: Initial licenses can be obtained at any time during a license year and generally last until the following November 30 th of the existing license year when the license was awarded. |
| Renewal fee (<i>If different from initial fee, please explain why.</i>) | \$25 |
| Does the Department recognize uniform licensure requirements or allow for reciprocity? | This license is attached to a physical location that must be located in Ohio. Thus, this is not a license for which reciprocity applies. |
| 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 Department? | No. Per R.C. 3743.60-.65, it is a crime to sell at retail any device meeting the definition of a “1.4G firework”, such as a fountain device as defined in R.C. 3743.01(H), without a state issued license. Similarly, no person can give away any 1.4G fireworks like fountains that they purchase from a licensed fountain device retailer. |
| Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual? | This is not an individual occupational license. This is a business license. The Department has discretion, but it is limited. |
| Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>) | None. |

Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.

R.C. 3743.26 -.28 grants the State Fire Marshal authority to inspect a fountain device retailer’s premises, inventory, and retail sale records to ensure compliance with the Fireworks Law and the State Fire Marshal’s rules. If an inspection reveals noncompliance, the State Fire Marshal has discretion to do one or more of the following: 1) Order the retailer, in writing, to eliminate, correct, or otherwise remedy the issues by a certain date; 2) Order the retailer, in writing, to immediately cease the storage and sale of fountain devices; and 3) Revoke, or deny the renewal of a license pursuant to the Administrative Procedure Act. If a license is revoked, the State Fire Marshal must remove the retailer’s name from the list of licensed retailers and must notify local law enforcement of a revocation or refusal to renew.

How much revenue is derived from fees charged by the Department to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?

For 2023, approximately \$35,250.00 in revenue was derived in the first year which includes the initial licensure plus renewal fees associated with those licenses. T&R has not had a full second year of this license. The revenue has been used for State Fire Marshal and Agency budget.

Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?

Federal regulatory oversight for fireworks wholesalers, manufacturers and fountain device retailers includes:

- the Federal Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF): focuses on the international importing, domestic manufacturing and storage of display (1.3g) fireworks (not the 1.4g fountain device items).
- US DOTn: regulates the interstate transportation of all types of fireworks;
- Consumer Products Safety Commission (CPSC): regulates/educates the public in the safe usage of consumer items, such as consumer fireworks. No CPSC rules regulate the sale of consumer fireworks of Ohio.

Federal law does not require state level regulation of fireworks and does not preempt such regulations. Ohio fireworks laws set up an independent and robust regulatory program for both commercial grade and consumer level fireworks (including fountain devices). Except for required ATF licensed storage magazines on licensed manufacturer premises, Ohio fireworks laws have very little direct overlap with federal fireworks regulations and neither state nor federal regulations are predicated upon the other.

What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)

This regulation seeks to prevent the unlawful or unsafe distribution, possession, storage and sale of the subcategory of consumer fireworks defined as fountain devices in Ohio. Fireworks, including fountain devices, are inherently dangerous and potentially deadly if not manufactured, packaged, distributed, tested, possessed, stored and sold in compliance with the very specific mandates of the Ohio Revised Code, Ohio Fire Code and Ohio Building Code provisions regulating the building structures on and storage magazines at a licensed premises where fountain devices are located, and individuals permitted to purchase fireworks. These regulations focus on preventing another tragedy similar to the events of July 3, 1996 at Scottown, Ohio, where a fire in a consumer grade fireworks store (the store sold fireworks containing similar levels of pyrotechnic compounds as fountain devices) led to 9 deaths and 11 injuries in a matter of seconds and other fatal, injury causing, or property damaging explosions fires associated with fireworks throughout Ohio history.

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

As this is a new category of fireworks licensure that was implemented during the same time period as the legalization of the discharge of consumer fireworks in Ohio, it will take several licensure cycles to determine if fireworks injuries, particularly those associated with the increased sales and usage of fountain devices permitted under this regulatory program increase. These devices already could be sold under previous fireworks regulations at approximately 50 licensed wholesale and manufacturers, but now are be sold at 750+ locations, so increased sales and usage of these devices is expected. In general, the sales premise regulations are effective. There has not been a significant fire or explosion at a manufacturing or wholesaler premises (and now fountain device retailers) in over a decade. Being less restrictive will not prevent the harm as Ohio standards just meet or are below national standards for several parts of these operations. Some of the safety provisions that are most effective are strict construction and operational standards and regular inspections to ensure compliance. Additionally, changes in the licensed premises must be approved by SFM and inspected by Code Enforcement fire safety inspectors.

Are there any changes the Department would like to see implemented?

No.

Surrounding state comparison (LSC) (as of August 28, 2024)

Ohio allows the sale of consumer-grade fireworks by licensed fireworks manufacturers and wholesalers, and those licensees may sell a wide variety of consumer-grade fireworks. Ohio also allows for registration with the State Fire Marshal as a “licensed fountain device retailer” for those who wish to sell a subset of consumer-grade fireworks called “fountain devices.” Those are ground-based or hand-held sparklers with one or multiple tubes that produce a shower of sparks. They may produce a colored flame, audible crackling or whistling effect, or smoke, but may not produce a report. Registration as a fountain device retailer is obtained on a per-location basis, lasts for one year at most, and requires a \$25 fee.²²

Ohio’s surrounding states regulate fountain devices in various ways. Indiana, Michigan, and Pennsylvania exclude fountain devices from their definitions of consumer fireworks, allowing their sale without license or registration.²³ West Virginia has a similar limited one-year registration to Ohio, except it requires a \$15 fee per location, paid to the State Fire Marshal.²⁴ Kentucky does as well, with a \$25 fee per location paid to the State Fire Marshal, but Kentucky’s registration is only required if the potential seller does not operate a year-round business in which the sale of fountains is ancillary to the business; for those businesses no registration is required.²⁵

Division of Industrial Compliance

Elevator mechanic and temporary elevator mechanic

The requirement to obtain a license to be an elevator mechanic or temporary elevator mechanic was enacted in H.B. 107 of the 134th General Assembly. As the licensure requirement is currently in the early stages of the implementation process, there is not enough information to include in the report.

²² R.C. 3743.01, 3743.26, and 3743.65; O.A.C. 1301:7-7-56.

²³ Ind. Code 22-11-14-1, 22-11-14-8, and 22-11-14-11; Mich. Comp. Laws 28.452 and 28.454; 3 Pa. Cons. Stat. 1101 and 1107; American Pyrotechnics Association, [APA Standard 87-1](#).

²⁴ W. Va. Code 29-3E-4.

²⁵ Ky. Rev. Stat. 227.702 and 227.715; 815 Ky. Admin. Regs. 10:070.

Underground storage tank inspector

Survey response (COM)

| Description | |
|--|-----|
| License required for individuals to inspect the installation of, performance of major repairs on site to, closure-in-place of, removal of, performance of modifications of, placing out of service for more than ninety days of, or the change in service of an underground storage tank system. | |
| Type (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.) | |
| A certified underground storage tank systems inspector R.C. 3737.88(A)(1), is a license according to RC 4798.01. | |
| If the regulation is a registration, certification, or license requirement, please complete the following: | |
| Number issued annually | 19 |
| Number renewed annually | 161 |

| If the regulation is a registration, certification, or license requirement, please complete the following: | |
|---|--|
| 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. |
| Examination requirements (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?</i>) | Passing an exam is required for this license. Exam is administered by the State Fire Marshal (SFM). Exam material is determined by SFM subject matter experts. \$25 initial application fee, which includes the exam. Proceeds are used for SFM and agency budget. |
| Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>) | No. |
| Initial fee | \$25 |
| Duration | Triennial (license is renewed every three years) |
| Renewal fee (<i>If different from initial fee, please explain why.</i>) | \$25 |

| If the regulation is a registration, certification, or license requirement, please complete the following: | |
|---|--|
| Does the Department 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 Department? | No. |
| Is the Department 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 Department respecting individuals engaged in the occupation. |
|--|
| The SFM may deny suspend, revoke, or refuse to renew the license. |

How much revenue is derived from fees charged by the Department to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?

\$475 annually from new applicants. \$4,025 triennially from renewals. Revenue is used for SFM and agency budget.

Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?

Under our federal grant agreements, SFM/BUSTR is required to mandate a method of certification for UST Inspector type activity, and our licensing program satisfies this requirement.

What is the harm that the regulation seeks to prevent? (*See, R.C. 4798.02(B).*)

This regulation prevents the harm caused if inspectors were not required to pass an exam and complete education to show they possess satisfactory competency in the inspection of installs, major repairs on site to, closure-in-place, removal, modifications, placing out of service for more than 90 days, or change in service of an underground storage tank systems. USTs contain highly flammable and toxic substances such as gasoline, kerosene, etc. The mishandling of underground storage tanks can lead to spills, environmental contamination, fire and explosions.

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

The regulation is effective. Being less restrictive will not prevent the harm. Licensed inspectors must regularly file completed field inspection reports to the SFM. Facilities where licensed inspectors perform inspection on installation work are registered UST facilities with SFM. This provides further oversight for safety and prevention.

Are there any changes the Department would like to see implemented?

No.

Surrounding state comparison (LSC) (as of August 30, 2024)

| Underground Storage Tank (UST) Systems Inspector | | | | | | |
|--|--|---------------------|---|---------------------|--|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| Type of regulation (Name of regulation) | License (UST systems inspector certificate) <i>(R.C. 3737.88(A); O.A.C. 1301:7-9-15)</i> | No clear equivalent | License (Underground petroleum storage tank contractor certificate) <i>(401 Ky. Admin. Regs. 042:020,</i> | No clear equivalent | License (Underground storage tank systems inspector certification) <i>(25 Pa. Code 245.102(b) and 245.112)</i> | License (Underground storage tank systems certificate) <i>(W. Va. Code R. 33-30-3.2)</i> |

| Underground Storage Tank (UST) Systems Inspector | | | | | | |
|--|--|---------|--|----------|---|---|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | | | <i>section 17(3) and 815 Ky. Admin. Regs. 30:060, section 3)</i> | | | |
| Education or training | Certification as a fire safety inspector Completion of a UST Installer training program and a UST Inspector training program <i>(O.A.C. 1301:7-9-15(D)(4), (5), and (8))</i> | N/A | Not required, but technical training approved by the SFM can reduce experience requirement, described below, be $\frac{1}{3}$ and a bachelor's degree in certain engineering fields or license to practice engineering can reduce by $\frac{2}{3}$ <i>(815 Ky. Admin. Regs. 30:060, section 6(1))</i> | N/A | Certain certifications and training related to corrosion protection and tightness testing <i>(25 Pa. Code 245.113)</i> | Certain completed certifications required for different classes of certification <i>(W. Va. Code R. 33-30-3.4.e and 33-30-3.4.f)</i> |
| Experience | Must be at least 18 years of age <i>(O.A.C. 1301:7-9-15(D)(2))</i> | N/A | Must be at least 18 years of age Participation in at least five UST installations, repairs, or | N/A | Either (1) four years of experience or education or (2) two years of experience and a | For certain classes of certification, participation in at least ten UST installations, |

| Underground Storage Tank (UST) Systems Inspector | | | | | | |
|--|--|---------|--|----------|--|--|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | | | removals or training and education described above <i>(815 Ky. Admin. Regs. 30:060, section 5(2) and (6))</i> | | bachelor's degree in certain engineering fields <i>(25 Pa. Code 245.113)</i> | repairs, upgrades, testings, etc. <i>(W. Va. Code R. 33-30-3.4.d)</i> |
| Exam | Yes <i>(O.A.C. 1301:7-9-15(D)(9))</i> | N/A | Yes <i>(815 Ky. Admin. Regs. 30:060, section 8)</i> | N/A | Yes <i>(25 Pa. Code 245.105)</i> | Yes <i>(W. Va. Code R. 33-30-3.4.g)</i> |
| Continuing education | Required for renewal if SFM determines substantial law changes have been made <i>(O.A.C. 1301:7-9-15(G)(2))</i> | N/A | N/A | N/A | Department-approved inspector training, completed within two years before application submission <i>(25 Pa. Code 245.102(c) and 245.114(d))</i> | 16 hours of Department-approved continuing education training courses per renewal <i>(W. Va. Code R. 33-30-3.5.a.2)</i> |
| Initial licensure fee | \$25 <i>(O.A.C. 1301:7-9-15(D)(1))</i> | N/A | \$350 <i>(815 Ky. Admin. Regs. 30:060,</i> | N/A | N/A | \$185 |

| Underground Storage Tank (UST) Systems Inspector | | | | | | |
|--|--|---------|--|----------|--|---|
| | Ohio | Indiana | Kentucky | Michigan | Pennsylvania | West Virginia |
| | | | <i>section 5(1) and section 8(1))</i> | | | <i>(W. Va. Code R. 33-30-3.4.h and 33-30-3.4.i)</i> |
| License duration | Three years <i>(O.A.C. 1301:7-9-15(F)(1))</i> | N/A | One year <i>(815 Ky. Admin. Regs. 30:060, section 9(1))</i> | N/A | Three years <i>(25 Pa. Code 245.114(b))</i> | Three years <i>(W. Va. Code R. 33-30-3.5)</i> |
| Renewal fee | \$25 <i>(O.A.C. 1301:7-9-15(G)(1)(a))</i> | N/A | \$100 <i>(815 Ky. Admin. Regs. 30:060, section 9(1))</i> | N/A | N/A | \$125 <i>(W. Va. Code R. 33-30-3.5)</i> |

State Board of Nursing

Doulas

The requirement to obtain a certification to use the title of “certified doula” was enacted in H.B. 33 of the 135th General Assembly. As this requirement is currently in the early stages of the implementation process, there is not enough information to include in the report.

Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board**Authority to engage in the 3-D printing of open-source prosthetic kits****Survey response (PYT)**

| Description | |
|---|---------------------|
| Authority to engage in the 3-D printing of open-source prosthetic kits | |
| Type <i>(License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)</i> | |
| Government certification | |
| If the regulation is a registration, certification, or license requirement, please complete the following: | |
| Number issued annually | 1 per year |
| Number renewed annually | 1-2 every two years |

| 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? | This authority has only existed since 2019. The Board has received two complete applications, with one of them being renewed. |
| Education or training requirements | <p>The applicant must demonstrate proficiency in the use of 3-D printing applications. Examples of ways an applicant can demonstrate proficiency include:</p> <p>(a) 3-D printing coursework;</p> <p>(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</p> <p>(c) Examples of experience printing 3-D products for individuals in the limb-different community.</p> |
| Experience requirements | 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>) | None |
| Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>) | None |
| Initial fee | \$25 |
| Duration | Two 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 |
| Does the Board recognize uniform licensure requirements or allow for reciprocity? | To the Board's knowledge, there is not another state with which there can be 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? | An individual who holds a current, valid license, certificate, or registration issued under Chapter 4723., 4729., 4730., 4731., 4734., or 4755. of the Revised Code and is practicing within the individual's scope of practice under statutes and rules regulating the individual's profession. Also individuals licensed as prosthetists and prosthetist-orthotists have this as part of the main professional scope. |
| Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual? | There is some discretion in determining the adequacy of the education/experience in 3-D printing of open-source prosthetic kits. |
| Other information <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i> | <ul style="list-style-type: none"> The applicant must keep on file the contact information of a medical professional for each person to whom a 3-D printed prosthetic is designed or provided. The applicant must agree to cooperate with the designated medical professional upon request to provide continuity of care. The medical professional must be an individual who holds a current, valid licensed, certificate, or registration issued under Chapter 4723., 4729., 4730., 4731., 4755., or 4779. of the Revised Code and in whose scope prosthetics is included. The applicant must disclose in written form to each recipient of a 3-D printed prosthetic the following: |

If the regulation is a registration, certification, or license requirement, please complete the following:

- That the applicant does not hold a license to practice prosthetics or prosthetics-orthotics under Chapter 4779. of the Revised Code; and
- If applicable, that the applicant does not carry liability insurance.

Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.

Via OAC 4755-70-01:

(H) The occupational therapy, physical therapy, and athletic trainers board, upon review of the application materials, may grant, deny, or revoke authority to engage in 3-D printing of open-source prosthetics kits.

(I) In accordance with Chapter 119. of the Revised Code, the Ohio occupational therapy, physical therapy, and athletic trainers board may suspend, revoke, or refuse to issue or renew the authority to engage in 3-D printing of open-source prosthetic kits, or reprimand, fine, place an authority holder on probation, or require the authority holder to take corrective action courses.

**How much revenue is derived from fees charged by the Board to individuals engaged in the occupation (such as license and renewal fees)?
How is that revenue used?**

\$25 – to contribute to the cost of processing the application.

Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?

None. No.

What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)

To work as a prosthetist, education in areas such as anatomy, skin integrity, measurement, impression-taking, model rectification, fabrication, fitting, structural integrity, and evaluating patients in the use and function of prosthetics are required. While technology has evolved to change how some prostheses may be built, fitting someone with a prosthesis requires some medical knowledge. The aim of providing the authority to 3-D print open source prosthetic kits is to allow for innovation to occur while protecting individuals with limb difference by ensuring at least minimal knowledge and skills and requiring a licensed medical professional to be aware. It is important for there to be some level of supervision from a medical professional to protect against patient harm.

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

The Board would be open to other, less restrictive ways. Given the low number of individuals who have applied, this is not a common activity.

Are there any changes the Board would like to see implemented?

The Board has been discussing changes to this language. Please contact OTPTAT Board Executive Director Missy Anthony at missy.anthony@otptat.ohio.gov or 614-466-3474.

Surrounding state comparison (LSC) (as of August 16, 2024)

The Occupational Therapy, Physical Therapy, and Athletic Trainers Board may grant to a person who is not licensed to practice prosthetics or orthotics and prosthetics the authority to engage in the 3-D printing of open-source prosthetic kits. An applicant must pay a \$25 fee and demonstrate proficiency in the use of 3-D printing applications. This may include the following:

- 3-D printing course work;
- Relevant training or credentials that include knowledge of appropriate material use and an understanding of how a person with limb differences uses the printed device; or
- Experience printing 3-D products for individuals in the limb-different community.

A license is valid for two or more years. The authority must be renewed by the 31st day of January in each even-numbered year. When the authority is issued on or after October 1st of an odd-numbered year, that authority is valid through January 31st of the second even-numbered year. The renewal fee is also \$25.²⁶

It does not appear that any of the surrounding states issue this license.

²⁶ R.C. 4779.40; O.A.C. 4755-70-01.

Department of Public Safety
Fire safety inspector instructor
Survey response (DPS)

Description

Fire safety inspector instructor means an individual who holds a certificate to teach Ohio fire safety inspector training courses issued by the chief executive officer of the State Board of Emergency Medical, Fire, and Transportation Services pursuant to section 4765.55 of the Revised Code and Chapter 4765-21 of the Administrative Code. Fire safety inspector instructors may only teach courses at the fire safety inspector or hazard recognition officer levels.

NOTE: This certification level became inactive effective 7/7/2024 with OAC 4765-21 and 4765-24 revisions.

Type (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)

Certification

If the regulation is a registration, certification, or license requirement, please complete the following:

Number issued annually

The average number of new Fire Safety Inspector Instructor certificates issued annually over the past four fiscal years (FY 2021-FY 2024) has been 1 certificate/month. This includes an average of 0 certifications by reciprocity from other states or the military.

Number renewed annually

An average of 3 Fire Safety Inspector Instructor certificates were renewed annually from FY 2021 through FY 2024.

| If the regulation is a registration, certification, or license requirement, please complete the following: | |
|--|---|
| Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years? | No |
| Education or training requirements | <p>Fire safety inspector instructor course:</p> <p>A fire safety inspector instructor course shall consist of a minimum of sixty hours and shall include all of the following training requirements:</p> <p>A minimum of forty hours in instruction of adult students and basic teaching techniques as set forth in the "Ohio Fire and EMS Instructor Curriculum";</p> <p>Two hours credited toward completion of the instructional methods examination;</p> <p>Completion of the eight hour "Fire Safety Inspector Training Module";</p> <p>Ten hours of supervised teaching in the presence of a fire safety inspector instructor trainer under the auspices of a chartered program.</p> <p>A minimum of six hours of the required teaching time shall be classroom lecture.</p> <p>Up to four hours of teaching time may be practical skills instruction.</p> <p>The forty hours in instruction of adult students as set forth in paragraph (A)(1)(a) of this rule and the instructional methods examination as set forth in paragraph (A)(1)(b) of this rule shall be successfully completed prior to the requirements as set forth in paragraphs (A)(1)(c) to (A)(1)(e) of this rule.</p> <p>The eight-hour training module as set forth in paragraphs (A)(1)(c) to (A)(1)(d) of this rule shall be completed prior to the requirements as set forth in paragraph (A)(1)(e) of this rule.</p> <p>An EMS Instructor or Fire Instructor seeking Fire Safety Inspector Instructor certification shall receive credit for the forty hours in instruction of adult students and basic teaching techniques, the instructional methods examination, and ten hours of supervised teaching.</p> |

| If the regulation is a registration, certification, or license requirement, please complete the following: | |
|---|--|
| Experience requirements | <p>Prior to admission into an Ohio fire safety inspector instructor course, an individual shall meet all of the following requirements:</p> <p>In the preceding seven years, have at least five years of experience as an Ohio-certified fire safety inspector;</p> <p>Possess a current and valid Ohio fire safety inspector certificate issued under section 4765.55 of the Ohio Revised Code and 4765-20-03 of the Ohio Administrative Code that is in good standing;</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 safety inspector level, within one year prior to admission into a fire safety inspector instructor course.</p> |
| Examination requirements (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?</i>) | <p>The initial examinations required for a fire safety inspector instructor certificate shall consist of a knowledge examination and instructional methods examination approved by the executive director, with the advice and counsel of the committee.</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 safety inspector instructor shall meet the following:</p> <p>The knowledge examination shall be taken within one year prior to the start of a fire safety inspector instructor course;</p> <p>The knowledge examination shall be taken at the fire safety inspector level;</p> <p>A passing score of at least eighty per cent on the knowledge examination is required for admission into a fire safety inspector 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 safety inspector training course as set forth in rule 4765-24-14 of the Administrative Code before attempting the examination again.</p> |

| If the regulation is a registration, certification, or license requirement, please complete the following: | |
|---|---|
| | <p>The instructional methods examination shall meet the following:</p> <p>The instructional methods examination is administered by previously approved and designated proctors at any of the approved fire charters and EMS accredited programs in Ohio. The examination is developed by the Division of EMS and delivered via computer as scheduled through the fire charters. The examination is delivered free of charge and scored immediately at the conclusion of the examination.</p> <p>A passing score of at least seventy per cent on the instructional methods examination is required for certification;</p> <p>The instructional methods examination required for certification shall be passed within three attempts;</p> <p>If an applicant is unable to pass the instructional methods examination within three attempts, the applicant shall complete a new fire safety inspector instructor training course as set forth in rule 4765-24-15 of the Administrative Code and meet all criteria for a fire safety inspector instructor as set forth in rule 4765-21-03 of the Administrative Code.</p> |
| 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 safety inspector training;</p> <p>AND one of the following:</p> <p>6 hours of instructional methodology CE</p> <p>OR pass an instructional methods exam.</p> |
| 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> |

| 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> | 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. |
| Does the Department recognize uniform licensure requirements or allow for reciprocity? | No, due to Ohio-specific fire codes. |
| Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation? | Yes No |
| Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department? | No |
| Is the Department 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 Department respecting individuals engaged in the occupation.

The Board utilizes the Division of EMS-Office of Investigative Services for oversight and disciplinary actions involving EMS providers. The Board's authority over EMS matters for this occupation is derived from Ohio Revised Codes 4765 and the rules promulgated thereunder. The Office of Investigative Services staff issues discipline on the behalf of the Board and monitors the individuals for compliance.

How much revenue is derived from fees charged by the Department to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?

There currently is no legislative authority for the Division of EMS to charge an initial or renewal application fee. The \$75.00 fee charged to applicants certified through reinstatement generates minimal income. Any revenue generated is included in the operational fund for the Division of EMS and the Board.

Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?

N/A

What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)

Licensure of instructors for fire safety Inspectors is designed to protect all future fire safety inspector students from delivering any sub-optimal fire prevention and/or inspection services which could present serious and immediate risk to both personal and public health and safety, including death. It is fair to assume that a large proportion of the public these students will eventually be called on to manage do not possess the knowledge or technical expertise needed to properly evaluate the qualifications of those who arrive to manage a complex fire scene and its related hazards. Those entrusted with this great educational responsibility must be competent providers themselves in addition to possessing an understanding and capability of applying related adult teaching methodologies in order to best prepare today's students to safely provide appropriate, competent response in the future no matter what hazards or life safety threats are involved.

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

Where the state finds it is necessary to displace competition, the state will use the least restrictive regulation to protect consumers from present, significant, and substantiated harms that threaten public health, safety, or welfare. Through course approval by the Division of EMS, utilizing instructor educational resources to improve our courses (e.g., National Association of EMS Educators instructor courses, NFPA 1041 standards for instructors), close monitoring of program graduation rates, student performance on the National EMS Certification examinations, student feedback on instructors and programs, and employer feedback all support these strategies and provide related metrics to conclude that effective educational preparation of practitioners has resulted in graduates' abilities to provide safe and effective care at the entry level of competency for the profession.

Are there any changes the Department would like to see implemented?

A background check requirement for initial application and renewals for certification, including Rapback notification, would be of value to the Board in its mission to protect those served by our licensees. As many of the disciplinary matters involve prior and/or non-disclosed criminal convictions, this would aid the Division's Office of Investigative Services in identifying and completing a review of these convictions and addressing the issues in a timely fashion. Currently, the Board and the Division rely on the individuals (certificate holders) to voluntarily disclose any convictions. By instituting a background check component, this would only strengthen the public's trust in the occupation and protect the public from potential bad actors.

The State Board of Emergency Medical, Fire, and Transportation Services is the only regulatory board that does not currently charge fees for issuance of certificates to practice for Ohio EMS and fire personnel. Modification of ORC 4765.55 to create fee parity with existing EMS regulations in ORC 4765.11(A)(3) and 4765.11(A)(4) is necessary before rule promulgation to charge fees in order to cover the administrative costs for issuing fire certifications.

Are there any changes the Department would like to see implemented?

The Division of EMS has subsequently completed development of a Fire and Emergency Services Instructor course to enable crossover between instructors from the law enforcement, fire, and EMS communities. Instructional methodology objectives between the three disciplines are very similar and this should efficiently reinforce instructor volume and course capacity within all of Ohio's public safety services programs. The new Fire and Emergency Services Instructor I and II certifications were implemented effective July 7, 2024, consequently all Fire Safety Inspector Instructor certifications were migrated to the Fire and Emergency Services Instructor II certification. At the same time, the legacy Fire Safety Inspector Instructor certification was retired.

Surrounding state comparison (LSC) (as of August 30, 2024)

Ohio certifies Fire Safety Inspector Instructors at two levels, though the certification legally functions as a license. Fire Safety Inspector Instructors I are certified to teach courses for Fire Safety Inspector certification, and Fire Safety Inspector Instructors II are certified to teach courses for Fire Safety Inspector or Fire Safety Inspector Instructor.²⁷ Those seeking certification must hold a current Fire Safety Inspector Certification, either complete the Fire and Emergency Services Instructor I and, if applicable, II course or possess a bachelor's degree in education.²⁸ Within 180 days of course completion, or approval to test based on possession of a bachelor's degree, applicants must pass an instructional methods examination.²⁹ Certification also requires current certification as a Fire Safety Inspector, such certification during five of the seven preceding years, and, for Instructor II, current certification as Instructor I or satisfaction of job performance requirements during a combined Inspector I and II course.³⁰ Certification lasts three years, generally, but runs concurrently with the underlying Fire Safety Inspector certification, so an initial certification may be for a shorter period. Certificate holders must complete 24 hours of continuing education per renewal cycle but may complete an additional six hours to obtain waiver of an otherwise required instructional methods examination.³¹

²⁷ R.C. 4765.55; O.A.C. 4765-21-01, 4765-21-03, 4765-24-15, and 4765-24-17.

²⁸ O.A.C. 4765-21-03 and 4765-24-15.

²⁹ O.A.C. 4765-21-03 and 4765-24-15.

³⁰ O.A.C. 4765-24-02 and 4765-25-02; Ohio Department of Public Safety, Division of Emergency Services, [Fire and Emergency Services Instructor I & II Course Packet \(PDF\)](#).

³¹ R.C. 4765.55; O.A.C. 4765-20-16, 4765-21-06, and 4765-21-15.

Ohio's surrounding states do not appear to have any direct equivalent certifications. Both Indiana and West Virginia certify fire service instructors generally, and instructors can teach approved curriculum, including for fire inspectors, but neither state, nor Michigan, Pennsylvania, and Kentucky certify fire inspector instructors specifically.³²

Miscellaneous

Euthanasia technician certificate

Under Ohio law, no animal shelter employee or agent or county dog warden or employee may perform euthanasia by means of lethal injection on an animal or administer pre-euthanasia drugs that induce anesthesia, sedation, or unconsciousness unless the agent or employee or county dog warden has received certification after successfully completing a euthanasia technician certification course. Although the certificate is required to engage in the activity, it is not an "occupational regulation" and is beyond the scope of this report.

³² 655 Ind. Admin. Code 1-1-5.2 and 1-1-6.1; W. Va. Code R. 87-8-3.