

As Introduced

**124th General Assembly
Regular Session
2001-2002**

H. B. No. 374

**REPRESENTATIVES Schmidt, Fessler, Webster, Setzer, Lendrum, Rhine,
Carano, Kearns**

A B I L L

To amend sections 125.22, 2151.421, 2317.02, 4757.01 1
to 4757.07, 4757.10 to 4757.12, 4757.15, 4757.16, 2
4757.17, 4757.18, 4757.19, 4757.22, 4757.23, 3
4757.27, 4757.28, 4757.29, 4757.31, 4757.32, 4
4757.33, 4757.34, 4757.36, 4757.38, 4757.41, and 5
4757.43 and to enact sections 4757.30, 4757.301, 6
and 4757.44 of the Revised Code to provide for the 7
licensing of independent marriage and family 8
therapists and marriage and family therapists. 9

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 125.22, 2151.421, 2317.02, 4757.01, 10
4757.02, 4757.03, 4757.04, 4757.05, 4757.06, 4757.07, 4757.10, 11
4757.11, 4757.12, 4757.15, 4757.16, 4757.17, 4757.18, 4757.19, 12
4757.22, 4757.23, 4757.27, 4757.28, 4757.29, 4757.31, 4757.32, 13
4757.33, 4757.34, 4757.36, 4757.38, 4757.41, and 4757.43 be 14
amended and sections 4757.30, 4757.301, and 4757.44 of the Revised 15
Code be enacted to read as follows: 16

Sec. 125.22. (A) The department of administrative services 17
shall establish the central service agency to perform routine 18
support for the following boards and commissions: 19

(1) State board of examiners of architects;	20
(2) Barber board;	21
(3) State chiropractic board;	22
(4) State board of cosmetology;	23
(5) Accountancy board;	24
(6) State dental board;	25
(7) State board of optometry;	26
(8) Ohio occupational therapy, physical therapy, and athletic trainers board;	27 28
(9) State board of registration for professional engineers and surveyors;	29 30
(10) State board of sanitarian registration;	31
(11) Board of embalmers and funeral directors;	32
(12) State board of psychology;	33
(13) Ohio optical dispensers board;	34
(14) Board of speech pathology and audiology;	35
(15) Counselor and , social worker, <u>and marriage and family therapist</u> board;	36 37
(16) State veterinary medical licensing board;	38
(17) Ohio board of dietetics;	39
(18) Commission on Hispanic-Latino affairs;	40
(19) Ohio respiratory care board;	41
(20) Ohio commission on African-American males.	42
(B)(1) Notwithstanding any other section of the Revised Code, the agency shall perform the following routine support services for the boards and commissions named in division (A) of this section unless the controlling board exempts a board or commission	43 44 45 46

from this requirement on the recommendation of the director of administrative services: 47
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(a) Preparing and processing payroll and other personnel documents; 49
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(b) Preparing and processing vouchers, purchase orders, encumbrances, and other accounting documents; 51
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(c) Maintaining ledgers of accounts and balances; 53

(d) Preparing and monitoring budgets and allotment plans in consultation with the boards and commissions; 54
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(e) Other routine support services that the director of administrative services considers appropriate to achieve efficiency. 56
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(2) The agency may perform other services which a board or commission named in division (A) of this section delegates to the agency and the agency accepts. 59
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(3) The agency may perform any service for any professional or occupational licensing board not named in division (A) of this section or any commission if the board or commission requests such service and the agency accepts. 62
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(C) The director of administrative services shall be the appointing authority for the agency. 66
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(D) The agency shall determine the fees to be charged to the boards and commissions, which shall be in proportion to the services performed for each board or commission. 68
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(E) Each board or commission named in division (A) of this section and any other board or commission requesting services from the agency shall pay these fees to the agency from the general revenue fund maintenance account of the board or commission or from such other fund as the operating expenses of the board or commission are paid. Any amounts set aside for a fiscal year by a 71
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board or commission to allow for the payment of fees shall be used
only for the services performed by the agency in that fiscal year.
All receipts collected by the agency shall be deposited in the
state treasury to the credit of the central service agency fund,
which is hereby created. All expenses incurred by the agency in
performing services for the boards or commissions shall be paid
from the fund.

(F) Nothing in this section shall be construed as a grant of
authority for the central service agency to initiate or deny
personnel or fiscal actions for the boards and commissions.

Sec. 2151.421. (A)(1)(a) No person described in division
(A)(1)(b) of this section who is acting in an official or
professional capacity and knows or suspects that a child under
eighteen years of age or a mentally retarded, developmentally
disabled, or physically impaired child under twenty-one years of
age has suffered or faces a threat of suffering any physical or
mental wound, injury, disability, or condition of a nature that
reasonably indicates abuse or neglect of the child, shall fail to
immediately report that knowledge or suspicion to the public
children services agency or a municipal or county peace officer in
the county in which the child resides or in which the abuse or
neglect is occurring or has occurred.

(b) Division (A)(1)(a) of this section applies to any person
who is an attorney; physician, including a hospital intern or
resident; dentist; podiatrist; practitioner of a limited branch of
medicine as specified in section 4731.15 of the Revised Code;
registered nurse; licensed practical nurse; visiting nurse; other
health care professional; licensed psychologist; licensed school
psychologist; independent marriage and family therapist or
marriage and family therapist; speech pathologist or audiologist;
coroner; administrator or employee of a child day-care center;

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administrator or employee of a residential camp or child day camp; 108
administrator or employee of a certified child care agency or 109
other public or private children services agency; school teacher; 110
school employee; school authority; person engaged in social work 111
or the practice of professional counseling; or a person rendering 112
spiritual treatment through prayer in accordance with the tenets 113
of a well-recognized religion. 114

(2) An attorney or a physician is not required to make a 115
report pursuant to division (A)(1) of this section concerning any 116
communication the attorney or physician receives from a client or 117
patient in an attorney-client or physician-patient relationship, 118
if, in accordance with division (A) or (B) of section 2317.02 of 119
the Revised Code, the attorney or physician could not testify with 120
respect to that communication in a civil or criminal proceeding, 121
except that the client or patient is deemed to have waived any 122
testimonial privilege under division (A) or (B) of section 2317.02 123
of the Revised Code with respect to that communication and the 124
attorney or physician shall make a report pursuant to division 125
(A)(1) of this section with respect to that communication, if all 126
of the following apply: 127

(a) The client or patient, at the time of the communication, 128
is either a child under eighteen years of age or a mentally 129
retarded, developmentally disabled, or physically impaired person 130
under twenty-one years of age. 131

(b) The attorney or physician knows or suspects, as a result 132
of the communication or any observations made during that 133
communication, that the client or patient has suffered or faces a 134
threat of suffering any physical or mental wound, injury, 135
disability, or condition of a nature that reasonably indicates 136
abuse or neglect of the client or patient. 137

(c) The attorney-client or physician-patient relationship 138
does not arise out of the client's or patient's attempt to have an 139

abortion without the notification of her parents, guardian, or 140
custodian in accordance with section 2151.85 of the Revised Code. 141

(B) Anyone, who knows or suspects that a child under eighteen 142
years of age or a mentally retarded, developmentally disabled, or 143
physically impaired person under twenty-one years of age has 144
suffered or faces a threat of suffering any physical or mental 145
wound, injury, disability, or other condition of a nature that 146
reasonably indicates abuse or neglect of the child, may report or 147
cause reports to be made of that knowledge or suspicion to the 148
public children services agency or to a municipal or county peace 149
officer. 150

(C) Any report made pursuant to division (A) or (B) of this 151
section shall be made forthwith either by telephone or in person 152
and shall be followed by a written report, if requested by the 153
receiving agency or officer. The written report shall contain: 154

(1) The names and addresses of the child and the child's 155
parents or the person or persons having custody of the child, if 156
known; 157

(2) The child's age and the nature and extent of the child's 158
known or suspected injuries, abuse, or neglect or of the known or 159
suspected threat of injury, abuse, or neglect, including any 160
evidence of previous injuries, abuse, or neglect; 161

(3) Any other information that might be helpful in 162
establishing the cause of the known or suspected injury, abuse, or 163
neglect or of the known or suspected threat of injury, abuse, or 164
neglect. 165

Any person, who is required by division (A) of this section 166
to report known or suspected child abuse or child neglect, may 167
take or cause to be taken color photographs of areas of trauma 168
visible on a child and, if medically indicated, cause to be 169
performed radiological examinations of the child. 170

(D)(1) Upon the receipt of a report concerning the possible 171
abuse or neglect of a child or the possible threat of abuse or 172
neglect of a child, the municipal or county peace officer who 173
receives the report shall refer the report to the appropriate 174
public children services agency. 175

(2) On receipt of a report pursuant to this division or 176
division (A) or (B) of this section, the public children services 177
agency shall comply with section 2151.422 of the Revised Code. 178

(E) No township, municipal, or county peace officer shall 179
remove a child about whom a report is made pursuant to this 180
section from the child's parents, stepparents, or guardian or any 181
other persons having custody of the child without consultation 182
with the public children services agency, unless, in the judgment 183
of the officer, and, if the report was made by physician, the 184
physician, immediate removal is considered essential to protect 185
the child from further abuse or neglect. The agency that must be 186
consulted shall be the agency conducting the investigation of the 187
report as determined pursuant to section 2151.422 of the Revised 188
Code. 189

(F)(1) Except as provided in section 2151.422 of the Revised 190
Code, the public children services agency shall investigate, 191
within twenty-four hours, each report of known or suspected child 192
abuse or child neglect and of a known or suspected threat of child 193
abuse or child neglect that is referred to it under this section 194
to determine the circumstances surrounding the injuries, abuse, or 195
neglect or the threat of injury, abuse, or neglect, the cause of 196
the injuries, abuse, neglect, or threat, and the person or persons 197
responsible. The investigation shall be made in cooperation with 198
the law enforcement agency and in accordance with the memorandum 199
of understanding prepared under division (J) of this section. A 200
failure to make the investigation in accordance with the 201
memorandum is not grounds for, and shall not result in, the 202

dismissal of any charges or complaint arising from the report or
the suppression of any evidence obtained as a result of the report
and does not give, and shall not be construed as giving, any
rights or any grounds for appeal or post-conviction relief to any
person. The public children services agency shall report each case
to a central registry which the department of job and family
services shall maintain in order to determine whether prior
reports have been made in other counties concerning the child or
other principals in the case. The public children services agency
shall submit a report of its investigation, in writing, to the law
enforcement agency.

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(2) The public children services agency shall make any
recommendations to the county prosecuting attorney or city
director of law that it considers necessary to protect any
children that are brought to its attention.

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(G)(1)(a) Except as provided in division (H)(3) of this
section, anyone or any hospital, institution, school, health
department, or agency participating in the making of reports under
division (A) of this section, anyone or any hospital, institution,
school, health department, or agency participating in good faith
in the making of reports under division (B) of this section, and
anyone participating in good faith in a judicial proceeding
resulting from the reports, shall be immune from any civil or
criminal liability for injury, death, or loss to person or
property that otherwise might be incurred or imposed as a result
of the making of the reports or the participation in the judicial
proceeding.

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(b) Notwithstanding section 4731.22 of the Revised Code, the
physician-patient privilege shall not be a ground for excluding
evidence regarding a child's injuries, abuse, or neglect, or the
cause of the injuries, abuse, or neglect in any judicial
proceeding resulting from a report submitted pursuant to this

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section.

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(2) In any civil or criminal action or proceeding in which it is alleged and proved that participation in the making of a report under this section was not in good faith or participation in a judicial proceeding resulting from a report made under this section was not in good faith, the court shall award the prevailing party reasonable attorney's fees and costs and, if a civil action or proceeding is voluntarily dismissed, may award reasonable attorney's fees and costs to the party against whom the civil action or proceeding is brought.

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(H)(1) Except as provided in divisions (H)(4), (M), and (N) of this section, a report made under this section is confidential. The information provided in a report made pursuant to this section and the name of the person who made the report shall not be released for use, and shall not be used, as evidence in any civil action or proceeding brought against the person who made the report. In a criminal proceeding, the report is admissible in evidence in accordance with the Rules of Evidence and is subject to discovery in accordance with the Rules of Criminal Procedure.

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(2) No person shall permit or encourage the unauthorized dissemination of the contents of any report made under this section.

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(3) A person who knowingly makes or causes another person to make a false report under division (B) of this section that alleges that any person has committed an act or omission that resulted in a child being an abused child or a neglected child is guilty of a violation of section 2921.14 of the Revised Code.

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(4) If a report is made pursuant to division (A) or (B) of this section and the child who is the subject of the report dies for any reason at any time after the report is made, but before the child attains eighteen years of age, the public children

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services agency or municipal or county peace officer to which the
report was made or referred, on the request of the child fatality
review board, shall submit a summary sheet of information
providing a summary of the report to the review board of the
county in which the deceased child resided at the time of death.
On the request of the review board, the agency or peace officer
may, at its discretion, make the report available to the review
board.

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(5) A public children services agency shall advise a person
alleged to have inflicted abuse or neglect on a child who is the
subject of a report made pursuant to this section in writing of
the disposition of the investigation. The agency shall not provide
to the person any information that identifies the person who made
the report, statements of witnesses, or police or other
investigative reports.

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(I) Any report that is required by this section shall result
in protective services and emergency supportive services being
made available by the public children services agency on behalf of
the children about whom the report is made, in an effort to
prevent further neglect or abuse, to enhance their welfare, and,
whenever possible, to preserve the family unit intact. The agency
required to provide the services shall be the agency conducting
the investigation of the report pursuant to section 2151.422 of
the Revised Code.

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(J)(1) Each public children services agency shall prepare a
memorandum of understanding that is signed by all of the
following:

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(a) If there is only one juvenile judge in the county, the
juvenile judge of the county or the juvenile judge's
representative;

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(b) If there is more than one juvenile judge in the county, a

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juvenile judge or the juvenile judges' representative selected by 297
the juvenile judges or, if they are unable to do so for any 298
reason, the juvenile judge who is senior in point of service or 299
the senior juvenile judge's representative; 300

(c) The county peace officer; 301

(d) All chief municipal peace officers within the county; 302

(e) Other law enforcement officers handling child abuse and 303
neglect cases in the county; 304

(f) The prosecuting attorney of the county; 305

(g) If the public children services agency is not the county 306
department of job and family services, the county department of 307
job and family services. 308

(2) A memorandum of understanding shall set forth the normal 309
operating procedure to be employed by all concerned officials in 310
the execution of their respective responsibilities under this 311
section and division (C) of section 2919.21, division (B)(1) of 312
section 2919.22, division (B) of section 2919.23, and section 313
2919.24 of the Revised Code and shall have as two of its primary 314
goals the elimination of all unnecessary interviews of children 315
who are the subject of reports made pursuant to division (A) or 316
(B) of this section and, when feasible, providing for only one 317
interview of a child who is the subject of any report made 318
pursuant to division (A) or (B) of this section. A failure to 319
follow the procedure set forth in the memorandum by the concerned 320
officials is not grounds for, and shall not result in, the 321
dismissal of any charges or complaint arising from any reported 322
case of abuse or neglect or the suppression of any evidence 323
obtained as a result of any reported child abuse or child neglect 324
and does not give, and shall not be construed as giving, any 325
rights or any grounds for appeal or post-conviction relief to any 326
person. 327

(3) A memorandum of understanding shall include all of the following:	328
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(a) The roles and responsibilities for handling emergency and nonemergency cases of abuse and neglect;	330
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(b) Standards and procedures to be used in handling and coordinating investigations of reported cases of child abuse and reported cases of child neglect, methods to be used in interviewing the child who is the subject of the report and who allegedly was abused or neglected, and standards and procedures addressing the categories of persons who may interview the child who is the subject of the report and who allegedly was abused or neglected.	332
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(K)(1) Except as provided in division (K)(4) of this section, a person who is required to make a report pursuant to division (A) of this section may make a reasonable number of requests of the public children services agency that receives or is referred the report to be provided with the following information:	340
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(a) Whether the agency has initiated an investigation of the report;	346
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(b) Whether the agency is continuing to investigate the report;	348
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(c) Whether the agency is otherwise involved with the child who is the subject of the report;	350
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(d) The general status of the health and safety of the child who is the subject of the report;	352
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(e) Whether the report has resulted in the filing of a complaint in juvenile court or of criminal charges in another court.	354
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(2) A person may request the information specified in	357

division (K)(1) of this section only if, at the time the report is 358
made, the person's name, address, and telephone number are 359
provided to the person who receives the report. 360

When a municipal or county peace officer or employee of a 361
public children services agency receives a report pursuant to 362
division (A) or (B) of this section the recipient of the report 363
shall inform the person of the right to request the information 364
described in division (K)(1) of this section. The recipient of the 365
report shall include in the initial child abuse or child neglect 366
report that the person making the report was so informed and, if 367
provided at the time of the making of the report, shall include 368
the person's name, address, and telephone number in the report. 369
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Each request is subject to verification of the identity of 371
the person making the report. If that person's identity is 372
verified, the agency shall provide the person with the information 373
described in division (K)(1) of this section a reasonable number 374
of times, except that the agency shall not disclose any 375
confidential information regarding the child who is the subject of 376
the report other than the information described in those 377
divisions. 378

(3) A request made pursuant to division (K)(1) of this 379
section is not a substitute for any report required to be made 380
pursuant to division (A) of this section. 381

(4) If an agency other than the agency that received or was 382
referred the report is conducting the investigation of the report 383
pursuant to section 2151.422 of the Revised Code, the agency 384
conducting the investigation shall comply with the requirements of 385
division (K) of this section. 386

(L) The director of job and family services shall adopt rules 387
in accordance with Chapter 119. of the Revised Code to implement 388

this section. The department of job and family services may enter
into a plan of cooperation with any other governmental entity to
aid in ensuring that children are protected from abuse and
neglect. The department shall make recommendations to the attorney
general that the department determines are necessary to protect
children from child abuse and child neglect.

(M) No later than the end of the day following the day on
which a public children services agency receives a report of
alleged child abuse or child neglect, or a report of an alleged
threat of child abuse or child neglect, that allegedly occurred in
or involved an out-of-home care entity, the agency shall provide
written notice of the allegations contained in and the person
named as the alleged perpetrator in the report to the
administrator, director, or other chief administrative officer of
the out-of-home care entity that is the subject of the report
unless the administrator, director, or other chief administrative
officer is named as an alleged perpetrator in the report. If the
administrator, director, or other chief administrative officer of
an out-of-home care entity is named as an alleged perpetrator in a
report of alleged child abuse or child neglect, or a report of an
alleged threat of child abuse or child neglect, that allegedly
occurred in or involved the out-of-home care entity, the agency
shall provide the written notice to the owner or governing board
of the out-of-home care entity that is the subject of the report.
The agency shall not provide witness statements or police or other
investigative reports.

(N) No later than three days after the day on which a public
children services agency that conducted the investigation as
determined pursuant to section 2151.422 of the Revised Code makes
a disposition of an investigation involving a report of alleged
child abuse or child neglect, or a report of an alleged threat of
child abuse or child neglect, that allegedly occurred in or

involved an out-of-home care entity, the agency shall send written
notice of the disposition of the investigation to the
administrator, director, or other chief administrative officer and
the owner or governing board of the out-of-home care entity. The
agency shall not provide witness statements or police or other
investigative reports.

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Sec. 2317.02. The following persons shall not testify in
certain respects:

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(A) An attorney, concerning a communication made to the
attorney by a client in that relation or the attorney's advice to
a client, except that the attorney may testify by express consent
of the client or, if the client is deceased, by the express
consent of the surviving spouse or the executor or administrator
of the estate of the deceased client and except that, if the
client voluntarily testifies or is deemed by section 2151.421 of
the Revised Code to have waived any testimonial privilege under
this division, the attorney may be compelled to testify on the
same subject;

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(B)(1) A physician or a dentist concerning a communication
made to the physician or dentist by a patient in that relation or
the physician's or dentist's advice to a patient, except as
otherwise provided in this division, division (B)(2), and division
(B)(3) of this section, and except that, if the patient is deemed
by section 2151.421 of the Revised Code to have waived any
testimonial privilege under this division, the physician may be
compelled to testify on the same subject.

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The testimonial privilege established under this division
does not apply, and a physician or dentist may testify or may be
compelled to testify, in any of the following circumstances:

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(a) In any civil action, in accordance with the discovery
provisions of the Rules of Civil Procedure in connection with a

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civil action, or in connection with a claim under Chapter 4123. of 452
the Revised Code, under any of the following circumstances: 453

(i) If the patient or the guardian or other legal 454
representative of the patient gives express consent; 455

(ii) If the patient is deceased, the spouse of the patient or 456
the executor or administrator of the patient's estate gives 457
express consent; 458

(iii) If a medical claim, dental claim, chiropractic claim, 459
or optometric claim, as defined in section 2305.11 of the Revised 460
Code, an action for wrongful death, any other type of civil 461
action, or a claim under Chapter 4123. of the Revised Code is 462
filed by the patient, the personal representative of the estate of 463
the patient if deceased, or the patient's guardian or other legal 464
representative. 465

(b) In any civil action concerning court-ordered treatment or 466
services received by a patient, if the court-ordered treatment or 467
services were ordered as part of a case plan journalized under 468
section 2151.412 of the Revised Code or the court-ordered 469
treatment or services are necessary or relevant to dependency, 470
neglect, or abuse or temporary or permanent custody proceedings 471
under Chapter 2151. of the Revised Code. 472

(c) In any criminal action concerning any test or the results 473
of any test that determines the presence or concentration of 474
alcohol, a drug of abuse, or alcohol and a drug of abuse in the 475
patient's blood, breath, urine, or other bodily substance at any 476
time relevant to the criminal offense in question. 477

(d) In any criminal action against a physician or dentist. In 478
such an action, the testimonial privilege established under this 479
division does not prohibit the admission into evidence, in 480
accordance with the Rules of Evidence, of a patient's medical or 481
dental records or other communications between a patient and the 482

physician or dentist that are related to the action and obtained
by subpoena, search warrant, or other lawful means. A court that
permits or compels a physician or dentist to testify in such an
action or permits the introduction into evidence of patient
records or other communications in such an action shall require
that appropriate measures be taken to ensure that the
confidentiality of any patient named or otherwise identified in
the records is maintained. Measures to ensure confidentiality that
may be taken by the court include sealing its records or deleting
specific information from its records.

(2)(a) If any law enforcement officer submits a written
statement to a health care provider that states that an official
criminal investigation has begun regarding a specified person or
that a criminal action or proceeding has been commenced against a
specified person, that requests the provider to supply to the
officer copies of any records the provider possesses that pertain
to any test or the results of any test administered to the
specified person to determine the presence or concentration of
alcohol, a drug of abuse, or alcohol and a drug of abuse in the
person's blood, breath, or urine at any time relevant to the
criminal offense in question, and that conforms to section
2317.022 of the Revised Code, the provider, except to the extent
specifically prohibited by any law of this state or of the United
States, shall supply to the officer a copy of any of the requested
records the provider possesses. If the health care provider does
not possess any of the requested records, the provider shall give
the officer a written statement that indicates that the provider
does not possess any of the requested records.

(b) If a health care provider possesses any records of the
type described in division (B)(2)(a) of this section regarding the
person in question at any time relevant to the criminal offense in
question, in lieu of personally testifying as to the results of

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the test in question, the custodian of the records may submit a certified copy of the records, and, upon its submission, the certified copy is qualified as authentic evidence and may be admitted as evidence in accordance with the Rules of Evidence. Division (A) of section 2317.422 of the Revised Code does not apply to any certified copy of records submitted in accordance with this division. Nothing in this division shall be construed to limit the right of any party to call as a witness the person who administered the test to which the records pertain, the person under whose supervision the test was administered, the custodian of the records, the person who made the records, or the person under whose supervision the records were made.

(3)(a) If the testimonial privilege described in division (B)(1) of this section does not apply as provided in division (B)(1)(a)(iii) of this section, a physician or dentist may be compelled to testify or to submit to discovery under the Rules of Civil Procedure only as to a communication made to the physician or dentist by the patient in question in that relation, or the physician's or dentist's advice to the patient in question, that related causally or historically to physical or mental injuries that are relevant to issues in the medical claim, dental claim, chiropractic claim, or optometric claim, action for wrongful death, other civil action, or claim under Chapter 4123. of the Revised Code.

(b) If the testimonial privilege described in division (B)(1) of this section does not apply to a physician or dentist as provided in division (B)(1)(c) of this section, the physician or dentist, in lieu of personally testifying as to the results of the test in question, may submit a certified copy of those results, and, upon its submission, the certified copy is qualified as authentic evidence and may be admitted as evidence in accordance with the Rules of Evidence. Division (A) of section 2317.422 of

the Revised Code does not apply to any certified copy of results 547
submitted in accordance with this division. Nothing in this 548
division shall be construed to limit the right of any party to 549
call as a witness the person who administered the test in 550
question, the person under whose supervision the test was 551
administered, the custodian of the results of the test, the person 552
who compiled the results, or the person under whose supervision 553
the results were compiled. 554

(4) The testimonial privilege described in division (B)(1) of 555
this section is not waived when a communication is made by a 556
physician to a pharmacist or when there is communication between a 557
patient and a pharmacist in furtherance of the physician-patient 558
relation. 559

(5)(a) As used in divisions (B)(1) to (4) of this section, 560
"communication" means acquiring, recording, or transmitting any 561
information, in any manner, concerning any facts, opinions, or 562
statements necessary to enable a physician or dentist to diagnose, 563
treat, prescribe, or act for a patient. A "communication" may 564
include, but is not limited to, any medical or dental, office, or 565
hospital communication such as a record, chart, letter, 566
memorandum, laboratory test and results, x-ray, photograph, 567
financial statement, diagnosis, or prognosis. 568

(b) As used in division (B)(2) of this section, "health care 569
provider" means a hospital, ambulatory care facility, long-term 570
care facility, pharmacy, emergency facility, or health care 571
practitioner. 572

(c) As used in division (B)(5)(b) of this section: 573

(i) "Ambulatory care facility" means a facility that provides 574
medical, diagnostic, or surgical treatment to patients who do not 575
require hospitalization, including a dialysis center, ambulatory 576
surgical facility, cardiac catheterization facility, diagnostic 577

imaging center, extracorporeal shock wave lithotripsy center, home 578
health agency, inpatient hospice, birthing center, radiation 579
therapy center, emergency facility, and an urgent care center. 580
"Ambulatory health care facility" does not include the private 581
office of a physician or dentist, whether the office is for an 582
individual or group practice. 583

(ii) "Emergency facility" means a hospital emergency 584
department or any other facility that provides emergency medical 585
services. 586

(iii) "Health care practitioner" has the same meaning as in 587
section 4769.01 of the Revised Code. 588

(iv) "Hospital" has the same meaning as in section 3727.01 of 589
the Revised Code. 590

(v) "Long-term care facility" means a nursing home, 591
residential care facility, or home for the aging, as those terms 592
are defined in section 3721.01 of the Revised Code; an adult care 593
facility, as defined in section 3722.01 of the Revised Code; a 594
nursing facility or intermediate care facility for the mentally 595
retarded, as those terms are defined in section 5111.20 of the 596
Revised Code; a facility or portion of a facility certified as a 597
skilled nursing facility under Title XVIII of the "Social Security 598
Act," 49 Stat. 286 (1965), 42 U.S.C.A. 1395, as amended. 599

(vi) "Pharmacy" has the same meaning as in section 4729.01 of 600
the Revised Code. 601

(6) Divisions (B)(1), (2), (3), (4), and (5) of this section 602
apply to doctors of medicine, doctors of osteopathic medicine, 603
doctors of podiatry, and dentists. 604

(7) Nothing in divisions (B)(1) to (6) of this section 605
affects, or shall be construed as affecting, the immunity from 606
civil liability conferred by section 307.628 or 2305.33 of the 607
Revised Code upon physicians who report an employee's use of a 608

drug of abuse, or a condition of an employee other than one
involving the use of a drug of abuse, to the employer of the
employee in accordance with division (B) of that section. As used
in division (B)(7) of this section, "employee," "employer," and
"physician" have the same meanings as in section 2305.33 of the
Revised Code.

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(C) A member of the clergy, rabbi, priest, or regularly
ordained, accredited, or licensed minister of an established and
legally cognizable church, denomination, or sect, when the member
of the clergy, rabbi, priest, or minister remains accountable to
the authority of that church, denomination, or sect, concerning a
confession made, or any information confidentially communicated,
to the member of the clergy, rabbi, priest, or minister for a
religious counseling purpose in the member of the clergy's,
rabbi's, priest's, or minister's professional character; however,
the member of the clergy, rabbi, priest, or minister may testify
by express consent of the person making the communication, except
when the disclosure of the information is in violation of a sacred
trust;

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(D) Husband or wife, concerning any communication made by one
to the other, or an act done by either in the presence of the
other, during coverture, unless the communication was made, or act
done, in the known presence or hearing of a third person competent
to be a witness; and such rule is the same if the marital relation
has ceased to exist;

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(E) A person who assigns a claim or interest, concerning any
matter in respect to which the person would not, if a party, be
permitted to testify;

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(F) A person who, if a party, would be restricted under
section 2317.03 of the Revised Code, when the property or thing is
sold or transferred by an executor, administrator, guardian,
trustee, heir, devisee, or legatee, shall be restricted in the

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same manner in any action or proceeding concerning the property or
thing.

(G)(1) A school guidance counselor who holds a valid educator
license from the state board of education as provided for in
section 3319.22 of the Revised Code, a person licensed under
Chapter 4757. of the Revised Code as a professional clinical
counselor, professional counselor, social worker, ~~or~~ independent
social worker, marriage and family therapist or independent
marriage and family therapist, or registered under Chapter 4757.
of the Revised Code as a social work assistant concerning a
confidential communication received from a client in that relation
or the person's advice to a client unless any of the following
applies:

(a) The communication or advice indicates clear and present
danger to the client or other persons. For the purposes of this
division, cases in which there are indications of present or past
child abuse or neglect of the client constitute a clear and
present danger.

(b) The client gives express consent to the testimony.

(c) If the client is deceased, the surviving spouse or the
executor or administrator of the estate of the deceased client
gives express consent.

(d) The client voluntarily testifies, in which case the
school guidance counselor or person licensed or registered under
Chapter 4757. of the Revised Code may be compelled to testify on
the same subject.

(e) The court in camera determines that the information
communicated by the client is not germane to the counselor-client,
marriage and family therapist-client, or social worker-client
relationship.

(f) A court, in an action brought against a school, its

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administration, or any of its personnel by the client, rules after
an in-camera inspection that the testimony of the school guidance
counselor is relevant to that action.

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(g) The testimony is sought in a civil action and concerns
court-ordered treatment or services received by a patient as part
of a case plan journalized under section 2151.412 of the Revised
Code or the court-ordered treatment or services are necessary or
relevant to dependency, neglect, or abuse or temporary or
permanent custody proceedings under Chapter 2151. of the Revised
Code.

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(2) Nothing in division (G)(1) of this section shall relieve
a school guidance counselor or a person licensed or registered
under Chapter 4757. of the Revised Code from the requirement to
report information concerning child abuse or neglect under section
2151.421 of the Revised Code.

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(H) A mediator acting under a mediation order issued under
division (A) of section 3109.052 of the Revised Code or otherwise
issued in any proceeding for divorce, dissolution, legal
separation, annulment, or the allocation of parental rights and
responsibilities for the care of children, in any action or
proceeding, other than a criminal, delinquency, child abuse, child
neglect, or dependent child action or proceeding, that is brought
by or against either parent who takes part in mediation in
accordance with the order and that pertains to the mediation
process, to any information discussed or presented in the
mediation process, to the allocation of parental rights and
responsibilities for the care of the parents' children, or to the
awarding of parenting time rights in relation to their children;

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(I) A communications assistant, acting within the scope of
the communication assistant's authority, when providing
telecommunications relay service pursuant to section 4931.35 of
the Revised Code or Title II of the "Communications Act of 1934,"

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104 Stat. 366 (1990), 47 U.S.C. 225, concerning a communication 704
made through a telecommunications relay service. Nothing in this 705
section shall limit the obligation of a communications assistant 706
to divulge information or testify when mandated by federal law or 707
regulation or pursuant to subpoena in a criminal proceeding. 708

Nothing in this section shall limit any immunity or privilege 709
granted under federal law or regulation. 710

(J)(1) A chiropractor in a civil proceeding concerning a 711
communication made to the chiropractor by a patient in that 712
relation or the chiropractor's advice to a patient, except as 713
otherwise provided in this division. The testimonial privilege 714
established under this division does not apply, and a chiropractor 715
may testify or may be compelled to testify, in any civil action, 716
in accordance with the discovery provisions of the Rules of Civil 717
Procedure in connection with a civil action, or in connection with 718
a claim under Chapter 4123. of the Revised Code, under any of the 719
following circumstances: 720

(a) If the patient or the guardian or other legal 721
representative of the patient gives express consent. 722

(b) If the patient is deceased, the spouse of the patient or 723
the executor or administrator of the patient's estate gives 724
express consent. 725

(c) If a medical claim, dental claim, chiropractic claim, or 726
optometric claim, as defined in section 2305.11 of the Revised 727
Code, an action for wrongful death, any other type of civil 728
action, or a claim under Chapter 4123. of the Revised Code is 729
filed by the patient, the personal representative of the estate of 730
the patient if deceased, or the patient's guardian or other legal 731
representative. 732

(2) If the testimonial privilege described in division (J)(1) 733
of this section does not apply as provided in division (J)(1)(c) 734

of this section, a chiropractor may be compelled to testify or to
submit to discovery under the Rules of Civil Procedure only as to
a communication made to the chiropractor by the patient in
question in that relation, or the chiropractor's advice to the
patient in question, that related causally or historically to
physical or mental injuries that are relevant to issues in the
medical claim, dental claim, chiropractic claim, or optometric
claim, action for wrongful death, other civil action, or claim
under Chapter 4123. of the Revised Code.

(3) The testimonial privilege established under this division
does not apply, and a chiropractor may testify or be compelled to
testify, in any criminal action or administrative proceeding.

(4) As used in this division, "communication" means
acquiring, recording, or transmitting any information, in any
manner, concerning any facts, opinions, or statements necessary to
enable a chiropractor to ~~diagnosis~~ diagnose, treat, or act for a
patient. A communication may include, but is not limited to, any
chiropractic, office, or hospital communication such as a record,
chart, letter, memorandum, laboratory test and results, x-ray,
photograph, financial statement, diagnosis, or prognosis.

Sec. 4757.01. As used in this chapter:

(A) "Practice of professional counseling" means rendering or
offering to render to individuals, groups, organizations, or the
general public a counseling service involving the application of
clinical counseling principles, methods, or procedures to assist
individuals in achieving more effective personal, social,
educational, or career development and adjustment, including the
diagnosis and treatment of mental and emotional disorders.

(B) "Clinical counseling principles, methods, or procedures"
means an approach to counseling that emphasizes the counselor's

role in systematically assisting clients through all of the 766
following: assessing and analyzing background and current 767
information, diagnosing mental and emotional disorders, exploring 768
possible solutions, and developing and providing a treatment plan 769
for mental and emotional adjustment or development. "Clinical 770
counseling principles, methods, or procedures" includes at least 771
counseling, appraisal, consulting, and referral. 772

(C) "Practice of social work" means the application of 773
specialized knowledge of human development and behavior and 774
social, economic, and cultural systems in directly assisting 775
individuals, families, and groups in a clinical setting to improve 776
or restore their capacity for social functioning, including 777
counseling, the use of psychosocial interventions, and the use of 778
social psychotherapy, which includes the diagnosis and treatment 779
of mental and emotional disorders. 780

(D) "Accredited educational institution" means an institution 781
accredited by ~~an~~ a national or regional accrediting agency 782
accepted by the board of regents. 783

(E) "Scope of practice" means the services, methods, and 784
techniques in which and the areas for which a person licensed or 785
registered under this chapter is trained and qualified. 786

(F) "Mental and emotional disorders" means those disorders 787
that are classified in accepted nosologies such as the 788
international classification of diseases and the diagnostic and 789
statistical manual of mental disorders and in future editions of 790
those nosologies. 791

(G) "Marriage and family therapy" means the diagnosis and 792
treatment of mental and emotional disorders, whether cognitive, 793
affective, or behavioral, within the context of marriage and 794
family. "Marriage and family therapy" involves the professional 795
application of psychotherapeutic and family systems theories and 796

techniques in the delivery of services to individuals, couples, 797
and families for the purpose of diagnosing and treating mental and 798
emotional disorders. 799

(H) "Practice of marriage and family therapy" means the 800
rendering of professional marriage and family therapy services to 801
individuals, couples, and families, singly or in groups, whether 802
services are offered to the general public or through 803
organizations, either public or private, for a fee, monetary or 804
otherwise. 805

Sec. 4757.02. (A) Except as provided in section 4757.41 of 806
the Revised Code: 807

(1) No person shall engage in or ~~hold herself or himself out~~ 808
~~as~~ claim to the public to be engaging in the practice of 809
professional counseling for a fee, salary, or other consideration 810
unless the person is currently licensed under this chapter as a 811
professional clinical counselor or professional counselor. 812

(2) No person shall practice or ~~hold herself or himself out~~ 813
~~as~~ claim to the public to be practicing social work for a fee, 814
salary, or other consideration unless the person is currently 815
licensed under this chapter as an independent social worker or a 816
social worker. 817

(3) No person shall ~~hold herself or himself out as~~ claim to 818
the public to be a social work assistant unless the person is 819
currently registered under this chapter as a social work 820
assistant. 821

(B)(1) No person shall use the title "professional clinical 822
counselor," "professional counselor," or any other title or 823
description incorporating the word "counselor" or any initials 824
used to identify persons acting in those capacities unless 825
currently authorized under this chapter by licensure to act in the 826
capacity indicated by the title or initials. 827

(2) No person shall use the title "social worker," 828
"independent social worker," "social work assistant," or any other 829
title or description incorporating the words "social worker" or 830
any initials used to identify persons acting in those capacities 831
unless the person is currently authorized by licensure or 832
registration under this chapter to act in the capacity indicated 833
by the title or initials. 834

(C) Effective one year after the effective date of this 835
amendment and except as provided in section 4757.41 of the Revised 836
Code, no person shall engage in the practice of marriage and 837
family therapy or claim to the public to be engaging in the 838
practice of marriage and family therapy without holding a valid 839
license or temporary license as a marriage and family therapist or 840
independent marriage and family therapist under this chapter. 841

(D) As used in this division, "advertise" means distributing, 842
or permitting or causing to be distributed, any card, sign, or 843
other device; making, or permitting or causing to be made, any 844
sign or marking on or in any building or structure, in any 845
newspaper, magazine, or directory, on radio or television, or by 846
any other means; or doing any other thing that draws or is 847
designed to draw attention. 848

Effective one year after the effective date of this 849
amendment, no person shall advertise that the person practices or 850
performs marriage and family therapy, or use the title "marriage 851
and family therapist" or any other title that implies the person 852
is a licensee under section 4757.30 or 4757.301 of the Revised 853
Code, unless the person holds a valid license or temporary license 854
as an independent marriage and family therapist or a marriage and 855
family therapist issued under this chapter and performs marriage 856
and family therapy within the person's scope of practice. 857

Sec. 4757.03. There is hereby created the counselor and, 858

social worker, and marriage and family therapist board, consisting 859
of ~~eleven~~ fifteen members. The governor shall appoint the members 860
with the advice and consent of the senate. 861

Four of the members shall be individuals licensed under this 862
chapter as professional clinical counselors or professional 863
counselors. At all times, the counselor membership shall include 864
at least two licensed professional clinical counselors, at least 865
one individual who has received a doctoral degree in counseling 866
from an accredited educational institution recognized by the board 867
and holds a graduate level teaching position in a counselor 868
education program, and at least two individuals who have received 869
at least a master's degree in counseling from an accredited 870
educational institution recognized by the board. 871

Two of the members shall be individuals licensed under this 872
chapter as independent marriage and family therapists and two 873
shall be individuals licensed under this chapter as marriage and 874
family therapists or, if the board has not yet licensed 875
independent marriage and family therapists or marriage and family 876
therapists, eligible for licensure as independent marriage and 877
family therapists or marriage and family therapists. They shall 878
have, during the five years preceding appointment, actively 879
engaged in the practice of marriage and family therapy, in 880
educating and training master's, doctoral, or postdoctoral 881
students of marriage and family therapy, or in marriage and family 882
therapy research and, during the two years immediately preceding 883
appointment, shall have devoted the majority of their professional 884
time to the activity while residing in this state. 885

Two members shall be individuals licensed under this chapter 886
as independent social workers. Two members shall be individuals 887
licensed under this chapter as social workers, at least one of 888
whom must hold a bachelor's or master's degree in social work from 889
an accredited educational institution recognized by the board. At 890

all times, the social worker membership shall include one educator
who holds a teaching position in a baccalaureate or master's
degree social work program at an accredited educational
institution recognized by the board.

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Three members shall be representatives of the general public
who have not practiced professional counseling, marriage and
family therapy, or social work and have not been involved in the
delivery of professional counseling, marriage and family therapy,
or social work services. At least one of the members representing
the general public shall be at least sixty years of age. During
their terms the public members shall not practice professional
counseling, marriage and family therapy, or social work or be
involved in the delivery of professional counseling, marriage and
family therapy, or social work services.

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Not more than ~~six~~ eight members of the board may be members
of the same political party or sex. At least one member of the
board shall be of African, Native American, Hispanic, or Asian
descent.

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Of the initial appointees, three shall be appointed for terms
ending October 10, 1985, four shall be appointed for terms ending
October 10, 1986, and four shall be appointed for terms ending
October 10, 1987. Of the two initial independent marriage and
family therapists appointed to the board, one shall be appointed
for a term ending two years after the effective date of this
amendment and one for a term ending three years after that date.
Of the two initial marriage and family therapists appointed to the
board, one shall be appointed for a term ending two years after
the effective date of this amendment and one for a term ending
three years after that date. After the initial appointments, terms
of office shall be three years, each term ending on the same day
of the same month of the year as did the term that it succeeds.

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A member shall hold office from the date of appointment until 923
the end of the term for which the member was appointed. A member 924
appointed to fill a vacancy occurring prior to the expiration of 925
the term for which the member's predecessor was appointed shall 926
hold office for the remainder of that term. A member shall 927
continue in office after the expiration date of the member's term 928
until a successor takes office or until a period of sixty days has 929
elapsed, whichever occurs first. Members may be reappointed, 930
except that if a person has held office for two consecutive full 931
terms, the person shall not be reappointed to the board sooner 932
than one year after the expiration of the second full term as a 933
member of the board. 934

Sec. 4757.04. Within the counselor ~~and~~, social worker, ~~and~~ 935
marriage and family therapist board, there is hereby created the 936
counselors professional standards committee ~~and~~, the social 937
workers professional standards committee, ~~and the marriage and~~ 938
family therapist professional standards committee. 939

The counselors professional standards committee consists of 940
the board's professional clinical counselor and professional 941
counselor members and one of the members representing the public. 942
The committee has full authority to act on behalf of the board on 943
all matters concerning professional clinical counselors and 944
professional counselors. 945

The social workers professional standards committee consists 946
of the board's independent social worker and social worker members 947
and one of the members representing the public who is not the 948
member representing the public on the counselors professional 949
standards committee. The committee has full authority to act on 950
behalf of the board on all matters concerning independent social 951
workers, social workers, and social work assistants. 952

The marriage and family therapist professional standards 953

committee consists of the board's marriage and family therapists 954
and one of the members representing the public who is not the 955
member representing the public on the counselors professional 956
standards committee or the social workers professional standards 957
committee. 958

Sec. 4757.05. (A) The counselor ~~and~~, social worker, ~~and~~ 959
marriage and family therapist board shall meet as a whole to 960
discuss and review issues regarding personnel, budgetary matters, 961
administration, and any other matter pertaining to the operation 962
of the entire board. The board shall hold at least one regular 963
meeting every three months. Additional meetings may be held at 964
such times as the board determines, upon call of the chairperson, 965
or upon the written request of ~~three~~ four or more members of the 966
board to the executive director. If ~~three~~ four or more members so 967
request a meeting, the executive director shall call a meeting to 968
commence in not more than seven days. ~~Six~~ Eight members of the 969
board constitute a quorum to conduct business. Except as provided 970
in section 4757.39 of the Revised Code, no action shall be taken 971
without the concurrence of at least a quorum. 972

The counselors professional standards committee ~~and~~, the 973
social workers professional standards committee, and the marriage 974
and family therapists professional standards committee shall meet 975
as necessary to fulfill their duties established by this chapter 976
and the rules adopted under it. Three members of a committee 977
constitute a quorum for that committee to conduct business. No 978
action shall be taken without the concurrence of at least a 979
quorum. 980

(B) At its first meeting each year, the board shall elect a 981
chairperson from among its members. At the first meeting held each 982
year by the board's professional standards committees, each 983
committee shall elect from among its members a chairperson. The 984

chairpersons of the committees shall serve as co-vice-chairpersons 985
of the board. Neither the board nor ~~either~~ of its committees shall 986
elect a member to serve more than two consecutive terms in the 987
same office. 988

(C) The board shall employ an executive director. The board 989
may employ and prescribe the powers and duties of such employees 990
and consultants as are necessary for it and its professional 991
standards committees to carry out this chapter and rules adopted 992
under it. 993

(D) The members of the board shall receive an amount fixed 994
under division (J) of section 124.15 of the Revised Code for each 995
day employed in the discharge of their official duties as board or 996
committee members and shall be reimbursed for their necessary and 997
actual expenses incurred in the performance of their official 998
duties. 999

(E) The board and each of its professional standards 1000
committees shall keep any records and minutes necessary to fulfill 1001
the duties established by this chapter and the rules adopted under 1002
it. 1003

Sec. 4757.06. The counselor ~~and~~, social worker, and marriage 1004
and family therapist board shall adopt a seal to authenticate its 1005
records and proceedings. Each of the board's professional 1006
standards committees shall use the seal to authenticate its 1007
records and proceedings. 1008

A statement, signed by the executive director of the board to 1009
which is affixed the official seal of the board, to the effect 1010
that a person specified in the statement is not currently licensed 1011
or registered under this chapter or that a license or certificate 1012
of registration has been revoked or suspended, shall be received 1013
as prima-facie evidence of a record of the board in any court or 1014
before any officer of the state. 1015

Sec. 4757.07. The counselor ~~and~~, social worker, and marriage 1016
and family therapist board and its professional standards 1017
committees shall not discriminate against any licensee, 1018
registrant, or applicant for a license or certificate of 1019
registration under this chapter because of the person's race, 1020
color, religion, sex, national origin, disability as defined in 1021
section 4112.01 of the Revised Code, or age. The board or 1022
committee, as appropriate, shall afford a hearing to any person 1023
who files with the board or committee a statement alleging 1024
discrimination based on any of those reasons. 1025

Sec. 4757.10. The counselor ~~and~~, social worker, and marriage 1026
and family therapist board may adopt any rules necessary to carry 1027
out this chapter. ~~The~~ 1028

The board shall adopt rules concerning that do all of the 1029
following: 1030

(A) Concern intervention for and treatment of any impaired 1031
person holding a license or certificate of registration issued 1032
under this chapter; 1033

(B) Establish standards for training and experience of 1034
supervisors described in division (B) of section 4757.30 of the 1035
Revised Code; 1036

(C) Define the requirement that an applicant be of good moral 1037
character in order to be licensed or registered under this 1038
chapter. All 1039

All rules adopted under this section shall be adopted in 1040
accordance with Chapter 119. of the Revised Code. When it adopts 1041
rules under this section or any other section of this chapter, the 1042
board may consider standards established by any national 1043
association or other organization representing the interests of 1044
those involved in professional counseling ~~or~~, social work, or 1045

~~therapy. The board shall adopt a rule defining the requirement 1046
that an applicant be of good moral character in order to be 1047
licensed or registered under this chapter. 1048~~

Sec. 4757.11. The counselor ~~and,~~ social worker, and marriage 1049
and family therapist board shall establish a code of ethical 1050
practice for persons licensed under this chapter as professional 1051
clinical counselors or professional counselors. The board shall 1052
establish a code of ethical practice for persons licensed under 1053
this chapter as independent social workers or social workers ~~and,~~ 1054
persons registered under this chapter as social work assistants, 1055
and persons licensed as independent marriage and family therapists 1056
or marriage and family therapists. The codes of ethical practice 1057
shall be established by adopting rules in accordance with Chapter 1058
119. of the Revised Code. The codes of ethical practice shall 1059
define unprofessional conduct, which shall include engaging in a 1060
dual relationship with a client or former client, committing an 1061
act of sexual abuse, misconduct, or exploitation of a client or 1062
former client, and, except as permitted by law, violating client 1063
confidentiality. The codes of ethical practice for professional 1064
clinical counselors and professional counselors and for 1065
independent social workers, social workers, and social work 1066
assistants may be based on any codes of ethical practice developed 1067
by national organizations representing the interests of those 1068
involved in professional counseling or social work. The code of 1069
ethical practice for marriage and family therapists shall be based 1070
on the American association of marriage and family therapy's code 1071
of ethics. The board may establish standards in its codes of 1072
ethical practice that are more stringent than those established by 1073
national organizations. 1074

Sec. 4757.12. (A) A person who is licensed or registered 1075
under this chapter, and a person or agency that employs a person 1076

licensed or registered under this chapter, may charge a client or 1077
receive remuneration for professional counseling ~~or~~, social work, 1078
or marriage and family therapy services only if one of the 1079
following ~~apply~~ applies: 1080

(1) Prior to the performance of services, the client is 1081
furnished a copy of a professional disclosure statement containing 1082
the information described in division (B) of this section; 1083

(2) A professional disclosure statement containing the 1084
information described in division (B) of this section is displayed 1085
in a conspicuous location at the place where the services are 1086
performed and a copy of the statement is provided to the client 1087
upon request. 1088

(B) The professional disclosure statement required by 1089
division (A) of this section shall contain the following: 1090

(1) The name, title, business address, and business telephone 1091
number of the professional clinical counselor, professional 1092
counselor, social work assistant, social worker, ~~or~~ independent 1093
social worker, independent marriage and family therapist, or 1094
marriage and family therapist performing the services; 1095

(2) The formal professional education of the person 1097
performing the services, including the institutions the person 1098
attended, the dates attended, and the degrees received from them; 1099

(3) The areas of competence in the field in which the person 1100
is licensed or registered and the services the person provides; 1101

(4) In the case of a person who is engaged in a private 1102
individual practice, partnership, or group practice, the person's 1103
fee schedule, listed by type of service or hourly rate; 1104

(5) At the bottom of the first page of the disclosure 1105
statement, the words, ~~"this~~ This information is required by the 1106

counselor and, social worker, and marriage and family therapist 1107
board, which regulates the practices of professional counseling 1108
and, social work, and marriage and family therapy in this state," 1109
and, immediately beneath those words, the name, address, and 1110
telephone number of the board. 1111

Sec. 4757.15. The counselor and, social worker, and marriage 1112
and family therapist board shall prepare, cause to be prepared, or 1113
procure the use of, and grade, have graded, or procure the grading 1114
of, examinations to determine the competence of applicants for 1115
licensure under this chapter. The board may administer separate 1116
examinations to reflect differences in educational degrees earned 1117
by applicants. The board may develop the examinations or use 1118
examinations prepared by state or national organizations that 1119
represent the interests of those involved in professional 1120
counseling or, social work, or marriage and family therapy. The 1121
board shall conduct examinations at least twice each year and 1122
shall determine the level of competence necessary for a passing 1123
score. 1124

Sec. 4757.16. (A) A person seeking to be licensed under this 1125
chapter as a professional clinical counselor or professional 1126
counselor shall file with the counselors professional standards 1127
committee of the counselor and, social worker, and marriage and 1128
family therapist board a written application on a form prescribed 1129
by the board. A person seeking to be licensed under this chapter 1130
as an independent social worker or social worker or registered 1131
under this chapter as a social work assistant shall file with the 1132
social workers professional standards committee of the board a 1133
written application on a form prescribed by the board. Each A 1134
person seeking to be licensed under this chapter as an independent 1135
marriage and family therapist or a marriage and family therapist 1136
shall file with the marriage and family therapist professional 1137

standards committee of the board a written application on a form 1138
prescribed by the board. 1139

Each form prescribed by the board shall contain a statement 1140
informing the applicant that a person who knowingly makes a false 1141
statement on the form is guilty of falsification under section 1142
2921.13 of the Revised Code, a misdemeanor of the first degree. 1143

(B) The professional standards committees shall review each 1144
application received and shall determine whether the applicant 1145
meets the requirements to receive the license or certificate of 1146
registration for which application has been made. 1147

Sec. 4757.17. The professional standards committees of the 1148
counselor and, social worker, and marriage and family therapist 1149
board shall review the applications of applicants for licensure or 1150
registration under this chapter who have received a post-secondary 1151
degree from an educational institution outside the United States. 1152
The committee reviewing the application shall determine whether 1153
the applicant's experience, command of the English language, and 1154
completed academic program meet the standards of an academic 1155
program of an accredited educational institution. If they do, the 1156
applicant shall be considered to have received the education from 1157
an accredited educational institution as required by this chapter 1158
and rules adopted under it. 1159

Sec. 4757.18. The counselor and, social worker, and marriage 1160
and family therapist board may enter into a reciprocal agreement 1161
with any state that regulates individuals practicing in the same 1162
capacities as those regulated under this chapter if the board 1163
finds that the state has requirements substantially equivalent to 1164
the requirements this state has for receipt of a license or 1165
certificate of registration under this chapter. In a reciprocal 1166
agreement, the board agrees to issue the appropriate license or 1167

certificate of registration to any resident of the other state 1168
whose practice is currently authorized by that state if that 1169
state's regulatory body agrees to authorize the appropriate 1170
practice of any resident of this state who holds a valid license 1171
or certificate of registration issued under this chapter. 1172

The professional standards committees of the board may, by 1173
endorsement, issue the appropriate license or certificate of 1174
registration to a resident of a state with which the board does 1175
not have a reciprocal agreement, if the person submits proof 1176
satisfactory to the committee of currently being licensed, 1177
certified, registered, or otherwise authorized to practice by that 1178
state. 1179

Sec. 4757.19. On receipt of a notice pursuant to section 1180
3123.43 of the Revised Code, the counselor and, social worker, and 1181
marriage and family therapist board shall comply with sections 1182
3123.41 to 3123.50 of the Revised Code and any applicable rules 1183
adopted under section 3123.63 of the Revised Code with respect to 1184
a license issued pursuant to this chapter. 1185

Sec. 4757.22. (A) The counselors professional standards 1186
committee of the counselor and, social worker, and marriage and 1187
family therapist board shall issue a license to practice as a 1188
professional clinical counselor to each applicant who submits a 1189
properly completed application, pays the fee established under 1190
section 4757.31 of the Revised Code, and meets the requirements 1191
specified in division (B) of this section. 1192

(B) To be eligible for a professional clinical counselor 1193
license, an individual must meet the following requirements: 1194

(1) The individual must be of good moral character. 1195

(2) The individual must hold from an accredited educational 1196

institution a graduate degree in counseling.	1197
(3) The individual must complete a minimum of ninety quarter	1198
hours of graduate credit in counselor training acceptable to the	1199
committee, including a minimum of thirty quarter hours of	1200
instruction in the following areas:	1201
(a) Clinical psychopathology, personality, and abnormal	1202
behavior;	1203
(b) Evaluation of mental and emotional disorders;	1204
(c) Diagnosis of mental and emotional disorders;	1205
(d) Methods of prevention, intervention, and treatment of	1206
mental and emotional disorders.	1207
(4) The individual must complete, in either a private or	1208
clinical counseling setting, supervised experience in counseling	1209
that is of a type approved by the committee, is supervised by a	1210
professional clinical counselor or other qualified professional	1211
approved by the committee, and is in the following amounts:	1212
(a) In the case of an individual holding only a master's	1213
degree, not less than two years of experience, which must be	1214
completed after the award of the master's degree;	1215
(b) In the case of an individual holding a doctorate, not	1216
less than one year of experience, which must be completed after	1217
the award of the doctorate.	1218
(5) The individual must pass a field evaluation that meets	1219
the following requirements:	1220
(a) Has been completed by the applicant's instructors,	1221
employers, supervisors, or other persons determined by the	1222
committee to be competent to evaluate an individual's professional	1223
competence;	1224
(b) Includes documented evidence of the quality, scope, and	1225

nature of the applicant's experience and competence in diagnosing 1226
and treating mental and emotional disorders. 1227

(6) The individual must pass an examination administered by 1228
the board for the purpose of determining ability to practice as a 1229
professional clinical counselor. 1230

(C) To be accepted by the committee for purposes of division 1231
(B) of this section, counselor training must include at least the 1232
following: 1233

(1) Instruction in human growth and development; counseling 1234
theory; counseling techniques; group dynamics, processing, and 1235
counseling; appraisal of individuals; research and evaluation; 1236
professional, legal, and ethical responsibilities; social and 1237
cultural foundations; and lifestyle and career development; 1238

(2) Participation in a supervised practicum and internship in 1239
counseling. 1240

(D) The committee may issue a provisional license to an 1241
applicant who meets all of the requirements to be licensed under 1242
this section, pending the receipt of transcripts or action by the 1243
committee to issue a license to practice as a professional 1244
clinical counselor. 1245

(E) An individual may not sit for the licensing examination 1246
unless the individual meets the educational requirements to be 1247
licensed under this section. An individual who is denied admission 1248
to the licensing examination may appeal the denial in accordance 1249
with Chapter 119. of the Revised Code. 1250

(F) The board shall adopt any rules necessary for the 1251
committee to implement this section, including criteria for the 1252
committee to use in determining whether an applicant's training 1253
should be accepted and supervised experience approved. Rules 1254
adopted under this division shall be adopted in accordance with 1255
Chapter 119. of the Revised Code. 1256

Sec. 4757.23. (A) The counselors professional standards 1257
committee of the counselor ~~and~~, social worker, and marriage and 1258
family therapist board shall issue a license as a professional 1259
counselor to each applicant who submits a properly completed 1260
application, pays the fee established under section 4757.31 of the 1261
Revised Code, and meets the requirements established under 1262
division (B) of this section. 1263

(B) To be eligible for a license as a professional counselor, 1264
an individual must meet the following requirements: 1265

(1) The individual must be of good moral character. 1266

(2) The individual must hold from an accredited educational 1267
institution a graduate degree in counseling. 1268

(3) The individual must complete a minimum of ninety quarter 1269
hours of graduate credit in counselor training acceptable to the 1270
committee, which the individual may complete while working toward 1271
receiving a graduate degree in counseling or subsequent to 1272
receiving the degree. 1273

(4) The individual must pass an examination administered by 1274
the board for the purpose of determining ability to practice as a 1275
professional counselor. 1276

(C) To be accepted by the committee for purposes of division 1277
(B) of this section, counselor training must include at least the 1278
following: 1279

(1) Instruction in human growth and development; counseling 1280
theory; counseling techniques; group dynamics, processing, and 1281
counseling; appraisal of individuals; research and evaluation; 1282
professional, legal, and ethical responsibilities; social and 1283
cultural foundations; and lifestyle and career development; 1284

(2) Participation in a supervised practicum and internship in 1285
counseling. 1286

(D) The committee may issue a provisional license to an applicant who meets all of the requirements to be licensed under this section, pending the receipt of transcripts or action by the committee to issue a license as a professional counselor.

(E) An individual may not sit for the licensing examination unless the individual meets the educational requirements to be licensed under this section. An individual who is denied admission to the licensing examination may appeal the denial in accordance with Chapter 119. of the Revised Code.

(F) The board shall adopt any rules necessary for the committee to implement this section, including criteria for the committee to use in determining whether an applicant's training should be accepted. Rules adopted under this division shall be adopted in accordance with Chapter 119. of the Revised Code.

Sec. 4757.27. (A) The social workers professional standards committee of the counselor ~~and~~, social worker, and marriage and family therapist board shall issue a license as an independent social worker to each applicant who submits a properly completed application, pays the fee established under section 4757.31 of the Revised Code, and meets the requirements specified in division (B) of this section. An independent social worker license shall clearly indicate each academic degree earned by the person to whom it has been issued.

(B) To be eligible for a license as an independent social worker, an individual must meet the following requirements:

(1) The individual must be of good moral character.

(2) The individual must hold from an accredited educational institution a master's degree or a doctorate in social work.

(3) The individual must complete at least two years of post-master's degree social work experience supervised by an

independent social worker. 1317

(4) The individual must pass an examination administered by 1318
the board for the purpose of determining ability to practice as an 1319
independent social worker. 1320

(C) The committee may issue a temporary license to an 1321
applicant who meets all of the requirements to be licensed under 1322
this section, pending the receipt of transcripts or action by the 1323
committee to issue a license as an independent social worker. 1324

(D) The board shall adopt any rules necessary for the 1325
committee to implement this section, including criteria for the 1326
committee to use in determining whether an applicant's training 1327
should be accepted and supervised experience approved. Rules 1328
adopted under this division shall be adopted in accordance with 1329
Chapter 119. of the Revised Code. 1330

Sec. 4757.28. (A) The social workers professional standards 1331
committee of the counselor ~~and~~, social worker, and marriage and 1332
family therapist board shall issue a license as a social worker to 1333
each applicant who submits a properly completed application, pays 1334
the fee established under section 4757.31 of the Revised Code, and 1335
meets the requirements specified in division (B) of this section. 1336
A social worker license shall clearly indicate each academic 1337
degree earned by the person to whom it is issued. 1338

(B) To be eligible for a license as a social worker, an 1339
individual must meet the following requirements: 1340

(1) The individual must be of good moral character. 1341

(2) The individual must hold from an accredited educational 1342
institution one of the following: 1343

(a) A baccalaureate degree in social work or, prior to 1344
October 10, 1992, a baccalaureate degree in a program closely 1345
related to social work and approved by the committee; 1346

(b) A master's degree in social work; 1347

(c) A doctorate in social work. 1348

(3) The individual must pass an examination administered by 1349
the board for the purpose of determining ability to practice as a 1350
social worker. 1351

(C) The committee may issue a temporary license to an 1352
applicant who meets all of the requirements to be licensed under 1353
this section, pending the receipt of transcripts or action by the 1354
committee to issue a license as a social worker. However, the 1355
committee may issue a temporary license to an applicant who 1356
provides the board with a statement from the applicant's academic 1357
institution indicating that the applicant is in good standing with 1358
the institution, that the applicant has met the academic 1359
requirements for the applicant's degree, and the date the 1360
applicant will receive the applicant's degree. 1361

(D) The board shall adopt any rules necessary for the 1362
committee to implement this section, including criteria for the 1363
committee to use in determining whether an applicant's training 1364
should be accepted and supervised experience approved. Rules 1365
adopted under this division shall be adopted in accordance with 1366
Chapter 119. of the Revised Code. 1367

Sec. 4757.29. (A) The social workers professional standards 1368
committee of the counselor ~~and~~, social worker, and marriage and 1369
family therapist board shall issue a certificate of registration 1370
as a social work assistant to each applicant who submits a 1371
properly completed application, pays the fee established under 1372
section 4757.31 of the Revised Code, is of good moral character, 1373
and holds from an accredited educational institution an associate 1374
degree in social service technology or a bachelor's degree that is 1375
equivalent to an associate degree in social service technology or 1376
a related bachelor's or higher degree that is approved by the 1377

committee. 1378

(B) On and after ~~the effective date of this section~~ March 18, 1997, a counselor assistant certificate of registration issued under former section 4757.08 of the Revised Code shall be considered a certificate of registration as a social work assistant. The holder of the certificate is subject to the supervision requirements specified in section 4757.26 of the Revised Code, the continuing education requirements specified in section 4757.33 of the Revised Code, and regulation by the social workers professional standards committee. On the first renewal occurring after ~~the effective date of this section~~ March 18, 1997, the committee shall issue a certificate of registration as a social work assistant to each former counselor assistant who qualifies for renewal.

(C) The social workers professional standards committee shall issue a certificate of registration as a social work assistant to any person who, on or before ~~one year after the effective date of this section~~ March 18, 1998, meets the requirements for a certificate of registration as a counselor assistant pursuant to division (A)(3) of former section 4757.08 of the Revised Code, submits a properly completed application, pays the fee established under section 4757.31 of the Revised Code, and is of good moral character.

Sec. 4757.30. (A) The counselor, social worker, and marriage and family therapist board shall, after reviewing the report submitted to it by the marriage and family therapists professional standards committee, issue a license as a marriage and family therapist to a person who has done all of the following:

(1) Properly completed an application for the license;

- (2) Paid the required fee established by the board under section 4757.31 of the Revised Code; 1408
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- (3) Received from an educational institution accredited at the time the degree was granted by a regional accrediting organization recognized by the board a master's degree or a doctorate in marriage and family therapy or a graduate degree in an allied field from such an institution and graduate level course work equivalent to a master's degree in marriage and family therapy; 1410
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- (4) Passed an examination administered by the board for the purpose of determining the person's ability to be a marriage and family therapist; 1417
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- (5) Successfully completed the equivalent of three semester or four quarter credits in research and professional ethics and nine semester or twelve quarter credits each in marriage and family studies, marriage and family therapy, and human development; 1420
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- (6) Completed a practicum that includes at least three hundred hours of client contact. 1425
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- (B) The board shall, after reviewing the report submitted to it by the marriage and family therapists professional standards committee, issue a license as an independent marriage and family therapist to a person who meets all of the requirements of division (A) of this section and, after earning the degree required by division (A)(3) of this section, completed at least two calendar years of work experience in marriage and family therapy, including one thousand hours of documented client contact in marriage and family therapy. Two hundred hours of the one thousand hours must be supervised by a supervisor whose training and experience meets standards established by the board in rules adopted under section 4757.10 of the Revised Code and one hundred 1427
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hours of the two hundred hours of supervision must be individual supervision. 1439
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(C) The board shall waive the requirements of divisions (A)(4) and (5) of this section for an applicant seeking licensure under division (A) or (B) of this section for the two years immediately following the effective date of this section if the applicant presents satisfactory evidence of both of the following: 1441
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(1) That the applicant engaged in the practice of marriage and family therapy for a total of not less than five years prior to the effective date of this section; 1446
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(2) That, at the time of application, the applicant is an associate or clinical member of the American association of marriage and family therapists. 1449
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(D) An independent marriage and family therapist or a marriage and family therapist may engage in the private practice of marriage and family therapy as an individual practitioner or as a member of a partnership or group practice. 1452
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(E) A marriage and family therapist may diagnose and treat mental and emotional disorders only under the supervision of a psychologist, psychiatrist, professional clinical counselor, independent social worker, or independent marriage and family therapist. An independent marriage and family therapist may diagnose and treat mental and emotional disorders without supervision. 1456
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(F) Nothing in this chapter or rules adopted under it authorizes an independent marriage and family therapist or a marriage and family therapist to admit a patient to a hospital or requires a hospital to allow a marriage and family therapist to admit a patient. 1463
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Sec. 4757.301. On receipt of an application for a license as 1468

a marriage and family therapist, the counselor, social worker, and 1469
marriage and family therapist board may issue a temporary license 1470
to an individual who qualifies under division (A) of section 1471
4757.30 of the Revised Code for licensure as a marriage and family 1472
therapist or divisions (A) and (B) of section 4757.30 of the 1473
Revised Code for licensure as an independent marriage and family 1474
therapist, except that the individual is awaiting the next 1475
opportunity to take an examination required by the board under 1476
that division. The temporary license allows the holder to engage 1477
in the practice of independent marriage and family therapy or 1478
marriage and family therapy as appropriate and is valid from the 1479
date of issuance until the earlier of one year from that date, the 1480
date the applicant withdraws from taking the examination, the date 1481
the applicant is notified that the applicant failed the 1482
examination, or the date the applicant's license is issued under 1483
section 4757.30 of the Revised Code. A temporary license may not 1484
be renewed. 1485

Sec. 4757.31. (A) Subject to division (B) of this section, 1486
the counselor and, social worker, and marriage and family 1487
therapist board shall establish, and may from time to time adjust, 1488
fees to be charged for the following: 1489

(1) Examination for licensure as a professional clinical 1490
counselor, professional counselor, marriage and family therapist, 1491
independent marriage and family therapist, social worker, or 1492
independent social worker; 1493

(2) Initial licenses of professional clinical counselors, 1494
professional counselors, marriage and family therapists, 1495
independent marriage and family therapists, social workers, and 1496
independent social workers, except that the board shall charge 1497
only one fee to a person who fulfills all requirements for both 1498
more than one of the following initial licenses: an initial 1499

license as a social worker or independent social worker ~~and~~, an 1500
initial license as a professional counselor or professional 1501
clinical counselor, and an initial license as a marriage and 1502
family therapist or independent marriage and family therapist; 1503

(3) Initial certificates of registration of social work 1504
assistants; 1505

(4) Renewal of licenses of professional clinical counselors, 1506
professional counselors, marriage and family therapists, 1507
independent marriage and family therapists, social workers, and 1508
independent social workers and renewal of certificates of 1509
registration of social work assistants. 1510

(B) The fees charged under division (A)(1) of this section 1511
shall be established in amounts sufficient to cover the direct 1512
expenses incurred in examining applicants for licensure. The fees 1513
charged under divisions (A)(2), (3), and (4) of this section shall 1514
be nonrefundable and shall be established in amounts sufficient to 1515
cover the necessary expenses in administering this chapter and 1516
rules adopted under it that are not covered by fees charged under 1517
division (A)(1) or (C) of this section. The renewal fee for a 1518
license or certificate of registration shall not be less than the 1519
initial fee for that license or certificate. The fees charged for 1520
licensure and registration and the renewal of licensure and 1521
registration may differ for the various types of licensure and 1522
registration, but shall not exceed ~~seventy-five~~ one hundred 1523
twenty-five dollars each, unless the board determines that amounts 1524
in excess of ~~seventy-five~~ one hundred twenty-five dollars are 1525
needed to cover its necessary expenses in administering this 1526
chapter and rules adopted under it and the amounts in excess of 1527
~~seventy-five~~ one hundred twenty-five dollars are approved by the 1528
controlling board. 1529

(C) All receipts of the board shall be deposited in the state 1530
treasury to the credit of the occupational licensing and 1531

regulatory fund. All vouchers of the board shall be approved by 1532
the chairperson or executive director of the board, or both, as 1533
authorized by the board. 1534

Sec. 4757.32. A license or certificate of registration issued 1535
under this chapter expires two years after it is issued and may be 1536
renewed in accordance with the standard renewal procedure 1537
established under Chapter 4745. of the Revised Code. 1538

Subject to section 4757.36 of the Revised Code, the staff of 1539
the appropriate professional standards committee of the counselor 1540
~~and~~, social worker, and marriage and family therapist board shall, 1541
on behalf of each committee, issue a renewed license or 1542
certificate of registration to each applicant who has paid the 1543
renewal fee established by the board under section 4757.31 of the 1544
Revised Code and satisfied the continuing education requirements 1545
established by the board under section 4757.33 of the Revised 1546
Code. 1547

A license or certificate of registration that is not renewed 1548
lapses on its expiration date. A license or certificate of 1549
registration that has lapsed may be restored if the individual, 1550
not later than two years after the license or certificate expired, 1551
applies for restoration of the license or certificate. The staff 1552
of the appropriate professional standards committee shall issue a 1553
restored license or certificate of registration to the applicant 1554
if the applicant pays the renewal fee established under section 1555
4757.31 of the Revised Code and satisfies the continuing education 1556
requirements established under section 4757.33 of the Revised Code 1557
for restoring the license or certificate of registration. The 1558
board and its professional standards committees shall not require 1559
a person to take an examination as a condition of having a lapsed 1560
license or certificate of registration restored. 1561

Sec. 4757.33. (A) Except as provided in division (B) of this 1562
section, each person who holds a license or certificate of 1563
registration issued under this chapter shall complete during the 1564
period that the license or certificate is in effect not less than 1565
thirty clock hours of continuing professional education as a 1566
condition of receiving a renewed license or certificate. To have a 1567
lapsed license or certificate of registration restored, a person 1568
shall complete the number of hours of continuing education 1569
specified by the counselor and, social worker, and marriage and 1570
family therapist board in rules it shall adopt in accordance with 1571
Chapter 119. of the Revised Code. 1572

The professional standards committees of the counselor and, 1573
social worker, and marriage and family therapist board shall adopt 1574
rules in accordance with Chapter 119. of the Revised Code 1575
establishing standards and procedures to be followed by the 1576
committees in conducting the continuing education approval 1577
process. 1578

(B) The board may waive the continuing education requirements 1579
established under this section for persons who are unable to 1580
fulfill them because of military service, illness, residence 1581
abroad, or any other reason the committee considers acceptable. 1582

In the case of a social worker licensed by virtue of 1584
receiving, prior to October 10, 1992, a baccalaureate degree in a 1585
program closely related to social work, as a condition of the 1586
first renewal of the license, the social worker must complete at 1587
an accredited educational institution a minimum of five semester 1588
hours of social work graduate or undergraduate credit, or their 1589
equivalent, that is acceptable to the committee and includes a 1590
course in social work theory and a course in social work methods. 1591

Sec. 4757.34. Not later than ninety days after ~~the effective~~ 1592
~~date of this section~~ December 9, 1994, the counselor ~~and~~, social 1593
worker, and marriage and family therapist board shall approve one 1594
or more continuing education courses of study that assist social 1595
workers, independent social workers, social work assistants, 1596
independent marriage and family therapists, marriage and family 1597
therapists, professional clinical counselors, and professional 1598
counselors in recognizing the signs of domestic violence and its 1599
relationship to child abuse. Social workers, independent social 1600
workers, social work assistants, independent marriage and family 1601
therapists, marriage and family therapists, professional clinical 1602
counselors, and professional counselors are not required to take 1603
the courses. 1604

Sec. 4757.36. (A) The professional standards committees of 1605
the counselor ~~and~~, social worker, and marriage and family 1606
therapist board, in accordance with Chapter 119. of the Revised 1607
Code, may refuse to issue a license or certificate of registration 1608
applied for under this chapter; refuse to renew a license or 1609
certificate of registration issued under this chapter; suspend, 1610
revoke, or otherwise restrict a license or certificate of 1611
registration issued under this chapter; or reprimand a person 1612
holding a license or certificate of registration issued under this 1613
chapter. Such actions may be taken by the appropriate committee if 1614
the applicant for a license or certificate of registration or the 1615
person holding a license or certificate of registration has: 1616

(1) Committed a violation of any provision of this chapter or 1617
rules adopted under it; 1618

(2) Knowingly made a false statement on an application for 1619
licensure or registration, or for renewal of a license or 1620
certificate of registration; 1621

(3) Accepted a commission or rebate for referring persons to any professionals licensed, certified, or registered by any court or board, commission, department, division, or other agency of the state, including, but not limited to, individuals practicing counseling ~~or~~, social work, or marriage and family therapy or practicing in fields related to counseling ~~or~~, social work, or marriage and family therapy;

(4) Failed to comply with section 4757.12 of the Revised Code;

(5) Been convicted in this or any other state of any crime that is a felony in this state;

(6) Had the ability to perform properly as a professional clinical counselor, professional counselor, independent marriage and family therapist, marriage and family therapist, social work assistant, social worker, or independent social worker impaired due to the use of alcohol or other drugs or any other physical or mental condition;

(7) Been convicted in this state or in any other state of a misdemeanor committed in the course of practice as a professional clinical counselor, professional counselor, independent marriage and family therapist, marriage and family therapist, social work assistant, social worker, or independent social worker;

(8) Practiced outside the scope of practice applicable to that person;

(9) Practiced without complying with the supervision requirements specified under sections 4757.21 and 4757.26, and division (E) of section 4757.30, of the Revised Code;

(10) Violated the person's code of ethical practice adopted by rule of the board pursuant to section 4757.11 of the Revised Code;

(11) Had a license or certificate of registration revoked or 1652
suspended, or voluntarily surrendered a license or certificate of 1653
registration in another state or jurisdiction for an offense that 1654
would be a violation of this chapter. 1655

(B) One year or more after the date of suspension or 1656
revocation of a license or certificate of registration under this 1657
section, application may be made to the appropriate professional 1658
standards committee for reinstatement. The committee may accept or 1659
refuse an application for reinstatement. If a license has been 1660
suspended or revoked, the committee may require an examination for 1661
reinstatement. 1662

Sec. 4757.38. The counselor ~~and~~, social worker, and marriage 1663
and family therapist board shall investigate alleged violations of 1664
this chapter or the rules adopted under it and alleged 1665
irregularities in the delivery of services related to professional 1666
counseling ~~or~~, social work, or marriage and family therapy by 1667
persons licensed or registered under this chapter. As part of its 1668
conduct of an investigation, the board may issue subpoenas, 1669
examine witnesses, and administer oaths. 1670

The board may receive any information necessary to conduct an 1671
investigation under this section. If the board is investigating 1672
the provision of services to a couple or group, it is not 1673
necessary for both members of the couple or all members of the 1674
group to consent to the release of information relevant to the 1675
investigation. 1676

The board shall ensure that all records it holds pertaining 1677
to an investigation remain confidential. The board shall adopt 1678
rules establishing procedures to be followed in maintaining the 1679
confidentiality of its investigative records. The rules shall be 1680
adopted in accordance with Chapter 119. of the Revised Code. 1681

Sec. 4757.41. (A) This chapter shall not apply to the 1682
following: 1683

(1) A person certified by the state board of education under 1684
Chapter 3319. of the Revised Code while performing any services 1685
within the person's scope of employment by a board of education or 1686
by a private school meeting the standards prescribed by the state 1687
board of education under division (D) of section 3301.07 of the 1688
Revised Code or in a program operated under Chapter 5126. of the 1689
Revised Code for training individuals with mental retardation or 1690
other developmental disabilities; 1691

(2) Psychologists or school psychologists licensed under 1692
Chapter 4732. of the Revised Code; 1693

(3) Members of other professions licensed, certified, or 1694
registered by this state while performing services within the 1695
recognized scope, standards, and ethics of their respective 1696
professions; 1697

(4) Rabbis, priests, Christian science practitioners, clergy, 1698
or members of religious orders and other individuals participating 1699
with them in pastoral counseling when the counseling activities 1700
are within the scope of the performance of their regular or 1701
specialized ministerial duties and are performed under the 1702
auspices or sponsorship of an established and legally cognizable 1703
church, denomination, or sect or an integrated auxiliary of a 1704
church as defined in federal tax regulations, paragraph (g)(5) of 1705
26 C.F.R. 1.6033-2 (1995), and when the individual rendering the 1706
service remains accountable to the established authority of that 1707
church, denomination, sect, or integrated auxiliary; 1708

1709

(5) Any person employed in the civil service as defined in 1710
section 124.01 of the Revised Code while engaging in social work 1711
or professional counseling as a civil service employee; 1712

(6) A student in an accredited educational institution while 1713
carrying out activities that are part of the student's prescribed 1714
course of study if the activities are supervised as required by 1715
the educational institution and if the student does not hold 1716
herself or himself out as a person licensed or registered under 1717
this chapter; 1718

(7) Individuals with certification or credentials accepted by 1719
the department of alcohol and drug addiction services under 1720
section 3793.07 of the Revised Code who are acting within the 1721
scope of their certification or credentials as members of the 1722
profession of alcoholism counseling, drug abuse counseling, or 1723
chemical dependency counseling, or as alcoholism or drug abuse 1724
prevention consultants or specialists; 1725

(8) Any person employed by the American red cross while 1726
engaging in activities relating to services for military families 1727
and veterans and disaster relief, as described in the "American 1728
National Red Cross Act," 33 Stat. 599 (1905), 36 U.S.C.A. 1, as 1729
amended; 1730

(9) Members of labor organizations who hold union counselor 1731
certificates while performing services in their official capacity 1732
as union counselors; 1733

(10) Any person employed in a hospital as defined in section 1734
3727.01 of the Revised Code or in a nursing home as defined in 1735
section 3721.01 of the Revised Code while providing as a hospital 1736
employee or nursing home employee, respectively, social services 1737
other than counseling and the use of psychosocial interventions 1738
and social psychotherapy. 1739

(B) Divisions (A)(5), (8), and (10) of this section do not 1740
prevent a person described in those divisions from obtaining a 1741
license or certificate of registration under this chapter. 1742

(C) Division (C) of section 4757.02 of the Revised Code does 1743

not apply to a person licensed under division (A) of that section. 1744

(D) Division (A) of section 4757.02 of the Revised Code does 1745
not apply to the practice of marriage and family therapy by a 1746
person licensed under division (C) of that section. 1747

Sec. 4757.43. Nothing in this chapter or the rules adopted 1748
under it shall be construed as authorizing a professional clinical 1749
counselor, professional counselor, independent marriage and family 1750
therapist, marriage and family therapist, independent social 1751
worker, social worker, or social work assistant to admit a patient 1752
to a hospital or as requiring a hospital to allow any of those 1753
individuals to admit a patient. 1754

Sec. 4757.44. For the purposes of section 2305.51 of the 1755
Revised Code a person who holds a license issued under this 1756
chapter is a mental health professional. 1757

A license holder is not liable in damages in a civil action, 1758
and shall not be subject to disciplinary action by the counselor, 1759
social worker, and marriage and family therapist board, for 1760
disclosing any confidential information about a client that is 1761
disclosed for the purposes of section 2305.51 of the Revised Code. 1762
1763

Section 2. That existing sections 125.22, 2151.421, 2317.02, 1764
4757.01, 4757.02, 4757.03, 4757.04, 4757.05, 4757.06, 4757.07, 1765
4757.10, 4757.11, 4757.12, 4757.15, 4757.16, 4757.17, 4757.18, 1766
4757.19, 4757.22, 4757.23, 4757.27, 4757.28, 4757.29, 4757.31, 1767
4757.32, 4757.33, 4757.34, 4757.36, 4757.38, 4757.41, and 4757.43 1768
of the Revised Code are hereby repealed. 1769

Section 3. Within ninety days after the effective date of 1770
this section, the Governor shall appoint the initial marriage and 1771

family therapist and independent marriage and family therapist 1772
members of the Counselor, Social Worker, and Marriage and Family 1773
Therapist Board, in accordance with section 4757.03 of the Revised 1774
Code, as amended by this act. Such an appointee is not required, 1775
at the time of appointment, to be licensed as a marriage and 1776
family therapist or independent marriage and family therapist. 1777
However, the appointee may remain a board member only if the 1778
appointee becomes licensed as a marriage and family therapist or 1779
independent marriage and family therapist, as appropriate for the 1780
member's appointment, within one year of the effective date of 1781
this section. 1782