

3745-300-05 Certified professionals.

(A) Definitions. As used in this rule:

- (1) "Applicant" means any individual who submits an application to become a certified professional.
- (2) "Certificate" means a document issued by the director which acknowledges that an individual is a certified professional for the purposes of this chapter and Chapter 3746. of the Revised Code.
- (3) "Certified professional" means an individual certified by the director pursuant to this rule to conduct activities authorized by this chapter and Chapter 3746. of the Revised Code.
- (4) "Continuing education unit (CEU)" means a unit of credit customarily used for professional development courses. One continuing education unit equals ten hours of actual instruction in an approved continuing education course.
- (5) "Course/activity" means any course or activity with a clear purpose and objective which will maintain, improve, or expand the skills and knowledge relevant to the activities authorized under this chapter.
- (6) "Good moral character" means such character as will enable an individual to comply with the ethical responsibilities of a certified professional.
- (7) "Imminent hazard" means any condition which poses a significant risk of harm to public health, safety, or the environment, including, but not limited to, a threat of explosion, any discharge of hazardous substances or petroleum to surface water, any discharge of hazardous substances or petroleum to ground water which threatens to immediately impact drinking water supplies, releases of hazardous substances or petroleum into the air which would require the evacuation of nearby persons, or any off-site migration or release of hazardous substances or petroleum which would threaten to immediately harm public health, safety, or the environment.
- (8) "Professional development hour unit" means a unit hour for tracking continuing education as required by paragraph (D) of this rule.
- (9) "Professional services" means any conduct in connection with a voluntary action or in rendering a voluntary action opinion.
- (10) "Proficiency" means a demonstration of competence in projects similar in type and scope to voluntary actions.

- (11) “Recognized educational institution” means an institution which is accredited by an appropriate regional board or association of institutions of higher education.
- (12) “Relevant professional experience” means experience obtained through conducting or supervising voluntary actions or projects similar in type and scope to voluntary actions and performed for an average minimum of twenty hours per week. Such experience must be of a professional grade and character that indicates the applicant is competent to conduct voluntary actions or render voluntary action opinions. Relevant professional experience performed for less than an average minimum of twenty hours per week will be applied toward the satisfaction of these requirements on a pro rata basis. Relevant professional experience does not include experience involving non-scientific or non-technical activities associated with assessment or remediation projects such as contract management, budget control, or other similar management activities.
- (13) “Voluntary action opinion” includes the following:
- (a) A no further action letter issued in accordance with this chapter and Chapter 3746. of the Revised Code;
 - (b) A written notice pursuant to division (B) of section 3746.11 of the Revised Code that the certified professional is not able to issue a no further action letter for a property because the property does not comply with applicable standards; or
 - (c) An application for a variance pursuant to rule 3745-300-12 of the Administrative Code and section 3746.09 of the Revised Code.
- (B) Criteria for certification.
- (1) Applicants for certification must provide such information and evidence as the director deems reasonably necessary to enable the director to determine that the applicant meets the qualifications set forth in this rule.
- (2) The director will issue a certification upon a demonstration, to the director’s satisfaction, that the applicant:
- (a) Earned a minimum of a bachelor's degree from a recognized educational institution in one of the following areas: biology, chemistry, environmental sciences, geology, hydrogeology, toxicology, scientific sub-disciplines of public health or hazardous waste management, appropriate areas of engineering, or in a curriculum determined to be equivalent by the director. The charter or accreditation of the recognized educational institution must have been effective as of the date the applicant's degree(s) was granted;

- (b) Possesses eight years of relevant professional experience, three of which are supervisory or project management related;
- (c) Possesses the professional competence and knowledge to perform the tasks required of a certified professional. In order to make this determination, the director will consider the following:
 - (i) The proficiency of the applicant;
 - (ii) The duration of the applicant's relevant employment;
 - (iii) The previous performance of the applicant with regard to various investigative methods used, including but not limited to, whether such experience includes work at sites where subsurface investigations have occurred;
 - (iv) The previous performance of the applicant with regard to the various types of remedial systems designed and monitored;
 - (v) The performance of the applicant with regard to risk and exposure assessments;
 - (vi) The number of individuals and disciplines of other professionals supervised or coordinated by the applicant;
 - (vii) The nature of conclusions reached and recommendations and opinions presented by the applicant; and
 - (viii) Any other factors the director deems relevant;

This determination will be made by reviewing evidence including, but not limited to, references, agency comments, the application form and other sources the director deems appropriate; and

- (d) Possesses good moral character. Evidence of an inability to comply with the ethical responsibilities required of a certified professional with good moral character includes, but is not limited to, felonious acts and acts involving dishonesty, fraud, or deceit.
- (3) An applicant who has earned advanced degrees from recognized educational institutions in addition to those required to meet the minimum educational requirements may request that the director credit that additional education toward the requirements for relevant professional experience if the applicant can

demonstrate, to the director's satisfaction, that the advanced degree(s) constitute relevant experience. Credit may be granted in accordance with the following:

- (a) One year credit for each relevant master's degree; or
- (b) Two years credit for a relevant doctorate degree.
- (c) A maximum of two years credit may be granted for such additional education.

(4) Certification will be denied if the director finds that the applicant:

- (a) Does not meet the requirements set forth in paragraph (B)(2) of this rule;
- (b) Has been convicted of a felony or fraud or any other circumstance for which the director finds that the applicant lacks sufficient honesty or integrity; or

(c) Fails to pay the fees and costs as set forth in this chapter.

(5) An applicant may be denied certification if the director finds that the applicant is or was subject to certification or license denial, revocation, or suspension in this state, another state, or under a federal program.

(6) Except as provided in paragraphs (B)(4) and (B)(5) of this rule, an applicant who meets the qualifications of paragraph (B)(2) of this rule will be issued a certificate. The certificate automatically expires one year from the date of issuance, unless the certified professional submits a renewal application in accordance with paragraph (D) of this rule or the certification is suspended, revoked, or not renewed by the director prior to that time.

(C) Procedure to apply for certification.

(1) An applicant must submit to the director a complete and current application, on forms provided by the director, and full payment of the non-refundable certified professional application fee, as set forth in paragraph (C)(1) of rule 3745-300-03 of the Administrative Code. The director may require the applicant to furnish additional documentation pertaining to this application.

(2) The applicant must submit official transcripts from the appropriate educational institution(s) to verify that he meets the educational qualifications as specified in paragraphs (B)(2)(a) and (B)(3) of this rule.

(3) All documents and information submitted to the director pursuant to this paragraph must be accompanied by an affidavit from the applicant affirming that upon

knowledge, information, and belief, all information submitted in support of his certification request is truthful, complete, and accurate.

- (4) The agency will conduct a completeness review of the application within fourteen days of receipt and will respond to the applicant in the event that the application is incomplete. The agency will not consider an incomplete application and will notify the applicant of any reasons the application is incomplete and of any additional information required for further consideration. If the applicant notifies the director that he does not wish to pursue certification after an incompleteness determination, the application fee will, upon request, be refunded, or partially refunded to the applicant. The director will not initiate approval or denial of an application until the agency determines that a complete application has been received. Nothing in this rule prevents the agency from requiring an applicant to promptly provide any information necessary to determine whether to approve or deny certification.
- (5) Within forty-five days of the agency's determination that an application is complete, the director will either approve or deny certification. If the director denies a certification, the director will provide a letter describing the deficiencies upon which the certification denial is based.
- (6) Each applicant has the burden of demonstrating to the director's satisfaction that he meets the requirements for certification. The agency may require an applicant to appear for a personal interview for the purpose of answering questions pertaining to an application. If a personal interview is scheduled, the time for approving or denying an application as set forth in paragraph (B)(5) of this rule will be extended to twenty days from the date a personal interview is conducted. If an applicant twice fails to appear for a personal interview scheduled with the agency, the application will be denied unless the agency finds such failure to appear was due to circumstances beyond the applicant's reasonable control.

(D) Procedures for renewal of certification.

- (1) A certified professional MUST submit a completed renewal application and the non-refundable renewal fee set forth in paragraph (C)(2) of rule 3745-300-03 of the Administrative Code, to the director annually between forty-five and ninety days before the date his certification expires. The renewal fee may be paid on a quarterly basis in equal installments.
- (2) The agency will conduct a completeness review and respond to the renewal applicant within fourteen days of receipt in the event that the application is incomplete. The agency will not consider any incomplete application and will notify the applicant of the reason the application is incomplete and of any additional information required for further consideration. If the applicant notifies the director that he does

not wish to pursue certification renewal after an incompleteness determination, the application fee will, upon request, be refunded, or partially refunded to the applicant. The director will not initiate approval or denial of an application until the director determines that a complete application has been received. Nothing in this rule prevents the agency from requiring an applicant to promptly provide any information necessary to determine whether to approve or deny certification.

- (3) Within thirty days of the director's determination that a complete renewal application has been received, the director will either approve or deny the renewal application. If the director fails to approve or deny the renewal application within thirty days of receiving a complete renewal application, the certified professional will receive automatic renewal of his certification. The director will renew all certifications of certified professionals who meet the requirements of this rule and who submit the appropriate fee. If the director denies renewal of a certification, the director will provide a letter describing the deficiencies upon which the denial of the certification renewal is based.
- (4) A certified professional must demonstrate, to the director's satisfaction, his fulfillment of the continuing education requirements set forth in this rule or must demonstrate that he has obtained an excuse or modification of those requirements in accordance with paragraph (D)(12) of this rule.
- (5) If a certified professional fails to receive certification renewal in accordance with this rule, his certification automatically expires one year from the date of the initial certification or last renewal certification, unless the certification is suspended, revoked, or not renewed prior to that time. An individual who holds an expired certificate and fails to renew his certification within one year of the date of expiration of his certification must reapply for initial certification in accordance with the criteria contained in paragraph (B) of this rule. No individual whose certification has expired may perform any work as a certified professional or represent in any way that he is authorized to perform such work.
- (6) To maintain certification, a certified professional must demonstrate to the director's satisfaction that he has completed a minimum of twenty-four professional development hour units of relevant continuing education during the previous year. If a certified professional exceeds the annual requirement, a maximum of eight professional development hour units may be carried forward into the subsequent year. The demonstration must be submitted with the renewal application.
- (7) Professional development hour units may be earned as follows:
 - (a) Successful completion of relevant college courses;
 - (b) Successful completion of relevant continuing education courses;

- (c) Presentation or attendance at seminars, in-house courses, workshops, or professional or technical presentations made at meetings, conventions, or conferences pertaining to investigation or remediation of hazardous substances and petroleum; and
 - (d) Teaching or instructing at any courses or other meetings identified in paragraphs (D)(7)(a) to (D)(7)(c) of this rule.
- (8) The conversion of other units of credit to professional development hour units is as follows:
- (a) One college or unit semester hour = 20 professional development hour units.
 - (b) One college or unit quarter hour = 15 professional development hour units.
 - (c) One continuing education unit = 10 professional development hour units.
 - (d) One hour of attendance at seminars, in-house courses, workshops, or professional or technical presentations made at meetings, conventions, or conferences = 1 professional development hour unit.
- (9) If a certified professional teaches courses, described in paragraphs (D)(7)(a) to (D)(7)(c) of this rule, for the first time he will receive credit for twice the professional development hour units normally credited for attending such a course. This additional credit is not available to full-time faculty.
- (10) Professional development hour units will not be earned for worker health and safety training required under 29 Code of Federal Regulations 1910.120, the occupational safety and health administration hazardous waste operations and emergency response standards.
- (11) Documents used to support professional development hour units claimed must be submitted with the renewal application and must include, but are not limited to:
- (a) A log showing the type of activity claimed, sponsoring organization, location, duration, instructor's or speaker's name, and professional development hour units earned; or
 - (b) Attendance verification documents in the form of completion certificates from the sponsoring entity or other documents supporting evidence of attendance and indicating the actual hours of instruction.

(12) The director may excuse or modify the continuing education requirements of this rule for any certification period, if a certified professional is able to demonstrate to the director's satisfaction that he is unable to complete the minimum requirements due to:

(a) Health reasons, as certified by a medical doctor; or

(b) Active service in the armed forces of the United States.

(13) All documents and information submitted to the director pursuant to this paragraph must be accompanied by an affidavit from the applicant, affirming that upon knowledge, information, and belief, all information submitted in support of his certification request is truthful, complete, and accurate.

(14) The director has final authority with respect to approval of courses, credit, professional development hour unit value for courses, and other methods of earning credit.

(E) Biocriteria training.

(1) The qualitative habitat evaluation index (QHEI), index of biotic integrity (IBI), modified index of well-being (MIWB), and the invertebrate community index (ICI) are being used in support of a no further action letter, the certified professional or his designated representative must:

(a) Conduct any of these indices in accordance with the procedures contained in the Ohio EPA biocriteria manual, referenced in paragraph (A)(3) of rule 3745-300-09 of the Administrative Code;

(b) Complete an Ohio EPA biocriteria training course; and

(c) Submit with the no further action letter, written documentation from the agency which states that the certified professional or his designated representative has completed the biocriteria training required in this paragraph.

(F) Standards of conduct of certified professionals.

The following standards apply to a certified professional only when providing professional services under Chapter 3746. of the Revised Code and this chapter:

(1) Professional competency.

(a) A certified professional must act with care and diligence, and must fully apply his knowledge and skill at the time professional services are performed.

(b) A certified professional may render a voluntary action opinion only when he, individually, or together with other persons who are qualified by education, training, and experience in other areas, outside the certified professional's area of professional practice, has:

(i) Managed, supervised or actually performed the work which is required to render a voluntary action opinion; or

(ii) Reviewed the work, performed by other qualified persons, which is required to render a voluntary action opinion.

(2) Professional responsibility.

(a) A certified professional must hold paramount public health, safety, welfare and the environment in the performance of his professional services.

(b) If a certified professional identifies an imminent hazard at a property at which he is providing professional services, he must:

(i) Immediately notify the volunteer, or the owner/operator, if different, of the imminent hazard and of the need to notify the director; and

(ii) Notify the director of the imminent hazard if the volunteer, or the owner/operator, if different, does not submit written confirmation to the certified professional within two days of identifying the imminent hazard that the hazard has been addressed or the director has been notified.

(c) If a certified professional discovers that a release at or from the property that is subject to the requirements contained in section 3750.06 of the Revised Code has occurred, he must:

(i) Immediately advise the volunteer, or the owner/operator, if different, of the condition and the need to notify the director within the applicable time frame established in section 3750.06 of the Revised Code.

(ii) Notify the director of the condition if the certified professional is not able to notify the volunteer, or the owner/operator, if different, within the applicable time frames established in section 3750.06. of the Revised Code.

(d) In the event that a certified professional knows or has reason to know of an action taken by a volunteer, or any person conducting work in connection with a voluntary action, that significantly deviates from any scope of work, plan, or report developed to meet the requirements of this chapter, or an order of the director issued under division (B)(3) of section 3746.12 of the Revised Code, the certified professional must promptly notify the volunteer in writing of such deviation.

(e) In providing professional services, a certified professional must:

- (i) Exercise independent professional judgment and be objective in any professional report, statement, or testimony;
- (ii) Follow the requirements and procedures set forth in the applicable provisions of this chapter and Chapter 3746. of the Revised Code;
- (iii) Make a good faith and diligent effort to obtain all relevant and material data, reports, and other information evidencing conditions at a property that the volunteer possesses, or that it is otherwise readily available, and identify and obtain such additional data and other information as the certified professional deems necessary to provide professional services; and
- (iv) In rendering voluntary action opinions, disclose and explain in the voluntary action opinion the relevant facts, data, and other information, which support a voluntary action opinion, and all qualifications and limitations of the voluntary action opinion.

(f) In the event that subsequent to the date that a certified professional issues a no further action letter the certified professional learns that material facts, data or other information existed at the time the no further action letter was issued which indicates that applicable standards were not met, the certified professional must:

- (i) Promptly notify the volunteer or the owner/operator, if different, that the applicable standards were not met and of the need to notify the director; and
- (ii) Notify the director that applicable standards were not met if the volunteer, or the owner/operator, if different, does not submit written confirmation to the certified professional within thirty days of learning of the material facts, data or other information that the director has been notified.

- (g) In the event that a volunteer prevents or attempts to prevent a certified professional from acting in accordance with paragraphs (F)(2)(e)(i) to (F)(2)(e)(iv) of this rule, the certified professional must sever his relationship with that person.
- (h) A certified professional must not engage in fraudulent or dishonest business practices or allow the use of his name by, or associate in a business venture with, any person or firm which he knows or should know is engaging in fraudulent or dishonest business practices.
- (i) A certified professional must cooperate fully in the conduct of audits by the director and must promptly furnish such information as the director deems necessary to perform all audits under this chapter and section 3746.17 of the Revised Code.
- (j) A certified professional must promptly and completely respond to all document requests made by the director under this chapter and Chapter 3746. of the Revised Code.

[Comment: a certified professional or his authorized representative should contact the certified laboratory that is conducting analyses in support of the voluntary action to determine if the applicable standards calculated in accordance with rules 3745-300-08 and 3745-300-09 of the Administrative Code are within the laboratory's reporting limits. The certified professional is responsible for ensuring that the certified laboratory, which performs analyses in support of the no further action letter, is capable of detecting the chemical(s) of concern on the property at or below the applicable standards.]

(3) Conflicts of interest and contingent fees.

- (a) A certified professional must not accept compensation, financial or otherwise, for his professional services from persons having conflicting or adverse interests with respect to a property, unless the circumstances are fully disclosed in writing to, and agreed to by, all persons who have contracted with the certified professional for professional services with regard to that property.
- (b) A certified professional must not render a voluntary action opinion with respect to any property owned, leased, or operated by or in which any of the following persons have an interest:
 - (i) Himself;
 - (ii) An employer or a person affiliated with an employer of the certified professional;

- (iii) A relative or past relative of the certified professional;
 - (iv) A person, or any affiliated person, with whom the certified professional was employed during the year preceding, or in the year subsequent to, the date at which the certified professional entered into a contract with that person; or
 - (v) Any person whose relationship with the certified professional may impact the certified professional's ability to discharge his professional obligations under this chapter.
- (c) In the event that a certified professional has, develops, or acquires any business association, direct or indirect financial interest, or other circumstance which could create an impression of influencing his judgment in connection with performance of professional services, the certified professional must fully disclose in writing, to the person who has contracted with the certified professional for professional services, the nature of the business association, financial interest, or other circumstance.
- (i) If the person who has contracted with the certified professional for professional services objects to such business association, financial interest or circumstance, the certified professional, at his discretion, must either terminate the business association, financial interest or circumstances, or terminate the professional services pertaining to the voluntary action.
 - (ii) If a certified professional believes that his business association, financial interest or circumstance renders him incapable of discharging his professional obligations under this chapter in connection with providing professional services pertaining to a voluntary action, the certified professional must terminate his involvement with regard to that voluntary action.
- (d) A certified professional must not solicit or accept financial or other consideration from any person in return for specifying or endorsing the products or services of such person in connection with a voluntary action.
- (e) A certified professional must not, directly or indirectly, provide professional services under a contingency arrangement whereby the amount of payment of any consideration to the certified professional is dependent upon or related to the attainment or non-attainment of a specified finding or result, or where the payment of any consideration to the certified professional in whole or

in part is otherwise dependent upon or related to a specified finding or result of such services.

(f) A certified professional may not advertise or otherwise promise to any person that he will issue a no further action letter regarding a property, until he has determined that all requirements of Chapter 3746. of the Revised Code and this chapter have been satisfied.

(4) For each no further action letter submitted to the director for a covenant not to sue, the certified professional must sign an affidavit, in a form provided by the agency, stating that the certified professional has read all of the standards of conduct contained in paragraph (F) of this rule that the certified professional is in full compliance with these standards regarding the no further action letter.

(G) Suspension or revocation of certification.

(1) The director may suspend or revoke the certification of a certified professional for a period of time to be determined by the director if he finds that:

(a) A certified professional's performance has resulted in the issuance of a no further action letter that is not consistent with applicable standards contained in this chapter or Chapter 3746. of the Revised Code;

(b) A certified professional has been denied certification for performing environmental work in this state, another state, or under federal programs;

(c) A certified professional's certification for performing environmental work in this state, another state, or under federal programs has been revoked or suspended;

(d) A certified professional has used the certified professional seal as described in paragraph (L) of this rule in an unauthorized manner;

(e) A certified professional has been convicted of a felony or fraud;

(f) A certified professional has failed to make renewal fee payments in accordance with paragraph (D)(1) of this rule; or

(g) A certified professional has failed to comply with the standards of conduct established under paragraph (F) of this rule.

(2) The director will revoke the certification of a certified professional if he finds that any information on an application for certification or application for renewal has been falsified.

- (3) The director will permanently revoke the certification of a certified professional who:
- (a) Intentionally falsifies any information in connection with a voluntary action or in connection with applications for certification or certification renewal under this chapter;
 - (b) Fails to comply with the director's request to provide documents, data and other information for the purposes of verifying the qualifications of the certified professional or auditing the performance of the certified professional;
 - (c) Fails to comply with the procedure for or requests made by the director in connection with an audit, contained in rule 3745-300-14 of the Administrative Code, that is conducted to evaluate the performance of the certified professional; or
 - (d) Has had his certification suspended or revoked under this chapter on two occasions.
- (4) A certified professional who has had his certification revoked and whose certification is not reinstated must immediately notify by certified mail all persons who have contracted with the certified professional for professional services, or who have had a no further action letter prepared by the certified professional, of the revocation of his certification. The certified professional must provide to the director a copy of all notifications required by this paragraph within ten days of the date of the certified mailing.
- (5) The director will not revoke the certification of a certified professional who conducts voluntary actions only at properties contaminated solely with petroleum, unless the director first consults with the director of the department of commerce.
- (6) The director will provide at least thirty days' notice to a certified professional of an ensuing suspension or revocation action by the director. The notice will include a general explanation of the suspension or revocation action.

(H) Document retention obligations of certified professionals.

The criteria set forth in this paragraph are applicable to all voluntary actions for which professional services are rendered:

- (1) A certified professional must retain all documents prepared or acquired in connection with a voluntary action for a period of at least ten years. After ten years, if a certified professional does not intend to retain such documents, he must notify the

director by certified mail of such intent and provide the director with the opportunity to retain all documents. The documents must be retained until the notice described above is provided to the director and the director notifies the certified professional in writing that he does intend to retain the documents. If the director notifies in writing that he does not intend to retain the documents, the certified professional may discard the documents. Notification of the director is not required as long as a certified professional continues to retain all documents.

- (2) If a certified professional no longer intends to retain his certification he may return his certificate with a notice by certified mail to the director indicating his intent to withdraw from certification. Upon withdrawal, the certified professional must promptly provide the director the opportunity to obtain all documents maintained under this chapter in the same manner as identified in paragraph (H)(1) of this rule.

(I) Document production obligations of certified professionals.

The director will, upon the written request of any person for documents not in the possession of the director and described on a list included in a no further action letter submitted to the director, send a written request to the certified professional to submit such documents to the director within a reasonable period of time. Upon receiving the written request from the director, the certified professional must submit the original documents to the director, within the time period specified in the director's request. Within a reasonable period of time after the director receives the requested documents, the director will provide copies of them, at cost, to the person who requested the documents and will retain the originals in the agency's files. Any request for reproduction of documents must be made through the director.

- (J) Summary voluntary action reports. A certified professional must prepare and retain a voluntary action summary report detailing his findings and conclusions regarding the environmental conditions at each property for which the certified professional was requested to prepare a no further action letter, in accordance with division (C) of section 3746.11 of the Revised Code and in a format prescribed and provided by the agency.

(K) Appeal of certification determinations.

The issuance, denial, suspension, or revocation of certifications are final actions of the director, and are subject to the procedure for appeal set forth in Chapter 3745. of the Revised Code.

(L) Design and use of certified professional's seal.

- (1) For the purpose of rendering a voluntary action opinion, each certified professional must procure and use a rubber stamp or embossing device for a seal. The design,

arrangement, size and wording of the seal must conform with the specifications as prescribed by the agency.

- (2) The certified professional's seal is intended for his official use only in connection with voluntary action opinions for which he is responsible, and is not transferable.
- (3) A certified professional must use his seal to attest that, in his professional judgment, the voluntary action opinion upon which it appears complies with the provisions of this chapter and Chapter 3746. of the Revised Code.
- (4) A certified professional may not allow his official seal to be affixed to any project which is not a voluntary action or to any voluntary action opinion not prepared by him under his personal supervision.
- (5) A person whose certification has expired, not been renewed or has been revoked or suspended must not stamp or seal any document associated with a voluntary action opinion with his certified professional's seal unless and until his certification has been reinstated.
- (6) A certified professional, upon receipt of his seal, must stamp or emboss it upon two sheets of paper, and submit the impression to the agency as evidence that he has complied with the requirements for procurement of a certified professional's seal.

(M) Out-of-state professionals.

As a condition of certification under this rule, professionals located outside the state of Ohio hereby consent to service of process and to personal jurisdiction of any Ohio court or the Ohio environmental board of review in proceedings which adjudicate any rights or obligations under this chapter, and Chapter 3746. of the Revised Code, or in which the cause of action involves, in whole or in part, the professional's performance under this chapter or Chapter 3746. of the Revised Code. Out-of-state professionals also hereby consent to the director's, or his authorized representative's, right of entry for inspection or investigation, and to the service of administrative warrants, inspection warrants, or other appropriate search warrants as a condition of certification under this rule of the Administrative Code.

Effective: _____

Certification: _____

Date: _____

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Rule authorized by: RC Chapter 3746.

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