

State Vision and Hearing Professionals Board

Role and Overview

The State Vision and Hearing Professionals Board (VHP) will be the licensing and regulatory body for approximately 16,485 licensees and 16 license types. The Board will be comprised of nine members and consist of the following composition: two optometrists, two speech-language pathologists, two dispensing opticians, one clinical audiologist, one hearing aid fitter, and one public member.

In an effort to better align state programs and regulatory functions and achieve administrative efficiencies, the Executive Budget proposes to merge the functions and duties of the State Board of Optometry (OPT), the Ohio Optical Dispensers Board (ODB), the Hearing Aid Dealers and Fitters Licensing Board, and the Ohio Board of Speech-Language Pathology and Audiology (SPE) into the newly created State Vision and Hearing Professionals Board (VHP). This merger will be effective January 21, 2018.

The budget recommendations for the State Board of Optometry, the Ohio Optical Dispensers Board, the Hearing Aid Dealers and Fitters Licensing Board, and the Ohio Board of Speech-Language Pathology and Audiology include appropriations to support the current priorities and objectives of the agencies until January 21, 2018. The budget recommendation for the State Vision and Hearing Professionals Board contains appropriation to fulfill these same priorities and objectives from January 21, 2018 through the end of fiscal year 2019.

More information regarding the State Vision and Hearing Professionals Board is available at <http://ohio.gov>.

Agency Priorities

- Serve the citizens of Ohio by effectively and efficiently regulating the practice of optometry, speech-language pathology, clinical audiology, hearing aid fitters and dispensing opticians in the State of Ohio through the licensing of qualified individuals.
- Monitor compliance with continuing education requirements, and educate licensees and consumers of services provided by licensees on the laws and rules that govern licensees.
- Protect the public through promulgation of the standards of conduct and investigate all complaints against licensees where such standards may have been violated.

Funding Recommendation for 2018 and 2019

- All Funds: Funding for fiscal year 2018 is \$627.8 thousand (or a 0.0% increase from fiscal year 2017). Funding for fiscal year 2019 is \$1.1 million (or a 79.7% increase from fiscal year 2018).

The Executive Recommendation will fund the following objectives:

- Efficiently and effectively license optometrists, speech-language pathologists, dispensing opticians, clinical audiologists and hearing aid fitters.
- Ensure timely and appropriate licensure renewal.
- Review and approve continuing education programs and providers to ensure relevance to practice in Ohio.
- Conduct investigations to ensure licensed professionals remain in compliance with the applicable rules and regulations.

4758., ~~4759., 4761.,~~ 4771., 4775., 4779., and 4781. of the Revised Code shall be paid into the state treasury to the credit of the occupational licensing and regulatory fund, which is hereby created for use in administering such chapters.

At the end of each quarter, the director of budget and management shall transfer from the occupational licensing and regulatory fund to the nurse education assistance fund created in section 3333.28 of the Revised Code the amount certified to the director under division (B) of section 4723.08 of the Revised Code.

At the end of each quarter, the director shall transfer from the occupational licensing and regulatory fund to the certified public accountant education assistance fund created in section 4701.26 of the Revised Code the amount certified to the director under division (H)(2) of section 4701.10 of the Revised Code.

Sec. 4744.02. (A) There is hereby created the state vision and hearing professionals board consisting of the following members, appointed by the governor with the advice and consent of the senate:

(1) Two individuals licensed as optometrists under Chapter 4725. of the Revised Code;

(2) Two individuals licensed as licensed dispensing opticians under Chapter 4725. of the Revised Code;

(3) Two individuals licensed as speech-language pathologists under Chapter 4753. of the Revised Code;

(4) One individual licensed as an audiologist under Chapter 4753. of the Revised Code;

(5) One individual licensed as a hearing aid fitter under Chapter 4747. of the Revised Code;

(6) One individual representing the general public.

(B) Not later than ninety days after the effective date of this section, the governor shall make initial appointments to the board. Of the initial appointments, four members shall serve terms ending March 22, 2019, three members shall serve terms ending March 22, 2020, and two members shall serve terms ending March 22, 2021.

Thereafter, terms of office are three years, with each term commencing on the twenty-third day of March and ending on the twenty-second day of March. Each member shall hold office from the date of appointment until the end of the term for which the member was appointed, except that a member shall continue in office after the expiration date of the member's term until the member's successor takes office. No member shall serve more than three consecutive terms.

Vacancies shall be filled in the same manner as original appointments. Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of that term.

(C) No individual may be appointed to the board who has been convicted of or pleaded guilty to a felony under the laws of this state, another state, or the United States.

The governor may remove a member of the board for malfeasance, misfeasance, or nonfeasance after a hearing in accordance with Chapter 119. of the Revised Code. The governor shall remove, after a hearing in accordance with Chapter 119. of the Revised Code, any member who has been convicted of or pleaded guilty to a felony under the laws of this state, another state, or the United States.

Sec. 4744.04. (A) There is hereby created the state behavioral health and social work board consisting of the

governor individuals to fill the position. The governor shall 60440
consider the recommendation in making appointments to the board. 60441

Sec. 4744.10. Whenever the term "state board of optometry," 60442
"Ohio optical dispensers board," "hearing aid dealers and fitters 60443
licensing board," or "board of speech-language pathology and 60444
audiology" is used in any statute, rule, contract, or other 60445
document, the use shall be construed to mean the "state vision and 60446
hearing professionals board." 60447

Whenever "executive director of the state board of 60448
optometry," "executive secretary-treasurer of the Ohio optical 60449
dispensers board," "secretary of the hearing aid dealers and 60450
fitters licensing board," or "executive director of the board of 60451
speech-language pathology and audiology" is used in a statute, 60452
rule, contract, or other document, the use shall be construed to 60453
mean the executive director of the state vision and hearing 60454
professionals board. 60455

Whenever the term "chemical dependency professionals board," 60456
"counselor, social worker, and marriage and family therapist 60457
board," or "state board of psychology" is used in any statute, 60458
rule, contract, or other document, the use shall be construed to 60459
mean the "state behavioral health and social work board." 60460

Whenever the executive director of the "chemical dependency 60461
professionals board," "counselor, social worker, and marriage and 60462
family therapist board," or "state board of psychology" is used in 60463
any statute, rule, contract, or other document, the use shall be 60464
construed to mean the executive director of the state behavioral 60465
health and social work board. 60466

Whenever the term "Ohio occupational therapy, physical 60467
therapy, and athletic trainers board" or "state board of 60468
orthotics, prosthetics, and pedorthics" is used in any statute, 60469

rule, contract, or other document, the use shall be construed to mean the "state physical health services board." 60470
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Whenever the executive director of the "Ohio occupational therapy, physical therapy, and athletic trainers board" or "state board of orthotics, prosthetics, and pedorthics" is used in any statute, rule, contract, or other document, the use shall be construed to mean the executive director of the state physical health services board. 60472
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Sec. 4744.12. (A) Each board organized under this chapter shall annually elect from among its members a president and secretary. Each board shall hold at least four regular meetings each year and may hold additional meetings as it considers necessary. At least one of the board's regular meetings shall be held in Franklin county. The boards shall publish the time and place of any meetings at least thirty days before the date on which the meeting is to be held, except that in the case of an emergency or special meeting, the board shall give twenty-four-hours' notice or as much notice as possible. 60478
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A majority of board members constitutes a quorum. 60488

(B) Each board shall do all of the following: 60489

(1) Adopt a seal and certificate of suitable design; 60490

(2) Maintain a record of its proceedings; 60491

(3) Maintain a register of every individual holding a certificate, license, permit, registration, or endorsement issued under Chapters 4725., 4732., 4747., 4753., 4755., 4757., 4758., 4779., and 4783. of the Revised Code, as applicable, and every individual whose certificate, license, permit, registration, or endorsement has been revoked under those chapters. 60492
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(C) Except as otherwise provided in the Revised Code, the books and records of each board, including its registers, shall be 60498
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open to public inspection at all reasonable times. A copy of an entry in those books and records, certified by the executive director under the board's seal, is prima facie evidence of the facts therein stated. 60500
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Sec. 4744.14. Each board organized under this chapter shall hire an executive director. Before discharging the executive director's duties, each executive director shall give a bond, to be approved by the board, in the amount of two thousand dollars to ensure the faithful performance of the executive director's duties. The board shall pay the premium of the bond in the same manner as it pays other expenditures of the board. The bond shall be deposited with the secretary of state and kept in the secretary of state's office. 60504
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The executive director of each board organized under this chapter, in consultation with the director of administrative services, may employ inspectors, investigators, assistants, and other employees as necessary to administer and enforce Chapters 4725., 4732., 4747., 4753., 4755., 4757., 4758., 4779., and 4783. of the Revised Code, as applicable. 60513
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Sec. 4744.16. Each member of a board organized under this chapter shall receive an amount fixed under division (J) of section 124.15 of the Revised Code for each day the member is performing their official duties and be reimbursed for actual and necessary expenses incurred in performing such duties. 60519
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Each board, in consultation with the director of administrative services, shall set the compensation of its executive director and of any employees of the board. The executive director of each board shall be reimbursed for necessary expenses in accordance with section 126.31 of the Revised Code. 60524
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All vouchers of the board shall be approved by the board's 60529

president or executive director, or both, as authorized by the 60530
board. 60531

Sec. 4744.18. Each board organized under this chapter shall 60532
have an office in Franklin county, where all of the board's 60533
permanent records shall be kept. On request of each board, the 60534
director of administrative services shall supply each board with 60535
office space and supplies. The board's president and executive 60536
director shall submit an order to the director of administrative 60537
services for all printing and binding necessary for the board's 60538
work. 60539

Sec. 4744.20. All expenses of the boards organized under this 60540
chapter shall be paid from, and all receipts of the boards shall 60541
be deposited in, the state treasury to the credit of the 60542
occupational licensing and regulatory fund created in section 60543
4743.05 of the Revised Code. 60544

Sec. 4744.24. Each board organized under this chapter shall 60545
annually, on or before the first day of February, submit a report 60546
to the governor of all its official acts during the preceding 60547
year, its receipts and disbursements, and a complete report of the 60548
conditions of the professions regulated by the board. Each board 60549
shall submit its first report to the governor not later than 60550
February 1, 2019. Each board shall submit the reports to the 60551
governor electronically. 60552

Sec. 4744.28. Each board organized under this chapter may 60553
adopt rules as necessary for the transaction of its business. 60554

Sec. 4744.30. In the absence of fraud or bad faith, any board 60555
organized under this chapter, current or former board members, 60556
agents of the board, persons formally requested by the board to be 60557

the board's representative, or employees of the board shall not be 60558
held liable in damages to any person as the result of any act, 60559
omission, proceeding, conduct, or decision related to official 60560
duties undertaken or performed pursuant to Chapters 4725., 4732., 60561
4747., 4753., 4755., 4757., 4758., 4779., and 4783. of the Revised 60562
Code, as applicable. 60563

If such a person asks to be defended by the state against any 60564
claim or action arising out of any act, omission, proceeding, 60565
conduct, or decision related to the person's official duties, and 60566
if the request is made in writing at a reasonable time before 60567
trial and the person requesting defense cooperates in good faith 60568
in the defense of the claim or action, the state shall provide and 60569
pay for the person's defense and shall pay any resulting judgment, 60570
compromise, or settlement. At no time shall the state pay any part 60571
of a claim or judgment that is for punitive or exemplary damages. 60572

Sec. 4744.36. Each board organized under this chapter may 60573
appoint committees or other groups to assist in fulfilling its 60574
duties. A committee or group may consist of board members, other 60575
individuals with appropriate backgrounds, or both board members 60576
and other individuals with appropriate backgrounds. Any appointed 60577
committee or group shall act under the board's direction and shall 60578
perform its functions within the limits established by the board. 60579

Except as otherwise provided in the Revised Code, a committee 60580
or group organized under this section is advisory in nature and 60581
may not act independently of the board or act on the board's 60582
behalf. 60583

Members of a committee or group may be reimbursed by the 60584
board for any expenses incurred in the performance of their 60585
duties, in accordance with section 126.31 of the Revised Code and 60586
with approval from the director of administrative services. 60587

Sec. 4744.40. Each board organized under this chapter may 60588
enter into contracts with any person or government entity to 60589
implement this chapter and Chapters 4725., 4732., 4747., 4753., 60590
4755., 4757., 4758., 4779., and 4783. of the Revised Code, as 60591
applicable, the rules adopted under those chapters, any other 60592
applicable statutes or rules, and any applicable federal statutes 60593
or regulations. 60594

Sec. 4744.48. Each board organized under this chapter may 60595
become a member of a national licensing organization for the 60596
professions regulated by that board. The board may participate in 60597
any of the organization's activities, including reporting actions 60598
the board takes against an applicant or license holder to any data 60599
bank established by the organization. 60600

Sec. 4744.50. Each board organized under this chapter shall 60601
establish a code of ethical practice for individuals licensed, 60602
certified, or registered by that board in accordance with rules 60603
adopted under Chapter 119. of the Revised Code. In establishing 60604
the codes of ethical practice, the board shall define 60605
unprofessional conduct in the rules, which shall include engaging 60606
in a dual relationship with a client or former client, committing 60607
an act of sexual abuse, misconduct, or exploitation of a client or 60608
former client, and, except as permitted by law, violating client 60609
confidentiality. 60610

The codes of ethical practice may be based on any codes of 60611
ethical practice developed by national organizations representing 60612
the interests of those professions regulated by each board. The 60613
board may establish standards in its codes of ethical practice 60614
that are more stringent than those established by national 60615
organizations. 60616

The board may take disciplinary action against an applicant 60617

or license holder for violating any code of ethical practice 60618
established under this section. 60619

Sec. 4744.54. No board organized under this chapter or any 60620
committees established by the board shall discriminate against an 60621
applicant or license holder because of the person's race, color, 60622
religion, sex, national origin, disability as defined in section 60623
4112.01 of the Revised Code, or age. A person who files with the 60624
board or committee a statement alleging discrimination based on 60625
any of those reasons may request a hearing with the board or 60626
committee, as appropriate. 60627

Sec. 4745.01. (A) "Standard renewal procedure," as used in 60628
Chapters 905., 907., 909., 911., 913., 915., 918., 921., 923., 60629
927., 942., 943., 953., 1321., 3710., 3713., 3719., 3742., 3748., 60630
3769., 3783., 3921., 3951., 4104., 4105., ~~4143.~~, 4169., 4561., 60631
4703., 4707., 4709., 4713., 4715., 4717., 4723., 4725., 4727., 60632
4728., 4729., 4731., 4733., 4734., ~~4735.~~, 4739., 4741., 4747., 60633
4749., 4752., 4753., 4755., 4757., 4758., 4759., 4761., 4766., 60634
4773., and 4775. of the Revised Code, means the license renewal 60635
procedures specified in this chapter. 60636

(B) "Licensing agency," as used in this chapter, means any 60637
department, division, board, section of a board, or other state 60638
governmental unit subject to the standard renewal procedure, as 60639
defined in this section, and authorized by the Revised Code to 60640
issue a license to engage in a specific profession, occupation, or 60641
occupational activity, or to have charge of and operate certain 60642
specified equipment, machinery, or premises. 60643

(C) "License," as used in this chapter, means a license, 60644
certificate, permit, card, or other authority issued or conferred 60645
by a licensing agency by authority of which the licensee has or 60646
claims the privilege to engage in the profession, occupation, or 60647

individual applying for a license has been convicted of or pleaded 60770
guilty to a misdemeanor that is not a crime of moral turpitude or 60771
a disqualifying offense less than one year prior to making the 60772
application, the board may use the board's discretion in granting 60773
or denying the individual a license. Except as otherwise provided 60774
in this division, if an individual applying for a license has been 60775
convicted of or pleaded guilty to a felony that is not a crime of 60776
moral turpitude or a disqualifying offense less than three years 60777
prior to making the application, the board may use the board's 60778
discretion in granting or denying the individual a license. The 60779
provisions in this paragraph do not apply with respect to any 60780
offense unless the board, prior to ~~the effective date of this~~ 60781
~~amendment~~ September 28, 2012, was required or authorized to deny 60782
the application based on that offense. 60783

In all other circumstances, the board shall follow the 60784
procedures it adopts by rule that conform to division ~~(C)~~(B)(1) of 60785
this section. 60786

(3) In considering a renewal of an individual's license, the 60787
board shall not consider any conviction or plea of guilty prior to 60788
the initial licensing. However, the board may consider a 60789
conviction or plea of guilty if it occurred after the individual 60790
was initially licensed, or after the most recent license renewal. 60791

(4) The board may grant an individual a conditional license 60792
that lasts for one year. After the one-year period has expired, 60793
the license is no longer considered conditional, and the 60794
individual shall be considered fully licensed. 60795

~~(D)~~(C) Each license issued expires on the thirtieth day of 60796
January of the year following that in which it was issued. 60797

Sec. 4747.051. (A) As used in this section, "license" and 60798
"applicant for an initial license" have the same meanings as in 60799
section 4776.01 of the Revised Code, except that "license" as used 60800

in both of those terms refers to the types of authorizations 60801
otherwise issued or conferred under this chapter. 60802

(B) In addition to any other eligibility requirement set 60803
forth in this chapter, each applicant for an initial license shall 60804
comply with sections 4776.01 to 4776.04 of the Revised Code. The 60805
state vision and hearing professionals board shall not grant a 60806
license to an applicant for an initial license unless the 60807
applicant complies with sections 4776.01 to 4776.04 of the Revised 60808
Code and the board, in its discretion, decides that the results of 60809
the criminal records check do not make the applicant ineligible 60810
for a license issued pursuant to section 4747.05 or 4747.10 of the 60811
Revised Code. 60812

Sec. 4747.06. (A) Each person engaged in the practice of 60813
dealing in or fitting of hearing aids who holds a valid hearing 60814
aid dealer's or fitter's license shall apply annually to the state 60815
vision and hearing aid dealers and fitters licensing professionals 60816
board for renewal of such license under the standard renewal 60817
procedure specified in Chapter 4745. of the Revised Code. The 60818
board shall issue to each applicant, on proof of completion of the 60819
continuing education required by division (B) of this section and 60820
payment of one hundred fifty-seven dollars on or before the first 60821
day of February, one hundred eighty-three dollars on or before the 60822
first day of March, or two hundred ten dollars thereafter, a 60823
renewed hearing aid dealer's or fitter's license. No person who 60824
applies for renewal of a hearing aid dealer's or fitter's license 60825
that has expired shall be required to take any examination as a 60826
condition of renewal provided application for renewal is made 60827
within two years of the date such license expired. 60828

(B) Each person engaged in the practice of dealing in or 60829
fitting of hearing aids who holds a valid hearing aid dealer's or 60830
fitter's license shall complete each year not less than ten hours 60831

Director that sufficiently meets the established requirements. 104478

In fiscal year 2019, the foregoing appropriation item 900501, 104479
 Veterans Organizations, shall be used to provide grants to 104480
 veterans organizations pursuant to division (W) of section 5902.02 104481
 of the Revised Code to improve access for veterans and their 104482
 families to benefits and resources from the United States 104483
 Department of Veterans Affairs or programs that enhance access to 104484
 employment services and opportunities, or other resources. 104485

VETERANS COMPENSATION GENERAL OBLIGATION BOND DEBT SERVICE 104486

The foregoing appropriation item 900901, Veterans 104487
 Compensation General Obligation Bond Debt Service, shall be used 104488
 to pay all debt service and related financing costs during the 104489
 period from July 1, 2017, through June 30, 2019, on obligations 104490
 issued under sections 151.01 and 151.12 of the Revised Code. 104491

Section 417.10. DVM STATE VETERINARY MEDICAL LICENSING BOARD 104492

Dedicated Purpose Fund Group 104493

| | | | | | | |
|-------------|--------------------|----|---------|----|---------|--------|
| 4K90 888609 | Operating Expenses | \$ | 396,369 | \$ | 439,369 | 104494 |
|-------------|--------------------|----|---------|----|---------|--------|

TOTAL DPF Dedicated Purpose 104495

| | | | | | | |
|------------|--|----|---------|----|---------|--------|
| Fund Group | | \$ | 396,369 | \$ | 439,369 | 104496 |
|------------|--|----|---------|----|---------|--------|

Internal Service Activity Fund Group 104497

| | | | | | | |
|-------------|--------------------|----|--------|----|--------|--------|
| 5BU0 888602 | Veterinary Student | \$ | 30,000 | \$ | 30,000 | 104498 |
|-------------|--------------------|----|--------|----|--------|--------|

Loan Program

TOTAL ISA Internal Service Activity 104499

| | | | | | | |
|------------|--|----|--------|----|--------|--------|
| Fund Group | | \$ | 30,000 | \$ | 30,000 | 104500 |
|------------|--|----|--------|----|--------|--------|

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|------------------------------|--|----|---------|----|---------|--------|
| TOTAL ALL BUDGET FUND GROUPS | | \$ | 426,369 | \$ | 469,369 | 104501 |
|------------------------------|--|----|---------|----|---------|--------|

Section 419.10. VHP STATE VISION AND HEARING PROFESSIONAL 104503

BOARD 104504

Dedicated Purpose Fund Group 104505

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|-------------|--------------------|----|---------|----|-----------|--------|
| 4K90 129609 | Operating Expenses | \$ | 627,824 | \$ | 1,128,095 | 104506 |
|-------------|--------------------|----|---------|----|-----------|--------|

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|--|----|-------------|----|-------------|--------|
| TOTAL DPF Dedicated Purpose Fund Group | \$ | 627,824 | \$ | 1,128,095 | 104507 |
| TOTAL ALL BUDGET FUND GROUPS | \$ | 627,824 | \$ | 1,128,095 | 104508 |
| Section 421.10. DYS DEPARTMENT OF YOUTH SERVICES | | | | | 104510 |
| General Revenue Fund | | | | | 104511 |
| GRF 470401 RECLAIM Ohio | \$ | 157,960,263 | \$ | 161,652,421 | 104512 |
| GRF 470412 Juvenile Correctional Facilities Lease Rental Bond Payments | \$ | 17,782,100 | \$ | 17,346,900 | 104513 |
| GRF 470510 Youth Services | \$ | 16,702,728 | \$ | 16,702,728 | 104514 |
| GRF 472321 Parole Operations | \$ | 10,595,771 | \$ | 10,750,545 | 104515 |
| GRF 477321 Administrative Operations | \$ | 11,574,760 | \$ | 11,894,332 | 104516 |
| TOTAL GRF General Revenue Fund | \$ | 214,615,622 | \$ | 218,346,926 | 104517 |
| Dedicated Purpose Fund Group | | | | | 104518 |
| 1470 470612 Vocational Education | \$ | 1,690,000 | \$ | 1,463,162 | 104519 |
| 1750 470613 Education Services | \$ | 3,385,248 | \$ | 3,492,983 | 104520 |
| 4790 470609 Employee Food Service | \$ | 60,273 | \$ | 44,107 | 104521 |
| 4A20 470602 Child Support | \$ | 187,998 | \$ | 153,968 | 104522 |
| 4G60 470605 Juvenile Special Revenue - Non-Federal | \$ | 115,000 | \$ | 115,000 | 104523 |
| 5BN0 470629 E-Rate Program | \$ | 75,000 | \$ | 75,000 | 104524 |
| TOTAL DPF Dedicated Purpose Fund Group | \$ | 5,513,519 | \$ | 5,344,220 | 104525 |
| Federal Fund Group | | | | | 104527 |
| 3210 470601 Education | \$ | 947,275 | \$ | 961,519 | 104528 |
| 3210 470603 Juvenile Justice Prevention | \$ | 2,144,540 | \$ | 2,232,533 | 104529 |
| 3210 470606 Nutrition | \$ | 930,000 | \$ | 930,000 | 104530 |
| 3210 470614 Title IV-E Reimbursements | \$ | 5,766,624 | \$ | 5,766,624 | 104531 |

files, equipment, assets, and other materials of the Ohio 105403
Occupational Therapy, Physical Therapy, and Athletic Trainers 105404
Board and the State Board of Orthotics, Prosthetics, and 105405
Pedorthics are transferred to the State Physical Health Services 105406
Board. 105407

Section 515.33. (A) Effective January 21, 2018, the State 105408
Board of Optometry, the Ohio Optical Dispensers Board, the Hearing 105409
Aid Dealers and Fitters Licensing Board, and the Board of 105410
Speech-Language Pathology and Audiology are abolished. 105411

(B) Any business commenced but not completed by January 21, 105412
2018, by the State Board of Optometry, the Ohio Optical Dispensers 105413
Board, the Hearing Aid Dealers and Fitters Licensing Board, and 105414
the Board of Speech-Language Pathology and Audiology or by the 105415
executive directors, executive secretary-treasurer, or secretary 105416
of those boards, as applicable, shall be completed by the State 105417
Vision and Hearing Professionals Board or the Executive Director 105418
of the State Vision and Hearing Professionals Board in the same 105419
manner, and with the same effect, as if completed by the State 105420
Board of Optometry, the Ohio Optical Dispensers Board, the Hearing 105421
Aid Dealers and Fitters Licensing Board, or the Board of 105422
Speech-Language Pathology and Audiology or by the executive 105423
directors, executive secretary-treasurer, or secretary of those 105424
boards, as applicable. 105425

(C) All rules, orders, and determinations of the State Board 105426
of Optometry, the Ohio Optical Dispensers Board, the Hearing Aid 105427
Dealers and Fitters Licensing Board, and the Board of 105428
Speech-Language Pathology and Audiology or by the executive 105429
directors, executive secretary-treasurer, or secretary of those 105430
boards, as applicable, shall continue in effect as rules, orders, 105431
and determinations of the State Vision and Hearing Professionals 105432
Board until modified or rescinded by the State Vision and Hearing 105433

Professionals Board. If necessary to ensure the integrity of the 105434
numbering of the Administrative Code, the Director of the 105435
Legislative Service Commission shall renumber any rule to reflect 105436
its transfer to the State Vision and Hearing Professionals Board. 105437

Any licenses, certificates, permits, registrations, or 105438
endorsements issued before January 21, 2018, by the State Board of 105439
Optometry, the Ohio Optical Dispensers Board, the Hearing Aid 105440
Dealers and Fitters Licensing Board, or the Board of 105441
Speech-Language Pathology and Audiology shall continue in effect 105442
as if issued by the State Vision and Hearing Professionals Board. 105443

(D) Effective January 21, 2018, whenever the term "State 105444
Board of Optometry," "Ohio Optical Dispensers Board," "Hearing Aid 105445
Dealers and Fitters Licensing Board," or "Board of Speech-Language 105446
Pathology and Audiology" is used in any statute, rule, contract, 105447
or other document, the use shall be construed to mean the "State 105448
Vision and Hearing Professionals Board." 105449

Whenever the term "Executive Director of the State Board of 105450
Optometry," "Executive Secretary-Treasurer of the Ohio Optical 105451
Dispensers Board," "Secretary of the Hearing Aid Dealers and 105452
Fitters Licensing Board," or "Executive Director of the Board of 105453
Speech-Language Pathology and Audiology" is used in a statute, 105454
rule, contract, or other document, the use shall be construed to 105455
mean the Executive Director of the State Vision and Hearing 105456
Professionals Board. 105457

(E)(1) Subject to the lay-off provisions of sections 124.321 105458
to 124.382 of the Revised Code, all employees of the State Board 105459
of Optometry, the Ohio Optical Dispensers Board, the Hearing Aid 105460
Dealers and Fitters Licensing Board, and the Board of 105461
Speech-Language Pathology and Audiology are transferred to the 105462
State Vision and Hearing Professionals Board. The employees shall 105463
retain their positions and benefits. 105464

(2) During the period beginning January 21, 2018, and ending 105465
June 30, 2019, the Executive Director of the State Vision and 105466
Hearing Professionals Board may establish, change, and abolish 105467
positions on the Board and assign, reassign, classify, reclassify, 105468
transfer, reduce, promote, or demote all employees of the Board 105469
who are not subject to Chapter 4117. of the Revised Code. 105470

(3) The authority granted to the Executive Director of the 105471
Board under division (E)(2) of this section includes assigning or 105472
reassigning an exempt employee, as defined in section 124.152 of 105473
the Revised Code, to a bargaining unit classification that the 105474
Executive Director determines is the proper classification for 105475
that employee. If an employee in the E-1 pay range is to be 105476
assigned, reassigned, classified, reclassified, transferred, 105477
reduced, or demoted to a position in a lower classification during 105478
the period specified in this section, the Executive Director, or 105479
in the case of a transfer to a position outside the Board, the 105480
Director of Administrative Services, shall assign the employee to 105481
the appropriate classification and place the employee in Step X. 105482
The employee shall not receive any increase in compensation until 105483
the maximum rate of pay for that classification exceeds the 105484
employee's compensation. 105485

(4) Actions taken by the Executive Director pursuant to 105486
division (E) of this section are not subject to appeal to the 105487
State Personnel Board of Review. 105488

(F) Notwithstanding section 145.297 of the Revised Code, the 105489
State Board of Optometry, the Ohio Optical Dispensers Board, the 105490
Hearing Aid Dealers and Fitters Licensing Board, and the Board of 105491
Speech-Language Pathology and Audiology may, at that board's 105492
discretion and with approval from the Office of Budget and 105493
Management, establish a retirement incentive plan for eligible 105494
employees of those boards who are members of the Public Employees 105495
Retirement System. Any retirement incentive plan established 105496

pursuant to this section shall remain in effect until January 20, 105497
2018. 105498

(G) No validation, cure, right, privilege, remedy, 105499
obligation, or liability is lost or impaired by reason of the 105500
transfer required by this section and shall be administered by the 105501
State Vision and Hearing Professionals Board. No action or 105502
proceeding pending on the effective date of this act is affected 105503
by the transfer, and shall be prosecuted or defended in the name 105504
of the State Vision and Hearing Professionals Board or the Board's 105505
Executive Director, as appropriate. In all such actions and 105506
proceedings, the State Vision and Hearing Professionals Board or 105507
the Board's Executive Director shall be substituted as a party. 105508

(H) Effective January 21, 2018, all records, documents, 105509
files, equipment, assets, and other materials of the State Board 105510
of Optometry, the Ohio Optical Dispensers Board, the Hearing Aid 105511
Dealers and Fitters Licensing Board, and the Board of 105512
Speech-Language Pathology and Audiology are transferred to the 105513
State Vision and Hearing Professionals Board. 105514

Section 515.34. (A) Effective January 21, 2018, the Ohio 105515
Respiratory Care Board is abolished. 105516

(B) Any business commenced but not completed by January 21, 105517
2018, by the Ohio Respiratory Care Board, or by the Executive 105518
Director of the Board, shall be completed by the State Board of 105519
Pharmacy, with respect to implementing Chapter 4752. of the 105520
Revised Code, and the State Medical Board, with respect to 105521
implementing Chapter 4761. of the Revised Code, or by the 105522
executive directors of those boards in the same manner, and with 105523
the same effect, as if completed by the Ohio Respiratory Care 105524
Board, or by the Executive Director of the Board. 105525

(C) All rules, orders, and determinations of the Ohio 105526
Respiratory Care Board, or by the Executive Director of the Board 105527