

# As Passed by the House

124th General Assembly

Regular Session

2001-2002

Am. Sub. H. B. No. 374

REPRESENTATIVES Schmidt, Fessler, Webster, Setzer, Lendrum, Rhine,  
Carano, Kearns, Kilbane, Young, Collier, Latell, Coates

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## A BILL

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, and 4757.43 and 5  
to enact sections 4757.30, 4757.301, 4757.361, and 6  
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, and 4757.43 be amended and 14  
sections 4757.30, 4757.301, 4757.361, 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 <del>and</del> , 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:

(a) Preparing and processing payroll and other personnel  
documents;

(b) Preparing and processing vouchers, purchase orders,  
encumbrances, and other accounting documents;

(c) Maintaining ledgers of accounts and balances;

(d) Preparing and monitoring budgets and allotment plans in  
consultation with the boards and commissions;

(e) Other routine support services that the director of  
administrative services considers appropriate to achieve  
efficiency.

(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.

(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.

(C) The director of administrative services shall be the  
appointing authority for the agency.

(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.

(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

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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.

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(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.

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**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.

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(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. 235

(2) In any civil or criminal action or proceeding in which it 236  
is alleged and proved that participation in the making of a report 237  
under this section was not in good faith or participation in a 238  
judicial proceeding resulting from a report made under this 239  
section was not in good faith, the court shall award the 240  
prevailing party reasonable attorney's fees and costs and, if a 241  
civil action or proceeding is voluntarily dismissed, may award 242  
reasonable attorney's fees and costs to the party against whom the 243  
civil action or proceeding is brought. 244

(H)(1) Except as provided in divisions (H)(4), (M), and (N) 245  
of this section, a report made under this section is confidential. 246  
The information provided in a report made pursuant to this section 247  
and the name of the person who made the report shall not be 248  
released for use, and shall not be used, as evidence in any civil 249  
action or proceeding brought against the person who made the 250  
report. In a criminal proceeding, the report is admissible in 251  
evidence in accordance with the Rules of Evidence and is subject 252  
to discovery in accordance with the Rules of Criminal Procedure. 253

(2) No person shall permit or encourage the unauthorized 254  
dissemination of the contents of any report made under this 255  
section. 256

(3) A person who knowingly makes or causes another person to 257  
make a false report under division (B) of this section that 258  
alleges that any person has committed an act or omission that 259  
resulted in a child being an abused child or a neglected child is 260  
guilty of a violation of section 2921.14 of the Revised Code. 261

(4) If a report is made pursuant to division (A) or (B) of 262  
this section and the child who is the subject of the report dies 263  
for any reason at any time after the report is made, but before 264  
the child attains eighteen years of age, the public children 265

services agency or municipal or county peace officer to which the 266  
report was made or referred, on the request of the child fatality 267  
review board, shall submit a summary sheet of information 268  
providing a summary of the report to the review board of the 269  
county in which the deceased child resided at the time of death. 270  
On the request of the review board, the agency or peace officer 271  
may, at its discretion, make the report available to the review 272  
board. 273

(5) A public children services agency shall advise a person 274  
alleged to have inflicted abuse or neglect on a child who is the 275  
subject of a report made pursuant to this section in writing of 276  
the disposition of the investigation. The agency shall not provide 277  
to the person any information that identifies the person who made 278  
the report, statements of witnesses, or police or other 279  
investigative reports. 280

(I) Any report that is required by this section shall result 281  
in protective services and emergency supportive services being 282  
made available by the public children services agency on behalf of 283  
the children about whom the report is made, in an effort to 284  
prevent further neglect or abuse, to enhance their welfare, and, 285  
whenever possible, to preserve the family unit intact. The agency 286  
required to provide the services shall be the agency conducting 287  
the investigation of the report pursuant to section 2151.422 of 288  
the Revised Code. 289

(J)(1) Each public children services agency shall prepare a 290  
memorandum of understanding that is signed by all of the 291  
following: 292

(a) If there is only one juvenile judge in the county, the 293  
juvenile judge of the county or the juvenile judge's 294  
representative; 295

(b) If there is more than one juvenile judge in the county, a 296

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.

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(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.

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(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

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the Revised Code does not apply to any certified copy of results  
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 in  
question, the person under whose supervision the test was  
administered, the custodian of the results of the test, the person  
who compiled the results, or the person under whose supervision  
the results were compiled.

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

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

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

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

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

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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.

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(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:

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(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.

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

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

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(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.

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(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.

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(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  
made through a telecommunications relay service. Nothing in this  
section shall limit the obligation of a communications assistant  
to divulge information or testify when mandated by federal law or  
regulation or pursuant to subpoena in a criminal proceeding.

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

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

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

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

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

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

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of this section, a chiropractor may be compelled to testify or to 735  
submit to discovery under the Rules of Civil Procedure only as to 736  
a communication made to the chiropractor by the patient in 737  
question in that relation, or the chiropractor's advice to the 738  
patient in question, that related causally or historically to 739  
physical or mental injuries that are relevant to issues in the 740  
medical claim, dental claim, chiropractic claim, or optometric 741  
claim, action for wrongful death, other civil action, or claim 742  
under Chapter 4123. of the Revised Code. 743

(3) The testimonial privilege established under this division 744  
does not apply, and a chiropractor may testify or be compelled to 745  
testify, in any criminal action or administrative proceeding. 746

(4) As used in this division, "communication" means 748  
acquiring, recording, or transmitting any information, in any 749  
manner, concerning any facts, opinions, or statements necessary to 750  
enable a chiropractor to ~~diagnosis~~ diagnose, treat, or act for a 751  
patient. A communication may include, but is not limited to, any 752  
chiropractic, office, or hospital communication such as a record, 753  
chart, letter, memorandum, laboratory test and results, x-ray, 754  
photograph, financial statement, diagnosis, or prognosis. 755

**Sec. 4757.01.** As used in this chapter: 756

(A) "Practice of professional counseling" means rendering or 757  
offering to render to individuals, groups, organizations, or the 758  
general public a counseling service involving the application of 759  
clinical counseling principles, methods, or procedures to assist 760  
individuals in achieving more effective personal, social, 761  
educational, or career development and adjustment, including the 762  
diagnosis and treatment of mental and emotional disorders. 763

(B) "Clinical counseling principles, methods, or procedures" 764  
means an approach to counseling that emphasizes the counselor's 765

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 evaluation, 792  
assessment, counseling, management and treatment of emotional 793  
disorders, whether cognitive, affective, or behavioral, within the 794  
context of marriage and family systems, through the professional 795  
application of marriage and family therapies and techniques. 796

(H) "Practice of marriage and family therapy" means the treatment, evaluation, assessment counseling, and management, of emotional disorders, whether cognitive, affective or behavioral, within the context of marriage and family systems, to individuals, couples, and families, singly or in groups, whether those services are offered directly to the general public or through public or private organizations, for a fee, salary or other consideration through the professional application of marriage and family theories, therapies, and techniques, including, but not limited to psychotherapeutic theories, therapies and techniques that marriage and family therapists are educated and trained to perform. The practice of marriage and family therapy does not mean any of the following:

(1) The treatment of biologically based psychiatric conditions without consultation with an appropriate medical doctor or psychiatrist;

(2) The use of psychotherapeutic techniques that are exclusive to the scope of practice of a licensed psychologist or psychiatrist;

(3) Any act that marriage and family therapists are not educated to perform.

**Sec. 4757.02.** (A) Except as provided in division (C) of this section and section 4757.41 of the Revised Code:

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

(2) No person shall practice or ~~hold herself or himself out as claim to the public to be~~ practicing social work for a fee,

salary, or other consideration unless the person is currently 827  
licensed under this chapter as an independent social worker or a 828  
social worker. 829

(3) No person shall ~~hold herself or himself out as~~ claim to 830  
the public to be a social work assistant unless the person is 831  
currently registered under this chapter as a social work 832  
assistant. 833

(4) No person shall engage in the practice of marriage and 834  
family therapy or claim to the public to be engaging in the 835  
practice of marriage and family therapy unless the person is 836  
currently licensed under this chapter as a marriage and family 837  
therapist. 838

(B)(1) No person shall use the title "professional clinical 839  
counselor," "professional counselor," or any other title or 840  
description incorporating the word "counselor" or any initials 841  
used to identify persons acting in those capacities unless 842  
currently authorized under this chapter by licensure to act in the 843  
capacity indicated by the title or initials. 844

(2) No person shall use the title "social worker," 845  
"independent social worker," "social work assistant," or any other 846  
title or description incorporating the words "social worker" or 847  
any initials used to identify persons acting in those capacities 848  
unless the person is currently authorized by licensure or 849  
registration under this chapter to act in the capacity indicated 850  
by the title or initials. 851

(3) No person shall use the title "marriage and family 852  
therapist" or any initials used to identify persons acting in that 853  
capacity unless the person is currently authorized by licensure 854  
under this chapter to act in the capacity indicated by the title 855  
or initials. 856

(C)(1) Divisions (A)(1) to (3) of this section do not apply 857

to the practice of marriage and family therapy by a person holding  
a valid license or temporary license as a marriage and family  
therapist or independent marriage and family therapist under this  
chapter.

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(2) Division (A)(4) of this section does not apply to the  
following persons licensed or registered under this chapter:  
professional clinical counselors, professional counselors,  
independent social workers, social workers, and social work  
assistants.

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**Sec. 4757.03.** There is hereby created the counselor ~~and,~~  
social worker, and marriage and family therapist board, consisting  
of ~~eleven~~ fifteen members. The governor shall appoint the members  
with the advice and consent of the senate.

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

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Two of the members shall be individuals licensed under this  
chapter as independent marriage and family therapists and two  
shall be individuals licensed under this chapter as marriage and  
family therapists or, if the board has not yet licensed  
independent marriage and family therapists or marriage and family  
therapists, eligible for licensure as independent marriage and  
family therapists or marriage and family therapists. They shall  
have, during the five years preceding appointment, actively

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engaged in the practice of marriage and family therapy, in 889  
educating and training master's, doctoral, or postdoctoral 890  
students of marriage and family therapy, or in marriage and family 891  
therapy research and, during the two years immediately preceding 892  
appointment, shall have devoted the majority of their professional 893  
time to the activity while residing in this state. 894

Two members shall be individuals licensed under this chapter 895  
as independent social workers. Two members shall be individuals 896  
licensed under this chapter as social workers, at least one of 897  
whom must hold a bachelor's or master's degree in social work from 898  
an accredited educational institution recognized by the board. At 899  
all times, the social worker membership shall include one educator 900  
who holds a teaching position in a baccalaureate or master's 901  
degree social work program at an accredited educational 902  
institution recognized by the board. 903

Three members shall be representatives of the general public 904  
who have not practiced professional counseling, marriage and 905  
family therapy, or social work and have not been involved in the 906  
delivery of professional counseling, marriage and family therapy, 907  
or social work services. At least one of the members representing 908  
the general public shall be at least sixty years of age. During 909  
their terms the public members shall not practice professional 910  
counseling, marriage and family therapy, or social work or be 911  
involved in the delivery of professional counseling, marriage and 912  
family therapy, or social work services. 913

Not more than ~~six~~ eight members of the board may be members 914  
of the same political party or sex. At least one member of the 915  
board shall be of African, Native American, Hispanic, or Asian 916  
descent. 917

Of the initial appointees, three shall be appointed for terms 918  
ending October 10, 1985, four shall be appointed for terms ending 919  
October 10, 1986, and four shall be appointed for terms ending 920

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

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

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The counselors professional standards committee consists of the board's professional clinical counselor and professional counselor members and one of the members representing the public. The committee has full authority to act on behalf of the board on

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all matters concerning professional clinical counselors and  
professional counselors.

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

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The marriage and family therapist professional standards  
committee consists of the board's marriage and family therapists  
and one of the members representing the public who is not the  
member representing the public on the counselors professional  
standards committee or the social workers professional standards  
committee.

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

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The counselors professional standards committee ~~and,~~ the  
social workers professional standards committee, and the marriage

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and family therapist professional standards committee shall meet 984  
as necessary to fulfill their duties established by this chapter 985  
and the rules adopted under it. Three members of a committee 986  
constitute a quorum for that committee to conduct business. No 987  
action shall be taken without the concurrence of at least a 988  
quorum. 989

(B) At its first meeting each year, the board shall elect a 990  
chairperson from among its members. At the first meeting held each 991  
year by the board's professional standards committees, each 992  
committee shall elect from among its members a chairperson. The 993  
chairpersons of the committees shall serve as co-vice-chairpersons 994  
of the board. Neither the board nor ~~either~~ of its committees shall 995  
elect a member to serve more than two consecutive terms in the 996  
same office. 997

(C) The board shall employ an executive director. The board 998  
may employ and prescribe the powers and duties of such employees 999  
and consultants as are necessary for it and its professional 1000  
standards committees to carry out this chapter and rules adopted 1001  
under it. 1002

(D) The members of the board shall receive an amount fixed 1003  
under division (J) of section 124.15 of the Revised Code for each 1004  
day employed in the discharge of their official duties as board or 1005  
committee members and shall be reimbursed for their necessary and 1006  
actual expenses incurred in the performance of their official 1007  
duties. 1008

(E) The board and each of its professional standards 1009  
committees shall keep any records and minutes necessary to fulfill 1010  
the duties established by this chapter and the rules adopted under 1011  
it. 1012

**Sec. 4757.06.** The counselor and, social worker, and marriage 1013  
and family therapist board shall adopt a seal to authenticate its 1014

records and proceedings. Each of the board's professional 1015  
standards committees shall use the seal to authenticate its 1016  
records and proceedings. 1017

A statement, signed by the executive director of the board to 1018  
which is affixed the official seal of the board, to the effect 1019  
that a person specified in the statement is not currently licensed 1020  
or registered under this chapter or that a license or certificate 1021  
of registration has been revoked or suspended, shall be received 1022  
as prima-facie evidence of a record of the board in any court or 1023  
before any officer of the state. 1024

**Sec. 4757.07.** The counselor ~~and~~, social worker, and marriage 1025  
and family therapist board and its professional standards 1026  
committees shall not discriminate against any licensee, 1027  
registrant, or applicant for a license or certificate of 1028  
registration under this chapter because of the person's race, 1029  
color, religion, sex, national origin, disability as defined in 1030  
section 4112.01 of the Revised Code, or age. The board or 1031  
committee, as appropriate, shall afford a hearing to any person 1032  
who files with the board or committee a statement alleging 1033  
discrimination based on any of those reasons. 1034

**Sec. 4757.10.** The counselor ~~and~~, social worker, and marriage 1035  
and family therapist board may adopt any rules necessary to carry 1036  
out this chapter. ~~The~~ 1037

The board shall adopt rules concerning that do all of the 1038  
following: 1039

(A) Concern intervention for and treatment of any impaired 1040  
person holding a license or certificate of registration issued 1041  
under this chapter; 1042

(B) Establish standards for training and experience of 1043

supervisors described in division (C) of section 4757.30 of the 1044  
Revised Code; 1045

(C) Define the requirement that an applicant be of good moral 1046  
character in order to be licensed or registered under this 1047  
chapter. All 1048

All rules adopted under this section shall be adopted in 1049  
accordance with Chapter 119. of the Revised Code. When it adopts 1050  
rules under this section or any other section of this chapter, the 1051  
board may consider standards established by any national 1052  
association or other organization representing the interests of 1053  
those involved in professional counseling ~~or, social work, or~~ 1054  
~~marriage and family therapy. The board shall adopt a rule defining~~ 1055  
~~the requirement that an applicant be of good moral character in~~ 1056  
~~order to be licensed or registered under this chapter.~~ 1057

**Sec. 4757.11.** The counselor ~~and, social worker, and marriage~~ 1058  
~~and family therapist~~ board shall establish a code of ethical 1059  
practice for persons licensed under this chapter as professional 1060  
clinical counselors or professional counselors. The board shall 1061  
establish a code of ethical practice for persons licensed under 1062  
this chapter as independent social workers or social workers ~~and,~~ 1063  
persons registered under this chapter as social work assistants, 1064  
~~and persons licensed as independent marriage and family therapists~~ 1065  
~~or marriage and family therapists.~~ The codes of ethical practice 1066  
shall be established by adopting rules in accordance with Chapter 1067  
119. of the Revised Code. The codes of ethical practice shall 1068  
define unprofessional conduct, which shall include engaging in a 1069  
dual relationship with a client or former client, committing an 1070  
act of sexual abuse, misconduct, or exploitation of a client or 1071  
former client, and, except as permitted by law, violating client 1072  
confidentiality. The codes of ethical practice may be based on any 1073  
codes of ethical practice developed by national organizations 1074

representing the interests of those involved in professional 1075  
counseling ~~or~~, social work, or marriage and family therapy. The 1076  
board may establish standards in its codes of ethical practice 1077  
that are more stringent than those established by national 1078  
organizations. 1079

**Sec. 4757.12.** (A) A person who is licensed or registered 1080  
under this chapter, and a person or agency that employs a person 1081  
licensed or registered under this chapter, may charge a client or 1082  
receive remuneration for professional counseling ~~or~~, social work, 1083  
or marriage and family therapy services only if one of the 1084  
following ~~apply~~ applies: 1085

(1) Prior to the performance of services, the client is 1086  
furnished a copy of a professional disclosure statement containing 1087  
the information described in division (B) of this section; 1088

(2) A professional disclosure statement containing the 1089  
information described in division (B) of this section is displayed 1090  
in a conspicuous location at the place where the services are 1091  
performed and a copy of the statement is provided to the client 1092  
upon request. 1093

(B) The professional disclosure statement required by 1094  
division (A) of this section shall contain the following: 1095

(1) The name, title, business address, and business telephone 1096  
number of the professional clinical counselor, professional 1097  
counselor, social work assistant, social worker, ~~or~~ independent 1098  
social worker, independent marriage and family therapist, or 1099  
marriage and family therapist performing the services; 1100

(2) The formal professional education of the person 1102  
performing the services, including the institutions the person 1103  
attended, the dates attended, and the degrees received from them; 1104

(3) The areas of competence in the field in which the person 1105  
is licensed or registered and the services the person provides; 1106

(4) In the case of a person who is engaged in a private 1107  
individual practice, partnership, or group practice, the person's 1108  
fee schedule, listed by type of service or hourly rate; 1109

(5) At the bottom of the first page of the disclosure 1110  
statement, the words, "~~this~~ This information is required by the 1111  
counselor ~~and~~, social worker, and marriage and family therapist 1112  
board, which regulates the practices of professional counseling 1113  
~~and~~, social work, and marriage and family therapy in this state." 1114  
and, immediately beneath those words, the name, address, and 1115  
telephone number of the board. 1116

**Sec. 4757.15.** The counselor ~~and~~, social worker, and marriage 1117  
and family therapist board shall prepare, cause to be prepared, or 1118  
procure the use of, and grade, have graded, or procure the grading 1119  
of, examinations to determine the competence of applicants for 1120  
licensure under this chapter. The board may administer separate 1121  
examinations to reflect differences in educational degrees earned 1122  
by applicants. The board may develop the examinations or use 1123  
examinations prepared by state or national organizations that 1124  
represent the interests of those involved in professional 1125  
counseling ~~or~~, social work, or marriage and family therapy. The 1126  
board shall conduct examinations at least twice each year and 1127  
shall determine the level of competence necessary for a passing 1128  
score. 1129

**Sec. 4757.16.** (A) A person seeking to be licensed under this 1130  
chapter as a professional clinical counselor or professional 1131  
counselor shall file with the counselors professional standards 1132  
committee of the counselor ~~and~~, social worker, and marriage and 1133  
family therapist board a written application on a form prescribed 1134

by the board. A person seeking to be licensed under this chapter 1135  
as an independent social worker or social worker or registered 1136  
under this chapter as a social work assistant shall file with the 1137  
social workers professional standards committee of the board a 1138  
written application on a form prescribed by the board. ~~Each A~~ 1139  
person seeking to be licensed under this chapter as an independent 1140  
marriage and family therapist or a marriage and family therapist 1141  
shall file with the marriage and family therapist professional 1142  
standards committee of the board a written application on a form 1143  
prescribed by the board. 1144

Each form prescribed by the board shall contain a statement 1145  
informing the applicant that a person who knowingly makes a false 1146  
statement on the form is guilty of falsification under section 1147  
2921.13 of the Revised Code, a misdemeanor of the first degree. 1148

(B) The professional standards committees shall review each 1149  
application received and shall determine whether the applicant 1150  
meets the requirements to receive the license or certificate of 1151  
registration for which application has been made. 1152

**Sec. 4757.17.** The professional standards committees of the 1153  
counselor ~~and, social worker, and marriage and family therapist~~ 1154  
board shall review the applications of applicants for licensure or 1155  
registration under this chapter who have received a post-secondary 1156  
degree from an educational institution outside the United States. 1157  
The committee reviewing the application shall determine whether 1158  
the applicant's experience, command of the English language, and 1159  
completed academic program meet the standards of an academic 1160  
program of an accredited educational institution. If they do, the 1161  
applicant shall be considered to have received the education from 1162  
an accredited educational institution as required by this chapter 1163  
and rules adopted under it. 1164

**Sec. 4757.18.** The counselor and, social worker, and marriage 1165  
and family therapist board may enter into a reciprocal agreement 1166  
with any state that regulates individuals practicing in the same 1167  
capacities as those regulated under this chapter if the board 1168  
finds that the state has requirements substantially equivalent to 1169  
the requirements this state has for receipt of a license or 1170  
certificate of registration under this chapter. In a reciprocal 1171  
agreement, the board agrees to issue the appropriate license or 1172  
certificate of registration to any resident of the other state 1173  
whose practice is currently authorized by that state if that 1174  
state's regulatory body agrees to authorize the appropriate 1175  
practice of any resident of this state who holds a valid license 1176  
or certificate of registration issued under this chapter. 1177

The professional standards committees of the board may, by 1178  
endorsement, issue the appropriate license or certificate of 1179  
registration to a resident of a state with which the board does 1180  
not have a reciprocal agreement, if the person submits proof 1181  
satisfactory to the committee of currently being licensed, 1182  
certified, registered, or otherwise authorized to practice by that 1183  
state. 1184

**Sec. 4757.19.** On receipt of a notice pursuant to section 1185  
3123.43 of the Revised Code, the counselor and, social worker, and 1186  
marriage and family therapist board shall comply with sections 1187  
3123.41 to 3123.50 of the Revised Code and any applicable rules 1188  
adopted under section 3123.63 of the Revised Code with respect to 1189  
a license issued pursuant to this chapter. 1190

**Sec. 4757.22.** (A) The counselors professional standards 1191  
committee of the counselor and, social worker, and marriage and 1192  
family therapist board shall issue a license to practice as a 1193  
professional clinical counselor to each applicant who submits a 1194

properly completed application, pays the fee established under 1195  
section 4757.31 of the Revised Code, and meets the requirements 1196  
specified in division (B) of this section. 1197

(B) To be eligible for a professional clinical counselor 1198  
license, an individual must meet the following requirements: 1199

(1) The individual must be of good moral character. 1200

(2) The individual must hold from an accredited educational 1201  
institution a graduate degree in counseling. 1202

(3) The individual must complete a minimum of ninety quarter 1203  
hours of graduate credit in counselor training acceptable to the 1204  
committee, including a minimum of thirty quarter hours of 1205  
instruction in the following areas: 1206

(a) Clinical psychopathology, personality, and abnormal 1207  
behavior; 1208

(b) Evaluation of mental and emotional disorders; 1209

(c) Diagnosis of mental and emotional disorders; 1210

(d) Methods of prevention, intervention, and treatment of 1211  
mental and emotional disorders. 1212

(4) The individual must complete, in either a private or 1213  
clinical counseling setting, supervised experience in counseling 1214  
that is of a type approved by the committee, is supervised by a 1215  
professional clinical counselor or other qualified professional 1216  
approved by the committee, and is in the following amounts: 1217

(a) In the case of an individual holding only a master's 1218  
degree, not less than two years of experience, which must be 1219  
completed after the award of the master's degree; 1220

(b) In the case of an individual holding a doctorate, not 1221  
less than one year of experience, which must be completed after 1222  
the award of the doctorate. 1223



(5) The individual must pass a field evaluation that meets	1224
the following requirements:	1225
(a) Has been completed by the applicant's instructors,	1226
employers, supervisors, or other persons determined by the	1227
committee to be competent to evaluate an individual's professional	1228
competence;	1229
(b) Includes documented evidence of the quality, scope, and	1230
nature of the applicant's experience and competence in diagnosing	1231
and treating mental and emotional disorders.	1232
(6) The individual must pass an examination administered by	1233
the board for the purpose of determining ability to practice as a	1234
professional clinical counselor.	1235
(C) To be accepted by the committee for purposes of division	1236
(B) of this section, counselor training must include at least the	1237
following:	1238
(1) Instruction in human growth and development; counseling	1239
theory; counseling techniques; group dynamics, processing, and	1240
counseling; appraisal of individuals; research and evaluation;	1241
professional, legal, and ethical responsibilities; social and	1242
cultural foundations; and lifestyle and career development;	1243
(2) Participation in a supervised practicum and internship in	1244
counseling.	1245
(D) The committee may issue a provisional license to an	1246
applicant who meets all of the requirements to be licensed under	1247
this section, pending the receipt of transcripts or action by the	1248
committee to issue a license to practice as a professional	1249
clinical counselor.	1250
(E) An individual may not sit for the licensing examination	1251
unless the individual meets the educational requirements to be	1252
licensed under this section. An individual who is denied admission	1253

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 and supervised experience approved. Rules  
adopted under this division shall be adopted in accordance with  
Chapter 119. of the Revised Code.

**Sec. 4757.23.** (A) The counselors professional standards  
committee of the counselor ~~and~~, social worker, and marriage and  
family therapist board shall issue a license as a professional  
counselor 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 established under  
division (B) of this section.

(B) To be eligible for a license as a professional counselor,  
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 graduate degree in counseling.

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

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

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

following:	1284
(1) Instruction in human growth and development; counseling theory; counseling techniques; group dynamics, processing, and counseling; appraisal of individuals; research and evaluation; professional, legal, and ethical responsibilities; social and cultural foundations; and lifestyle and career development;	1285 1286 1287 1288 1289
(2) Participation in a supervised practicum and internship in counseling.	1290 1291
(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.	1292 1293 1294 1295
(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.	1296 1297 1298 1299 1300
(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.	1301 1302 1303 1304 1305
<b>Sec. 4757.27.</b> (A) The social workers professional standards committee of the counselor <del>and</del> , <u>social worker, and marriage and family therapist</u> 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	1306 1307 1308 1309 1310 1311 1312 1313

it has been issued. 1314

(B) To be eligible for a license as an independent social 1315  
worker, an individual must meet the following requirements: 1316

(1) The individual must be of good moral character. 1317

(2) The individual must hold from an accredited educational 1318  
institution a master's degree or a doctorate in social work. 1319

(3) The individual must complete at least two years of 1320  
post-master's degree social work experience supervised by an 1321  
independent social worker. 1322

(4) The individual must pass an examination administered by 1323  
the board for the purpose of determining ability to practice as an 1324  
independent social worker. 1325

(C) The committee may issue a temporary license to an 1326  
applicant who meets all of the requirements to be licensed under 1327  
this section, pending the receipt of transcripts or action by the 1328  
committee to issue a license as an independent social worker. 1329

(D) The board shall adopt any rules necessary for the 1330  
committee to implement this section, including criteria for the 1331  
committee to use in determining whether an applicant's training 1332  
should be accepted and supervised experience approved. Rules 1333  
adopted under this division shall be adopted in accordance with 1334  
Chapter 119. of the Revised Code. 1335

**Sec. 4757.28.** (A) The social workers professional standards 1336  
committee of the counselor ~~and~~, social worker, and marriage and 1337  
family therapist board shall issue a license as a social worker to 1338  
each applicant who submits a properly completed application, pays 1339  
the fee established under section 4757.31 of the Revised Code, and 1340  
meets the requirements specified in division (B) of this section. 1341  
A social worker license shall clearly indicate each academic 1342

degree earned by the person to whom it is issued. 1343

(B) To be eligible for a license as a social worker, an 1344  
individual must meet the following requirements: 1345

(1) The individual must be of good moral character. 1346

(2) The individual must hold from an accredited educational 1347  
institution one of the following: 1348

(a) A baccalaureate degree in social work or, prior to 1349  
October 10, 1992, a baccalaureate degree in a program closely 1350  
related to social work and approved by the committee; 1351

(b) A master's degree in social work; 1352

(c) A doctorate in social work. 1353

(3) The individual must pass an examination administered by 1354  
the board for the purpose of determining ability to practice as a 1355  
social worker. 1356

(C) The committee may issue a temporary license to an 1357  
applicant who meets all of the requirements to be licensed under 1358  
this section, pending the receipt of transcripts or action by the 1359  
committee to issue a license as a social worker. However, the 1360  
committee may issue a temporary license to an applicant who 1361  
provides the board with a statement from the applicant's academic 1362  
institution indicating that the applicant is in good standing with 1363  
the institution, that the applicant has met the academic 1364  
requirements for the applicant's degree, and the date the 1365  
applicant will receive the applicant's degree. 1366

(D) The board shall adopt any rules necessary for the 1367  
committee to implement this section, including criteria for the 1368  
committee to use in determining whether an applicant's training 1369  
should be accepted and supervised experience approved. Rules 1370  
adopted under this division shall be adopted in accordance with 1371  
Chapter 119. of the Revised Code. 1372

Sec. 4757.29. (A) The social workers professional standards 1373  
committee of the counselor ~~and~~, social worker, and marriage and 1374  
family therapist board shall issue a certificate of registration 1375  
as a social work assistant to each applicant who submits a 1376  
properly completed application, pays the fee established under 1377  
section 4757.31 of the Revised Code, is of good moral character, 1378  
and holds from an accredited educational institution an associate 1379  
degree in social service technology or a bachelor's degree that is 1380  
equivalent to an associate degree in social service technology or 1381  
a related bachelor's or higher degree that is approved by the 1382  
committee. 1383

(B) On and after ~~the effective date of this section~~ March 18, 1384  
1997, a counselor assistant certificate of registration issued 1385  
under former section 4757.08 of the Revised Code shall be 1386  
considered a certificate of registration as a social work 1387  
assistant. The holder of the certificate is subject to the 1388  
supervision requirements specified in section 4757.26 of the 1389  
Revised Code, the continuing education requirements specified in 1390  
section 4757.33 of the Revised Code, and regulation by the social 1391  
workers professional standards committee. On the first renewal 1392  
occurring after ~~the effective date of this section~~ March 18, 1997, 1393  
the committee shall issue a certificate of registration as a 1394  
social work assistant to each former counselor assistant who 1395  
qualifies for renewal. 1396

(C) The social workers professional standards committee shall 1397  
issue a certificate of registration as a social work assistant to 1398  
any person who, on or before ~~one year after the effective date of~~ 1399  
~~this section~~ March 18, 1998, meets the requirements for a 1400  
certificate of registration as a counselor assistant pursuant to 1401  
division (A)(3) of former section 4757.08 of the Revised Code, 1402  
submits a properly completed application, pays the fee established 1403  
under section 4757.31 of the Revised Code, and is of good moral 1404

character. 1405

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 therapist professional standards committee, issue a license as a marriage and family therapist to a person who has done all of the following: 1406  
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(1) Properly completed an application for the license; 1411  
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(2) Paid the required fee established by the board under section 4757.31 of the Revised Code; 1413  
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(3) Achieved one of the following: 1415

(a) 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; 1416  
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(b) Completed a graduate degree that includes a minimum of ninety quarter hours of graduate level course work in marriage and family therapy training that is acceptable to the committee; 1420  
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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; 1423  
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(5) Completed a practicum that includes at least three hundred hours of client contact. 1426  
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(B) To be accepted by the committee for purposes of division (A)(3)(b) of this section, marriage and family therapist training must include instruction in at least the following: research, professional ethics, marriage and family studies, marriage and family therapy, human development, appraisal of individuals and families, and systems theory. 1428  
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(C) The board shall, after reviewing the report submitted to it by the marriage and family therapist 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 meeting the requirements under division (A)(3) of this section, completes 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 hours of the two hundred hours of supervision must be individual supervision. 1434  
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(D) The board shall waive the requirements of divisions (A)(4) and (B) of this section for an applicant seeking licensure under division (A) or (C) 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: 1448  
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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; 1453  
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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. 1456  
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(E) 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. 1459  
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(F) A marriage and family therapist may diagnose and treat mental and emotional disorders only under the supervision of a 1463  
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psychologist, psychiatrist, professional clinical counselor, 1465  
independent social worker, or independent marriage and family 1466  
therapist. An independent marriage and family therapist may 1467  
diagnose and treat mental and emotional disorders without 1468  
supervision. 1469

(G) Nothing in this chapter or rules adopted under it 1470  
authorizes an independent marriage and family therapist or a 1471  
marriage and family therapist to admit a patient to a hospital or 1472  
requires a hospital to allow a marriage and family therapist to 1473  
admit a patient. 1474

Sec. 4757.301. On receipt of an application for a license as 1475  
a marriage and family therapist, the counselor, social worker, and 1476  
marriage and family therapist board may issue a temporary license 1477  
to an individual who qualifies under division (A) of section 1478  
4757.30 of the Revised Code for licensure as a marriage and family 1479  
therapist or divisions (A) and (C) of section 4757.30 of the 1480  
Revised Code for licensure as an independent marriage and family 1481  
therapist, except that the individual is awaiting the next 1482  
opportunity to take an examination required by the board under 1483  
that division. The temporary license allows the holder to engage 1484  
in the practice of independent marriage and family therapy or 1485  
marriage and family therapy as appropriate and is valid from the 1486  
date of issuance until the earlier of one year from that date, the 1487  
date the applicant withdraws from taking the examination, the date 1488  
the applicant is notified that the applicant failed the 1489  
examination, or the date the applicant's license is issued under 1490  
section 4757.30 of the Revised Code. A temporary license may not 1491  
be renewed. 1492

Sec. 4757.31. (A) Subject to division (B) of this section, 1493  
the counselor and, social worker, and marriage and family 1494  
therapist board shall establish, and may from time to time adjust, 1495

fees to be charged for the following: 1496

(1) Examination for licensure as a professional clinical 1497  
counselor, professional counselor, marriage and family therapist, 1498  
independent marriage and family therapist, social worker, or 1499  
independent social worker; 1500

(2) Initial licenses of professional clinical counselors, 1501  
professional counselors, marriage and family therapists, 1502  
independent marriage and family therapists, social workers, and 1503  
independent social workers, except that the board shall charge 1504  
only one fee to a person who fulfills all requirements for both 1505  
more than one of the following initial licenses: an initial 1506  
license as a social worker or independent social worker and, an 1507  
initial license as a professional counselor or professional 1508  
clinical counselor, and an initial license as a marriage and 1509  
family therapist or independent marriage and family therapist; 1510

(3) Initial certificates of registration of social work 1511  
assistants; 1512

(4) Renewal of licenses of professional clinical counselors, 1513  
professional counselors, marriage and family therapists, 1514  
independent marriage and family therapists, social workers, and 1515  
independent social workers and renewal of certificates of 1516  
registration of social work assistants. 1517

(B) The fees charged under division (A)(1) of this section 1518  
shall be established in amounts sufficient to cover the direct 1519  
expenses incurred in examining applicants for licensure. The fees 1520  
charged under divisions (A)(2), (3), and (4) of this section shall 1521  
be nonrefundable and shall be established in amounts sufficient to 1522  
cover the necessary expenses in administering this chapter and 1523  
rules adopted under it that are not covered by fees charged under 1524  
division (A)(1) or (C) of this section. The renewal fee for a 1525  
license or certificate of registration shall not be less than the 1526

initial fee for that license or certificate. The fees charged for 1527  
licensure and registration and the renewal of licensure and 1528  
registration may differ for the various types of licensure and 1529  
registration, but shall not exceed ~~seventy-five~~ one hundred 1530  
twenty-five dollars each, unless the board determines that amounts 1531  
in excess of ~~seventy-five~~ one hundred twenty-five dollars are 1532  
needed to cover its necessary expenses in administering this 1533  
chapter and rules adopted under it and the amounts in excess of 1534  
~~seventy-five~~ one hundred twenty-five dollars are approved by the 1535  
controlling board. 1536

(C) All receipts of the board shall be deposited in the state 1537  
treasury to the credit of the occupational licensing and 1538  
regulatory fund. All vouchers of the board shall be approved by 1539  
the chairperson or executive director of the board, or both, as 1540  
authorized by the board. 1541

**Sec. 4757.32.** A license or certificate of registration issued 1542  
under this chapter expires two years after it is issued and may be 1543  
renewed in accordance with the standard renewal procedure 1544  
established under Chapter 4745. of the Revised Code. 1545

Subject to section 4757.36 of the Revised Code, the staff of 1546  
the appropriate professional standards committee of the counselor 1547  
~~and~~, social worker, and marriage and family therapist board shall, 1548  
on behalf of each committee, issue a renewed license or 1549  
certificate of registration to each applicant who has paid the 1550  
renewal fee established by the board under section 4757.31 of the 1551  
Revised Code and satisfied the continuing education requirements 1552  
established by the board under section 4757.33 of the Revised 1553  
Code. 1554

A license or certificate of registration that is not renewed 1555  
lapses on its expiration date. A license or certificate of 1556  
registration that has lapsed may be restored if the individual, 1557

not later than two years after the license or certificate expired, 1558  
applies for restoration of the license or certificate. The staff 1559  
of the appropriate professional standards committee shall issue a 1560  
restored license or certificate of registration to the applicant 1561  
if the applicant pays the renewal fee established under section 1562  
4757.31 of the Revised Code and satisfies the continuing education 1563  
requirements established under section 4757.33 of the Revised Code 1564  
for restoring the license or certificate of registration. The 1565  
board and its professional standards committees shall not require 1566  
a person to take an examination as a condition of having a lapsed 1567  
license or certificate of registration restored. 1568

**Sec. 4757.33.** (A) Except as provided in division (B) of this 1569  
section, each person who holds a license or certificate of 1570  
registration issued under this chapter shall complete during the 1571  
period that the license or certificate is in effect not less than 1572  
thirty clock hours of continuing professional education as a 1573  
condition of receiving a renewed license or certificate. To have a 1574  
lapsed license or certificate of registration restored, a person 1575  
shall complete the number of hours of continuing education 1576  
specified by the counselor ~~and~~, social worker, and marriage and 1577  
family therapist board in rules it shall adopt in accordance with 1578  
Chapter 119. of the Revised Code. 1579

The professional standards committees of the counselor ~~and~~, 1580  
social worker, and marriage and family therapist board shall adopt 1581  
rules in accordance with Chapter 119. of the Revised Code 1582  
establishing standards and procedures to be followed by the 1583  
committees in conducting the continuing education approval 1584  
process. 1585

(B) The board may waive the continuing education requirements 1586  
established under this section for persons who are unable to 1587  
fulfill them because of military service, illness, residence 1588

abroad, or any other reason the committee considers acceptable. 1589  
1590

In the case of a social worker licensed by virtue of 1591  
receiving, prior to October 10, 1992, a baccalaureate degree in a 1592  
program closely related to social work, as a condition of the 1593  
first renewal of the license, the social worker must complete at 1594  
an accredited educational institution a minimum of five semester 1595  
hours of social work graduate or undergraduate credit, or their 1596  
equivalent, that is acceptable to the committee and includes a 1597  
course in social work theory and a course in social work methods. 1598

**Sec. 4757.34.** Not later than ninety days after ~~the effective~~ 1599  
~~date of this section~~ December 9, 1994, the counselor ~~and,~~ social 1600  
worker, and marriage and family therapist board shall approve one 1601  
or more continuing education courses of study that assist social 1602  
workers, independent social workers, social work assistants, 1603  
independent marriage and family therapists, marriage and family 1604  
therapists, professional clinical counselors, and professional 1605  
counselors in recognizing the signs of domestic violence and its 1606  
relationship to child abuse. Social workers, independent social 1607  
workers, social work assistants, independent marriage and family 1608  
therapists, marriage and family therapists, professional clinical 1609  
counselors, and professional counselors are not required to take 1610  
the courses. 1611

**Sec. 4757.36.** (A) The professional standards committees of 1612  
the counselor ~~and,~~ social worker, and marriage and family 1613  
therapist board, in accordance with Chapter 119. of the Revised 1614  
Code, may refuse to issue a license or certificate of registration 1615  
applied for under this chapter; refuse to renew a license or 1616  
certificate of registration issued under this chapter; suspend, 1617  
revoke, or otherwise restrict a license or certificate of 1618  
registration issued under this chapter; or reprimand a person 1619

holding a license or certificate of registration issued under this 1620  
chapter. Such actions may be taken by the appropriate committee if 1621  
the applicant for a license or certificate of registration or the 1622  
person holding a license or certificate of registration has: 1623

(1) Committed a violation of any provision of this chapter or 1624  
rules adopted under it; 1625

(2) Knowingly made a false statement on an application for 1626  
licensure or registration, or for renewal of a license or 1627  
certificate of registration; 1628

(3) Accepted a commission or rebate for referring persons to 1629  
any professionals licensed, certified, or registered by any court 1630  
or board, commission, department, division, or other agency of the 1631  
state, including, but not limited to, individuals practicing 1632  
counseling ~~or~~, social work, or marriage and family therapy or 1633  
practicing in fields related to counseling ~~or~~, social work, or 1634  
marriage and family therapy; 1635

(4) Failed to comply with section 4757.12 of the Revised 1636  
Code; 1637

(5) Been convicted in this or any other state of any crime 1638  
that is a felony in this state; 1639

(6) Had the ability to perform properly as a professional 1640  
clinical counselor, professional counselor, independent marriage 1641  
and family therapist, marriage and family therapist, social work 1642  
assistant, social worker, or independent social worker impaired 1643  
due to the use of alcohol or other drugs or any other physical or 1644  
mental condition; 1645

(7) Been convicted in this state or in any other state of a 1646  
misdemeanor committed in the course of practice as a professional 1647  
clinical counselor, professional counselor, independent marriage 1648  
and family therapist, marriage and family therapist, social work 1649

assistant, social worker, or independent social worker; 1650

(8) Practiced outside the scope of practice applicable to 1651  
that person; 1652

(9) Practiced without complying with the supervision 1653  
requirements specified under sections 4757.21 and 4757.26, and 1654  
division (F) of section 4757.30, of the Revised Code; 1655

(10) Violated the person's code of ethical practice adopted 1656  
by rule of the board pursuant to section 4757.11 of the Revised 1657  
Code; 1658

(11) Had a license or certificate of registration revoked or 1659  
suspended, or voluntarily surrendered a license or certificate of 1660  
registration in another state or jurisdiction for an offense that 1661  
would be a violation of this chapter. 1662

(B) One year or more after the date of suspension or 1663  
revocation of a license or certificate of registration under this 1664  
section, application may be made to the appropriate professional 1665  
standards committee for reinstatement. The committee may accept or 1666  
refuse an application for reinstatement. If a license has been 1667  
suspended or revoked, the committee may require an examination for 1668  
reinstatement. 1669

Sec. 4757.361. (A) As used in this section, with regard to 1670  
offenses committed in Ohio, "aggravated murder," "murder," 1671  
"voluntary manslaughter," "felonious assault," "kidnapping," 1672  
"rape," "sexual battery," "gross sexual imposition," "aggravated 1673  
arson," "aggravated robbery," and "aggravated burglary" mean such 1674  
offenses as defined in Title XXIX of the Revised Code; with regard 1675  
to offenses committed in other jurisdictions, the terms mean 1676  
offenses comparable to offenses defined in Title XXIX of the 1677  
Revised Code. 1678

(B) When there is clear and convincing evidence that 1679

continued practice by an individual licensed under this chapter 1680  
presents a danger of immediate and serious harm to the public, as 1681  
determined on consideration of the evidence by the professional 1682  
standards committees of the counselor, social worker, and marriage 1683  
and family therapist board, the appropriate committee shall impose 1684  
on the individual a summary suspension without a hearing. 1685

Immediately following the decision to impose a summary 1686  
suspension, the appropriate committee shall issue a written order 1687  
of suspension and cause it to be delivered by certified mail or in 1688  
person in accordance with section 119.07 of the Revised Code. The 1689  
order shall not be subject to suspension by the court during the 1690  
pendency of any appeal filed under section 119.12 of the Revised 1691  
Code. If the individual subject to the suspension requests an 1692  
adjudication, the date set for the adjudication shall be within 1693  
fifteen days but not earlier than seven days after the individual 1694  
makes the request, unless another date is agreed to by both the 1695  
individual and the committee imposing the suspension. The summary 1696  
suspension shall remain in effect, unless reversed by the 1697  
committee, until a final adjudication order issued by the 1698  
committee pursuant to this section and Chapter 119. of the Revised 1699  
Code becomes effective. 1700

The committee shall issue its final adjudication order within 1701  
ninety days after completion of the adjudication. If the committee 1702  
does not issue a final order within the ninety-day period, the 1703  
summary suspension shall be void, but any final adjudication order 1704  
issued subsequent to the ninety-day period shall not be affected. 1705

(C) The license issued to an individual under this chapter is 1706  
automatically suspended on that individual's conviction of, plea 1707  
of guilty to, or judicial finding with regard to any of the 1708  
following: aggravated murder, murder, voluntary manslaughter, 1709  
felonious assault, kidnapping, rape, sexual battery, gross sexual 1710  
imposition, aggravated arson, aggravated robbery, or aggravated 1711



burglary. The suspension shall remain in effect from the date of 1712  
the conviction, plea, or finding until an adjudication is held 1713  
under Chapter 119. of the Revised Code. If the appropriate 1714  
committee has knowledge that an automatic suspension has occurred, 1715  
it shall notify the individual subject to the suspension. If the 1716  
individual is notified and either fails to request an adjudication 1717  
within the time periods established by Chapter 119. of the Revised 1718  
Code or fails to participate in the adjudication, the committee 1719  
shall enter a final order permanently revoking the person's 1720  
license or certificate. 1721

**Sec. 4757.38.** The counselor and, social worker, and marriage 1722  
and family therapist board shall investigate alleged violations of 1723  
this chapter or the rules adopted under it and alleged 1724  
irregularities in the delivery of services related to professional 1725  
counseling or, social work, or marriage and family therapy by 1726  
persons licensed or registered under this chapter. As part of its 1727  
conduct of an investigation, the board may issue subpoenas, 1728  
examine witnesses, and administer oaths. 1729

The board may receive any information necessary to conduct an 1730  
investigation under this section. If the board is investigating 1731  
the provision of services to a couple or group, it is not 1732  
necessary for both members of the couple or all members of the 1733  
group to consent to the release of information relevant to the 1734  
investigation. 1735

The board shall ensure that all records it holds pertaining 1736  
to an investigation remain confidential. The board shall adopt 1737  
rules establishing procedures to be followed in maintaining the 1738  
confidentiality of its investigative records. The rules shall be 1739  
adopted in accordance with Chapter 119. of the Revised Code. 1740

**Sec. 4757.43.** Nothing in this chapter or the rules adopted 1741

under it shall be construed as authorizing a professional clinical 1742  
counselor, professional counselor, independent marriage and family 1743  
therapist, marriage and family therapist, independent social 1744  
worker, social worker, or social work assistant to admit a patient 1745  
to a hospital or as requiring a hospital to allow any of those 1746  
individuals to admit a patient. 1747

Sec. 4757.44. For the purposes of section 2305.51 of the 1748  
Revised Code, a person who holds a license issued under this 1749  
chapter is a mental health professional. 1750

A license holder is not liable in damages in a civil action, 1751  
and shall not be subject to disciplinary action by the counselor, 1752  
social worker, and marriage and family therapist board, for 1753  
disclosing any confidential information about a client that is 1754  
disclosed for the purposes of section 2305.51 of the Revised Code. 1755  
1756

**Section 2.** That existing sections 125.22, 2151.421, 2317.02, 1757  
4757.01, 4757.02, 4757.03, 4757.04, 4757.05, 4757.06, 4757.07, 1758  
4757.10, 4757.11, 4757.12, 4757.15, 4757.16, 4757.17, 4757.18, 1759  
4757.19, 4757.22, 4757.23, 4757.27, 4757.28, 4757.29, 4757.31, 1760  
4757.32, 4757.33, 4757.34, 4757.36, 4757.38, and 4757.43 of the 1761  
Revised Code are hereby repealed. 1762

**Section 3.** Within ninety days after the effective date of 1763  
this section, the Governor shall appoint the initial marriage and 1764  
family therapist and independent marriage and family therapist 1765  
members of the Counselor, Social Worker, and Marriage and Family 1766  
Therapist Board, in accordance with section 4757.03 of the Revised 1767  
Code, as amended by this act. Such an appointee is not required, 1768  
at the time of appointment, to be licensed as a marriage and 1769  
family therapist or independent marriage and family therapist. 1770

However, the appointee may remain a board member only if the 1771  
appointee becomes licensed as a marriage and family therapist or 1772  
independent marriage and family therapist, as appropriate for the 1773  
member's appointment, within one year of the effective date of 1774  
this section. 1775

**Section 4.** Section 4757.02 of the Revised Code, as amended by 1776  
this act, shall take effect one year after the effective date of 1777  
this act. 1778