

**As Reported by the Senate Insurance, Commerce and Labor
Committee**

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Am. Sub. H. B. No. 374

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

A B I L L

To amend sections 125.22, 2151.421, 2317.02, 4757.01 1
to 4757.07, 4757.10 to 4757.12, 4757.15, 4757.16, 2
4757.17, 4757.18, 4757.19, 4757.22, 4757.23, 3
4757.27, 4757.28, 4757.29, 4757.31, 4757.32, 4
4757.33, 4757.34, 4757.36, 4757.38, 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

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

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section unless the controlling board exempts a board or commission 46
from this requirement on the recommendation of the director of 47
administrative services: 48

(a) Preparing and processing payroll and other personnel 49
documents; 50

(b) Preparing and processing vouchers, purchase orders, 51
encumbrances, and other accounting documents; 52

(c) Maintaining ledgers of accounts and balances; 53

(d) Preparing and monitoring budgets and allotment plans in 54
consultation with the boards and commissions; 55

(e) Other routine support services that the director of 56
administrative services considers appropriate to achieve 57
efficiency. 58

(2) The agency may perform other services which a board or 59
commission named in division (A) of this section delegates to the 60
agency and the agency accepts. 61

(3) The agency may perform any service for any professional 62
or occupational licensing board not named in division (A) of this 63
section or any commission if the board or commission requests such 64
service and the agency accepts. 65

(C) The director of administrative services shall be the 66
appointing authority for the agency. 67

(D) The agency shall determine the fees to be charged to the 68
boards and commissions, which shall be in proportion to the 69
services performed for each board or commission. 70

(E) Each board or commission named in division (A) of this 71
section and any other board or commission requesting services from 72
the agency shall pay these fees to the agency from the general 73
revenue fund maintenance account of the board or commission or 74
from such other fund as the operating expenses of the board or 75

commission are paid. Any amounts set aside for a fiscal year by a
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;

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coroner; administrator or employee of a child day-care center; 107
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
abortion without the notification of her parents, guardian, or
custodian in accordance with section 2151.85 of the Revised Code.

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

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

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

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

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

Any person, who is required by division (A) of this section
to report known or suspected child abuse or child neglect, may
take or cause to be taken color photographs of areas of trauma
visible on a child and, if medically indicated, cause to be

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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

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memorandum is not grounds for, and shall not result in, the
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.

(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.

(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.

(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

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proceeding resulting from a report submitted pursuant to this 234
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
services agency or municipal or county peace officer to which the
report was made or referred, on the request of the child fatality
review board, shall submit a summary sheet of information
providing a summary of the report to the review board of the
county in which the deceased child resided at the time of death.
On the request of the review board, the agency or peace officer
may, at its discretion, make the report available to the review
board.

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

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

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

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

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(b) If there is more than one juvenile judge in the county, a juvenile judge or the juvenile judges' representative selected by the juvenile judges or, if they are unable to do so for any reason, the juvenile judge who is senior in point of service or the senior juvenile judge's representative;

(c) The county peace officer;

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

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

(f) The prosecuting attorney of the county;

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

(2) A memorandum of understanding shall set forth the normal operating procedure to be employed by all concerned officials in the execution of their respective responsibilities under this section and division (C) of section 2919.21, division (B)(1) of section 2919.22, division (B) of section 2919.23, and section 2919.24 of the Revised Code and shall have as two of its primary goals the elimination of all unnecessary interviews of children who are the subject of reports made pursuant to division (A) or (B) of this section and, when feasible, providing for only one interview of a child who is the subject of any report made pursuant to division (A) or (B) of this section. A failure to follow the procedure set forth in the memorandum by the concerned officials is not grounds for, and shall not result in, the dismissal of any charges or complaint arising from any reported case of abuse or neglect or the suppression of any evidence obtained as a result of any reported child abuse or child neglect 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. 327

(3) A memorandum of understanding shall include all of the 328
following: 329

(a) The roles and responsibilities for handling emergency and 330
nonemergency cases of abuse and neglect; 331

(b) Standards and procedures to be used in handling and 332
coordinating investigations of reported cases of child abuse and 333
reported cases of child neglect, methods to be used in 334
interviewing the child who is the subject of the report and who 335
allegedly was abused or neglected, and standards and procedures 336
addressing the categories of persons who may interview the child 337
who is the subject of the report and who allegedly was abused or 338
neglected. 339

(K)(1) Except as provided in division (K)(4) of this section, 340
a person who is required to make a report pursuant to division (A) 341
of this section may make a reasonable number of requests of the 342
public children services agency that receives or is referred the 343
report to be provided with the following information: 344
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(a) Whether the agency has initiated an investigation of the 346
report; 347

(b) Whether the agency is continuing to investigate the 348
report; 349

(c) Whether the agency is otherwise involved with the child 350
who is the subject of the report; 351

(d) The general status of the health and safety of the child 352
who is the subject of the report; 353

(e) Whether the report has resulted in the filing of a 354
complaint in juvenile court or of criminal charges in another 355
court. 356

(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

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in accordance with Chapter 119. of the Revised Code to implement 388
this section. The department of job and family services may enter 389
into a plan of cooperation with any other governmental entity to 390
aid in ensuring that children are protected from abuse and 391
neglect. The department shall make recommendations to the attorney 392
general that the department determines are necessary to protect 393
children from child abuse and child neglect. 394

(M) No later than the end of the day following the day on 395
which a public children services agency receives a report of 396
alleged child abuse or child neglect, or a report of an alleged 397
threat of child abuse or child neglect, that allegedly occurred in 398
or involved an out-of-home care entity, the agency shall provide 399
written notice of the allegations contained in and the person 400
named as the alleged perpetrator in the report to the 401
administrator, director, or other chief administrative officer of 402
the out-of-home care entity that is the subject of the report 403
unless the administrator, director, or other chief administrative 404
officer is named as an alleged perpetrator in the report. If the 405
administrator, director, or other chief administrative officer of 406
an out-of-home care entity is named as an alleged perpetrator in a 407
report of alleged child abuse or child neglect, or a report of an 408
alleged threat of child abuse or child neglect, that allegedly 409
occurred in or involved the out-of-home care entity, the agency 410
shall provide the written notice to the owner or governing board 411
of the out-of-home care entity that is the subject of the report. 412
The agency shall not provide witness statements or police or other 413
investigative reports. 414

(N) No later than three days after the day on which a public 415
children services agency that conducted the investigation as 416
determined pursuant to section 2151.422 of the Revised Code makes 417
a disposition of an investigation involving a report of alleged 418
child abuse or child neglect, or a report of an alleged threat of 419

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

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provisions of the Rules of Civil Procedure in connection with a 451
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

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dental records or other communications between a patient and the 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

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question, in lieu of personally testifying as to the results of 514
the test in question, the custodian of the records may submit a 515
certified copy of the records, and, upon its submission, the 516
certified copy is qualified as authentic evidence and may be 517
admitted as evidence in accordance with the Rules of Evidence. 518
Division (A) of section 2317.422 of the Revised Code does not 519
apply to any certified copy of records submitted in accordance 520
with this division. Nothing in this division shall be construed to 521
limit the right of any party to call as a witness the person who 522
administered the test to which the records pertain, the person 523
under whose supervision the test was administered, the custodian 524
of the records, the person who made the records, or the person 525
under whose supervision the records were made. 526

(3)(a) If the testimonial privilege described in division 527
(B)(1) of this section does not apply as provided in division 528
(B)(1)(a)(iii) of this section, a physician or dentist may be 529
compelled to testify or to submit to discovery under the Rules of 530
Civil Procedure only as to a communication made to the physician 531
or dentist by the patient in question in that relation, or the 532
physician's or dentist's advice to the patient in question, that 533
related causally or historically to physical or mental injuries 534
that are relevant to issues in the medical claim, dental claim, 535
chiropractic claim, or optometric claim, action for wrongful 536
death, other civil action, or claim under Chapter 4123. of the 537
Revised Code. 538

(b) If the testimonial privilege described in division (B)(1) 539
of this section does not apply to a physician or dentist as 540
provided in division (B)(1)(c) of this section, the physician or 541
dentist, in lieu of personally testifying as to the results of the 542
test in question, may submit a certified copy of those results, 543
and, upon its submission, the certified copy is qualified as 544
authentic evidence and may be admitted as evidence in accordance 545

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with the Rules of Evidence. Division (A) of section 2317.422 of
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.

(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.

(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.

(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.

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

(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

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

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

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

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

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

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

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

(7) Nothing in divisions (B)(1) to (6) of this section
affects, or shall be construed as affecting, the immunity from
civil liability conferred by section 307.628 or 2305.33 of the

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Revised Code upon physicians who report an employee's use of a
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.

(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;

(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;

(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;

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

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

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

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

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

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

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

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

(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.

(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.

(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;

(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," 703
104 Stat. 366 (1990), 47 U.S.C. 225, concerning a communication 704
made through a telecommunications relay service. Nothing in this 705
section shall limit the obligation of a communications assistant 706
to divulge information or testify when mandated by federal law or 707
regulation or pursuant to subpoena in a criminal proceeding. 708

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

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

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

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

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

(2) If the testimonial privilege described in division (J)(1) 733

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of this section does not apply as provided in division (J)(1)(c) 734
of this section, a chiropractor may be compelled to testify or to 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

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means an approach to counseling that emphasizes the counselor's
role in systematically assisting clients through all of the
following: assessing and analyzing background and current
information, diagnosing mental and emotional disorders, exploring
possible solutions, and developing and providing a treatment plan
for mental and emotional adjustment or development. "Clinical
counseling principles, methods, or procedures" includes at least
counseling, appraisal, consulting, and referral.

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

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

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

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

(G) "Marriage and family therapy" means the diagnosis,
evaluation, assessment, counseling, management, and treatment of
mental and emotional disorders, whether cognitive, affective, or
behavioral, within the context of marriage and family systems,

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through the professional application of marriage and family 796
therapies and techniques. 797

(H) "Practice of marriage and family therapy" means the 798
diagnosis, treatment, evaluation, assessment counseling, and 799
management of mental and emotional disorders, whether cognitive, 800
affective or behavioral, within the context of marriage and family 801
systems, to individuals, couples, and families, singly or in 802
groups, whether those services are offered directly to the general 803
public or through public or private organizations, for a fee, 804
salary or other consideration through the professional application 805
of marriage and family theories, therapies, and techniques, 806
including, but not limited to psychotherapeutic theories, 807
therapies and techniques that marriage and family therapists are 808
educated and trained to perform. The practice of marriage and 809
family therapy does not mean any of the following: 810

(1) The treatment of biologically based psychiatric 811
conditions without consultation with an appropriate licensed 812
physician or clinical nurse specialist who practices the nursing 813
specialty of mental health or psychiatric mental health; 814

(2) The use of psychotherapeutic techniques that are 815
exclusive to the scope of practice of a licensed psychologist or 816
psychiatrist; 817

(3) Any act that marriage and family therapists are not 818
educated to perform. 819

Sec. 4757.02. (A) Except as provided in division (C) of this 820
section and section 4757.41 of the Revised Code: 821

(1) No person shall engage in or ~~hold herself or himself out~~ 822
~~as~~ claim to the public to be engaging in the practice of 823
professional counseling for a fee, salary, or other consideration 824
unless the person is currently licensed under this chapter as a 825
professional clinical counselor or professional counselor. 826

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(2) No person shall practice or ~~hold herself or himself out~~ 827
~~as claim to the public to be~~ practicing social work for a fee, 828
salary, or other consideration unless the person is currently 829
licensed under this chapter as an independent social worker or a 830
social worker. 831

(3) No person shall ~~hold herself or himself out as claim to~~ 832
~~the public to be~~ a social work assistant unless the person is 833
currently registered under this chapter as a social work 834
assistant. 835

(4) No person shall engage in the practice of marriage and 836
family therapy or claim to the public to be engaging in the 837
practice of marriage and family therapy unless the person is 838
currently licensed under this chapter as a marriage and family 839
therapist. 840

(B)(1) No person shall use the title "professional clinical 841
counselor," "professional counselor," or any other title or 842
description incorporating the word "counselor" or any initials 843
used to identify persons acting in those capacities unless 844
currently authorized under this chapter by licensure to act in the 845
capacity indicated by the title or initials. 846

(2) No person shall use the title "social worker," 847
"independent social worker," "social work assistant," or any other 848
title or description incorporating the words "social worker" or 849
any initials used to identify persons acting in those capacities 850
unless the person is currently authorized by licensure or 851
registration under this chapter to act in the capacity indicated 852
by the title or initials. 853

(3) No person shall use the title "marriage and family 854
therapist" or any initials used to identify persons acting in that 855
capacity unless the person is currently authorized by licensure 856
under this chapter to act in the capacity indicated by the title 857

or initials. 858

(C)(1) Divisions (A)(1) to (3) of this section do not apply 859
to the practice of marriage and family therapy by a person holding 860
a valid license or temporary license as a marriage and family 861
therapist or independent marriage and family therapist under this 862
chapter. 863

(2) Division (A)(4) of this section does not apply to the 864
following persons licensed or registered under this chapter: 865
professional clinical counselors, professional counselors, 866
independent social workers, social workers, and social work 867
assistants. 868

Sec. 4757.03. There is hereby created the counselor and, 869
social worker, and marriage and family therapist board, consisting 870
of ~~eleven~~ fifteen members. The governor shall appoint the members 871
with the advice and consent of the senate. 872

Four of the members shall be individuals licensed under this 873
chapter as professional clinical counselors or professional 874
counselors. At all times, the counselor membership shall include 875
at least two licensed professional clinical counselors, at least 876
one individual who has received a doctoral degree in counseling 877
from an accredited educational institution recognized by the board 878
and holds a graduate level teaching position in a counselor 879
education program, and at least two individuals who have received 880
at least a master's degree in counseling from an accredited 881
educational institution recognized by the board. 882

Two of the members shall be individuals licensed under this 883
chapter as independent marriage and family therapists and two 884
shall be individuals licensed under this chapter as marriage and 885
family therapists or, if the board has not yet licensed 886
independent marriage and family therapists or marriage and family 887
therapists, eligible for licensure as independent marriage and 888

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family therapists or marriage and family therapists. They shall 889
have, during the five years preceding appointment, actively 890
engaged in the practice of marriage and family therapy, in 891
educating and training master's, doctoral, or postdoctoral 892
students of marriage and family therapy, or in marriage and family 893
therapy research and, during the two years immediately preceding 894
appointment, shall have devoted the majority of their professional 895
time to the activity while residing in this state. 896

Two members shall be individuals licensed under this chapter 897
as independent social workers. Two members shall be individuals 898
licensed under this chapter as social workers, at least one of 899
whom must hold a bachelor's or master's degree in social work from 900
an accredited educational institution recognized by the board. At 901
all times, the social worker membership shall include one educator 902
who holds a teaching position in a baccalaureate or master's 903
degree social work program at an accredited educational 904
institution recognized by the board. 905

Three members shall be representatives of the general public 906
who have not practiced professional counseling, marriage and 907
family therapy, or social work and have not been involved in the 908
delivery of professional counseling, marriage and family therapy, 909
or social work services. At least one of the members representing 910
the general public shall be at least sixty years of age. During 911
their terms the public members shall not practice professional 912
counseling, marriage and family therapy, or social work or be 913
involved in the delivery of professional counseling, marriage and 914
family therapy, or social work services. 915

Not more than ~~six~~ eight members of the board may be members 916
of the same political party or sex. At least one member of the 917
board shall be of African, Native American, Hispanic, or Asian 918
descent. 919

Of the initial appointees, three shall be appointed for terms 920

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ending October 10, 1985, four shall be appointed for terms ending 921
October 10, 1986, and four shall be appointed for terms ending 922
October 10, 1987. Of the two initial independent marriage and 923
family therapists appointed to the board, one shall be appointed 924
for a term ending two years after the effective date of this 925
amendment and one for a term ending three years after that date. 926
Of the two initial marriage and family therapists appointed to the 927
board, one shall be appointed for a term ending two years after 928
the effective date of this amendment and one for a term ending 929
three years after that date. After the initial appointments, terms 930
of office shall be three years, each term ending on the same day 931
of the same month of the year as did the term that it succeeds. 932

A member shall hold office from the date of appointment until 934
the end of the term for which the member was appointed. A member 935
appointed to fill a vacancy occurring prior to the expiration of 936
the term for which the member's predecessor was appointed shall 937
hold office for the remainder of that term. A member shall 938
continue in office after the expiration date of the member's term 939
until a successor takes office or until a period of sixty days has 940
elapsed, whichever occurs first. Members may be reappointed, 941
except that if a person has held office for two consecutive full 942
terms, the person shall not be reappointed to the board sooner 943
than one year after the expiration of the second full term as a 944
member of the board. 945

Sec. 4757.04. Within the counselor ~~and~~, social worker, and 946
marriage and family therapist board, there is hereby created the 947
counselors professional standards committee ~~and~~, the social 948
workers professional standards committee, and the marriage and 949
family therapist professional standards committee. 950

The counselors professional standards committee consists of 951
the board's professional clinical counselor and professional 952

counselor members and one of the members representing the public. 953
The committee has full authority to act on behalf of the board on 954
all matters concerning professional clinical counselors and 955
professional counselors. 956

The social workers professional standards committee consists 957
of the board's independent social worker and social worker members 958
and one of the members representing the public who is not the 959
member representing the public on the counselors professional 960
standards committee. The committee has full authority to act on 961
behalf of the board on all matters concerning independent social 962
workers, social workers, and social work assistants. 963

The marriage and family therapist professional standards 964
committee consists of the board's marriage and family therapists 965
and one of the members representing the public who is not the 966
member representing the public on the counselors professional 967
standards committee or the social workers professional standards 968
committee. 969

Sec. 4757.05. (A) The counselor ~~and~~, social worker, ~~and~~ 970
marriage and family therapist board shall meet as a whole to 971
discuss and review issues regarding personnel, budgetary matters, 972
administration, and any other matter pertaining to the operation 973
of the entire board. The board shall hold at least one regular 974
meeting every three months. Additional meetings may be held at 975
such times as the board determines, upon call of the chairperson, 976
or upon the written request of ~~three~~ four or more members of the 977
board to the executive director. If ~~three~~ four or more members so 978
request a meeting, the executive director shall call a meeting to 979
commence in not more than seven days. ~~Six~~ Eight members of the 980
board constitute a quorum to conduct business. Except as provided 981
in section 4757.39 of the Revised Code, no action shall be taken 982
without the concurrence of at least a quorum. 983

The counselors professional standards committee ~~and~~, the 984
social workers professional standards committee, and the marriage 985
and family therapist professional standards committee shall meet 986
as necessary to fulfill their duties established by this chapter 987
and the rules adopted under it. Three members of a committee 988
constitute a quorum for that committee to conduct business. No 989
action shall be taken without the concurrence of at least a 990
quorum. 991

(B) At its first meeting each year, the board shall elect a 992
chairperson from among its members. At the first meeting held each 993
year by the board's professional standards committees, each 994
committee shall elect from among its members a chairperson. The 995
chairpersons of the committees shall serve as co-vice-chairpersons 996
of the board. Neither the board nor ~~either~~ of its committees shall 997
elect a member to serve more than two consecutive terms in the 998
same office. 999

(C) The board shall employ an executive director. The board 1000
may employ and prescribe the powers and duties of such employees 1001
and consultants as are necessary for it and its professional 1002
standards committees to carry out this chapter and rules adopted 1003
under it. 1004

(D) The members of the board shall receive an amount fixed 1005
under division (J) of section 124.15 of the Revised Code for each 1006
day employed in the discharge of their official duties as board or 1007
committee members and shall be reimbursed for their necessary and 1008
actual expenses incurred in the performance of their official 1009
duties. 1010

(E) The board and each of its professional standards 1011
committees shall keep any records and minutes necessary to fulfill 1012
the duties established by this chapter and the rules adopted under 1013
it. 1014

Sec. 4757.06. The counselor and, social worker, and marriage 1015
and family therapist board shall adopt a seal to authenticate its 1016
records and proceedings. Each of the board's professional 1017
standards committees shall use the seal to authenticate its 1018
records and proceedings. 1019

A statement, signed by the executive director of the board to 1020
which is affixed the official seal of the board, to the effect 1021
that a person specified in the statement is not currently licensed 1022
or registered under this chapter or that a license or certificate 1023
of registration has been revoked or suspended, shall be received 1024
as prima-facie evidence of a record of the board in any court or 1025
before any officer of the state. 1026

Sec. 4757.07. The counselor and, social worker, and marriage 1027
and family therapist board and its professional standards 1028
committees shall not discriminate against any licensee, 1029
registrant, or applicant for a license or certificate of 1030
registration under this chapter because of the person's race, 1031
color, religion, sex, national origin, disability as defined in 1032
section 4112.01 of the Revised Code, or age. The board or 1033
committee, as appropriate, shall afford a hearing to any person 1034
who files with the board or committee a statement alleging 1035
discrimination based on any of those reasons. 1036

Sec. 4757.10. The counselor and, social worker, and marriage 1037
and family therapist board may adopt any rules necessary to carry 1038
out this chapter. ~~The~~ 1039

The board shall adopt rules concerning that do all of the 1040
following: 1041

(A) Concern intervention for and treatment of any impaired 1042
person holding a license or certificate of registration issued 1043

under this chapter; 1044

(B) Establish standards for training and experience of supervisors described in division (C) of section 4757.30 of the Revised Code; 1045
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(C) Define the requirement that an applicant be of good moral character in order to be licensed or registered under this chapter; 1048
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(D) Determine what fields are related to marriage and family therapy for purposes of division (D) of section 4757.30 of the Revised Code; 1051
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(E) Define the requirements necessary to obtain a temporary license under section 4757.301 of the Revised Code. All 1054
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All rules adopted under this section shall be adopted in accordance with Chapter 119. of the Revised Code. When it adopts rules under this section or any other section of this chapter, the board may consider standards established by any national association or other organization representing the interests of those involved in professional counseling ~~or, social work, or marriage and family therapy. The board shall adopt a rule defining the requirement that an applicant be of good moral character in order to be licensed or registered under this chapter.~~ 1056
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Sec. 4757.11. The counselor and, social worker, and marriage and family therapist board shall establish a code of ethical practice for persons licensed under this chapter as professional clinical counselors or professional counselors. The board shall establish a code of ethical practice for persons licensed under this chapter as independent social workers or social workers and, persons registered under this chapter as social work assistants, and persons licensed as independent marriage and family therapists or marriage and family therapists. The codes of ethical practice shall be established by adopting rules in accordance with Chapter 1065
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119. of the Revised Code. The codes of ethical practice shall 1075
define unprofessional conduct, which shall include engaging in a 1076
dual relationship with a client or former client, committing an 1077
act of sexual abuse, misconduct, or exploitation of a client or 1078
former client, and, except as permitted by law, violating client 1079
confidentiality. The codes of ethical practice may be based on any 1080
codes of ethical practice developed by national organizations 1081
representing the interests of those involved in professional 1082
counseling ~~or~~, social work, or marriage and family therapy. The 1083
board may establish standards in its codes of ethical practice 1084
that are more stringent than those established by national 1085
organizations. 1086

Sec. 4757.12. (A) A person who is licensed or registered 1087
under this chapter, and a person or agency that employs a person 1088
licensed or registered under this chapter, may charge a client or 1089
receive remuneration for professional counseling ~~or~~, social work, 1090
or marriage and family therapy services only if one of the 1091
following ~~apply~~ applies: 1092

(1) Prior to the performance of services, the client is 1093
furnished a copy of a professional disclosure statement containing 1094
the information described in division (B) of this section; 1095

(2) A professional disclosure statement containing the 1096
information described in division (B) of this section is displayed 1097
in a conspicuous location at the place where the services are 1098
performed and a copy of the statement is provided to the client 1099
upon request. 1100

(B) The professional disclosure statement required by 1101
division (A) of this section shall contain the following: 1102

(1) The name, title, business address, and business telephone 1103
number of the professional clinical counselor, professional 1104

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counselor, social work assistant, social worker, ~~or~~ independent
 social worker, independent marriage and family therapist, or
marriage and family therapist performing the services; 1105
 1106
 1107
 1108

(2) The formal professional education of the person 1109
 performing the services, including the institutions the person 1110
 attended, the dates attended, and the degrees received from them; 1111

(3) The areas of competence in the field in which the person 1112
 is licensed or registered and the services the person provides; 1113

(4) In the case of a person who is engaged in a private 1114
 individual practice, partnership, or group practice, the person's 1115
 fee schedule, listed by type of service or hourly rate; 1116

(5) At the bottom of the first page of the disclosure 1117
 statement, the words, "~~this~~ This information is required by the 1118
 counselor ~~and~~, social worker, and marriage and family therapist 1119
 board, which regulates the practices of professional counseling 1120
~~and~~, social work, and marriage and family therapy in this state," 1121
 and, immediately beneath those words, the name, address, and 1122
 telephone number of the board. 1123

Sec. 4757.15. The counselor ~~and~~, social worker, and marriage 1124
and family therapist board shall prepare, cause to be prepared, or 1125
 procure the use of, and grade, have graded, or procure the grading 1126
 of, examinations to determine the competence of applicants for 1127
 licensure under this chapter. The board may administer separate 1128
 examinations to reflect differences in educational degrees earned 1129
 by applicants. The board may develop the examinations or use 1130
 examinations prepared by state or national organizations that 1131
 represent the interests of those involved in professional 1132
 counseling ~~or~~, social work, or marriage and family therapy. The 1133
 board shall conduct examinations at least twice each year and 1134
 shall determine the level of competence necessary for a passing 1135

score. 1136

Sec. 4757.16. (A) A person seeking to be licensed under this 1137
chapter as a professional clinical counselor or professional 1138
counselor shall file with the counselors professional standards 1139
committee of the counselor ~~and~~, social worker, and marriage and 1140
family therapist board a written application on a form prescribed 1141
by the board. A person seeking to be licensed under this chapter 1142
as an independent social worker or social worker or registered 1143
under this chapter as a social work assistant shall file with the 1144
social workers professional standards committee of the board a 1145
written application on a form prescribed by the board. ~~Each A~~ 1146
person seeking to be licensed under this chapter as an independent 1147
marriage and family therapist or a marriage and family therapist 1148
shall file with the marriage and family therapist professional 1149
standards committee of the board a written application on a form 1150
prescribed by the board. 1151

Each form prescribed by the board shall contain a statement 1152
informing the applicant that a person who knowingly makes a false 1153
statement on the form is guilty of falsification under section 1154
2921.13 of the Revised Code, a misdemeanor of the first degree. 1155

(B) The professional standards committees shall review each 1156
application received and shall determine whether the applicant 1157
meets the requirements to receive the license or certificate of 1158
registration for which application has been made. 1159

Sec. 4757.17. The professional standards committees of the 1160
counselor ~~and~~, social worker, and marriage and family therapist 1161
board shall review the applications of applicants for licensure or 1162
registration under this chapter who have received a post-secondary 1163
degree from an educational institution outside the United States. 1164
The committee reviewing the application shall determine whether 1165

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the applicant's experience, command of the English language, and 1166
completed academic program meet the standards of an academic 1167
program of an accredited educational institution. If they do, the 1168
applicant shall be considered to have received the education from 1169
an accredited educational institution as required by this chapter 1170
and rules adopted under it. 1171

Sec. 4757.18. The counselor and, social worker, and marriage 1172
and family therapist board may enter into a reciprocal agreement 1173
with any state that regulates individuals practicing in the same 1174
capacities as those regulated under this chapter if the board 1175
finds that the state has requirements substantially equivalent to 1176
the requirements this state has for receipt of a license or 1177
certificate of registration under this chapter. In a reciprocal 1178
agreement, the board agrees to issue the appropriate license or 1179
certificate of registration to any resident of the other state 1180
whose practice is currently authorized by that state if that 1181
state's regulatory body agrees to authorize the appropriate 1182
practice of any resident of this state who holds a valid license 1183
or certificate of registration issued under this chapter. 1184

The professional standards committees of the board may, by 1185
endorsement, issue the appropriate license or certificate of 1186
registration to a resident of a state with which the board does 1187
not have a reciprocal agreement, if the person submits proof 1188
satisfactory to the committee of currently being licensed, 1189
certified, registered, or otherwise authorized to practice by that 1190
state. 1191

Sec. 4757.19. On receipt of a notice pursuant to section 1192
3123.43 of the Revised Code, the counselor and, social worker, and 1193
marriage and family therapist board shall comply with sections 1194
3123.41 to 3123.50 of the Revised Code and any applicable rules 1195

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adopted under section 3123.63 of the Revised Code with respect to 1196
a license issued pursuant to this chapter. 1197

Sec. 4757.22. (A) The counselors professional standards 1198
committee of the counselor ~~and~~, social worker, and marriage and 1199
family therapist board shall issue a license to practice as a 1200
professional clinical counselor to each applicant who submits a 1201
properly completed application, pays the fee established under 1202
section 4757.31 of the Revised Code, and meets the requirements 1203
specified in division (B) of this section. 1204

(B) To be eligible for a professional clinical counselor 1205
license, an individual must meet the following requirements: 1206

(1) The individual must be of good moral character. 1207

(2) The individual must hold from an accredited educational 1208
institution a graduate degree in counseling. 1209

(3) The individual must complete a minimum of ninety quarter 1210
hours of graduate credit in counselor training acceptable to the 1211
committee, including a minimum of thirty quarter hours of 1212
instruction in the following areas: 1213

(a) Clinical psychopathology, personality, and abnormal 1214
behavior; 1215

(b) Evaluation of mental and emotional disorders; 1216

(c) Diagnosis of mental and emotional disorders; 1217

(d) Methods of prevention, intervention, and treatment of 1218
mental and emotional disorders. 1219

(4) The individual must complete, in either a private or 1220
clinical counseling setting, supervised experience in counseling 1221
that is of a type approved by the committee, is supervised by a 1222
professional clinical counselor or other qualified professional 1223
approved by the committee, and is in the following amounts: 1224

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- (a) In the case of an individual holding only a master's degree, not less than two years of experience, which must be completed after the award of the master's degree; 1225
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- (b) In the case of an individual holding a doctorate, not less than one year of experience, which must be completed after the award of the doctorate. 1228
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- (5) The individual must pass a field evaluation that meets the following requirements: 1231
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- (a) Has been completed by the applicant's instructors, employers, supervisors, or other persons determined by the committee to be competent to evaluate an individual's professional competence; 1233
1234
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- (b) Includes documented evidence of the quality, scope, and nature of the applicant's experience and competence in diagnosing and treating mental and emotional disorders. 1237
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- (6) The individual must pass an examination administered by the board for the purpose of determining ability to practice as a professional clinical counselor. 1240
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- (C) To be accepted by the committee for purposes of division (B) of this section, counselor training must include at least the following: 1243
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- (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; 1246
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- (2) Participation in a supervised practicum and internship in counseling. 1251
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- (D) The committee may issue a provisional license to an applicant who meets all of the requirements to be licensed under 1253
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this section, pending the receipt of transcripts or action by the committee to issue a license to practice as a professional clinical counselor.

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

(F) The board shall adopt any rules necessary for the committee to implement this section, including criteria for the committee to use in determining whether an applicant's training should be accepted 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.	1285
(4) The individual must pass an examination administered by the board for the purpose of determining ability to practice as a professional counselor.	1286 1287 1288
(C) To be accepted by the committee for purposes of division (B) of this section, counselor training must include at least the following:	1289 1290 1291
(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;	1292 1293 1294 1295 1296
(2) Participation in a supervised practicum and internship in counseling.	1297 1298
(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.	1299 1300 1301 1302
(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.	1303 1304 1305 1306 1307
(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.	1308 1309 1310 1311 1312
Sec. 4757.27. (A) The social workers professional standards committee of the counselor <u>and, social worker, and marriage and</u>	1313 1314

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family therapist board shall issue a license as an independent 1315
social worker to each applicant who submits a properly completed 1316
application, pays the fee established under section 4757.31 of the 1317
Revised Code, and meets the requirements specified in division (B) 1318
of this section. An independent social worker license shall 1319
clearly indicate each academic degree earned by the person to whom 1320
it has been issued. 1321

(B) To be eligible for a license as an independent social 1322
worker, an individual must meet the following requirements: 1323

(1) The individual must be of good moral character. 1324

(2) The individual must hold from an accredited educational 1325
institution a master's degree or a doctorate in social work. 1326

(3) The individual must complete at least two years of 1327
post-master's degree social work experience supervised by an 1328
independent social worker. 1329

(4) The individual must pass an examination administered by 1330
the board for the purpose of determining ability to practice as an 1331
independent social worker. 1332

(C) The committee may issue a temporary license to an 1333
applicant who meets all of the requirements to be licensed under 1334
this section, pending the receipt of transcripts or action by the 1335
committee to issue a license as an independent social worker. 1336

(D) The board shall adopt any rules necessary for the 1337
committee to implement this section, including criteria for the 1338
committee to use in determining whether an applicant's training 1339
should be accepted and supervised experience approved. Rules 1340
adopted under this division shall be adopted in accordance with 1341
Chapter 119. of the Revised Code. 1342

Sec. 4757.28. (A) The social workers professional standards 1343

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committee of the counselor and, social worker, and marriage and 1344
family therapist board shall issue a license as a social worker to 1345
each applicant who submits a properly completed application, pays 1346
the fee established under section 4757.31 of the Revised Code, and 1347
meets the requirements specified in division (B) of this section. 1348
A social worker license shall clearly indicate each academic 1349
degree earned by the person to whom it is issued. 1350

(B) To be eligible for a license as a social worker, an 1351
individual must meet the following requirements: 1352

(1) The individual must be of good moral character. 1353

(2) The individual must hold from an accredited educational 1354
institution one of the following: 1355

(a) A baccalaureate degree in social work or, prior to 1356
October 10, 1992, a baccalaureate degree in a program closely 1357
related to social work and approved by the committee; 1358

(b) A master's degree in social work; 1359

(c) A doctorate in social work. 1360

(3) The individual must pass an examination administered by 1361
the board for the purpose of determining ability to practice as a 1362
social worker. 1363

(C) The committee may issue a temporary license to an 1364
applicant who meets all of the requirements to be licensed under 1365
this section, pending the receipt of transcripts or action by the 1366
committee to issue a license as a social worker. However, the 1367
committee may issue a temporary license to an applicant who 1368
provides the board with a statement from the applicant's academic 1369
institution indicating that the applicant is in good standing with 1370
the institution, that the applicant has met the academic 1371
requirements for the applicant's degree, and the date the 1372
applicant will receive the applicant's degree. 1373

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

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

(C) The social workers professional standards committee shall

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

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

(1) Properly completed an application for the license;

(2) Paid the required fee established by the board under
section 4757.31 of the Revised Code;

(3) Achieved one of the following:

(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;

(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;

(4) Passed an examination administered by the board for the
purpose of determining the person's ability to be a marriage and
family therapist;

(5) Completed clinical field work that includes at least
three hundred hours of client contact.

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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, diagnosis of individuals and appraisal of families, and systems theory. 1435
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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. 1441
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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: 1455
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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; 1460
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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 or holds a minimum of a master's degree in marriage and family therapy or a related field as 1463
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determined to be acceptable by the board under division (D) of 1467
section 4757.10 of the Revised Code. 1468

(E) An independent marriage and family therapist or a 1469
marriage and family therapist may engage in the private practice 1470
of marriage and family therapy as an individual practitioner or as 1471
a member of a partnership or group practice. 1472

(F) A marriage and family therapist may diagnose and treat 1473
mental and emotional disorders only under the supervision of a 1474
psychologist, psychiatrist, professional clinical counselor, 1475
independent social worker, or independent marriage and family 1476
therapist. An independent marriage and family therapist may 1477
diagnose and treat mental and emotional disorders without 1478
supervision. 1479

(G) Nothing in this chapter or rules adopted under it 1480
authorizes an independent marriage and family therapist or a 1481
marriage and family therapist to admit a patient to a hospital or 1482
requires a hospital to allow a marriage and family therapist to 1483
admit a patient. 1484

Sec. 4757.301. On receipt of an application for a license as 1485
a marriage and family therapist, the counselor, social worker, and 1486
marriage and family therapist board may issue a temporary license 1487
to an individual who qualifies under rules adopted by the board 1488
pursuant to section 4757.10 of the Revised Code. The temporary 1489
license allows the holder to engage in the supervised practice of 1490
marriage and family therapy and is valid from the date of issuance 1491
until the earlier of one year from that date, the date the 1492
applicant withdraws from taking the examination, the date the 1493
applicant is notified that the applicant failed the examination, 1494
or the date the applicant's license is issued under section 1495
4757.30 of the Revised Code. A temporary license may not be 1496
renewed. 1497

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Sec. 4757.31. (A) Subject to division (B) of this section, 1498
the counselor ~~and~~, social worker, and marriage and family 1499
therapist board shall establish, and may from time to time adjust, 1500
fees to be charged for the following: 1501

(1) Examination for licensure as a professional clinical 1502
counselor, professional counselor, marriage and family therapist, 1503
independent marriage and family therapist, social worker, or 1504
independent social worker; 1505

(2) Initial licenses of professional clinical counselors, 1506
professional counselors, marriage and family therapists, 1507
independent marriage and family therapists, social workers, and 1508
independent social workers, except that the board shall charge 1509
only one fee to a person who fulfills all requirements for ~~both~~ 1510
more than one of the following initial licenses: an initial 1511
license as a social worker or independent social worker ~~and~~, an 1512
initial license as a professional counselor or professional 1513
clinical counselor, and an initial license as a marriage and 1514
family therapist or independent marriage and family therapist; 1515

(3) Initial certificates of registration of social work 1516
assistants; 1517

(4) Renewal of licenses of professional clinical counselors, 1518
professional counselors, marriage and family therapists, 1519
independent marriage and family therapists, social workers, and 1520
independent social workers and renewal of certificates of 1521
registration of social work assistants. 1522

(B) The fees charged under division (A)(1) of this section 1523
shall be established in amounts sufficient to cover the direct 1524
expenses incurred in examining applicants for licensure. The fees 1525
charged under divisions (A)(2), (3), and (4) of this section shall 1526
be nonrefundable and shall be established in amounts sufficient to 1527
cover the necessary expenses in administering this chapter and 1528

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rules adopted under it that are not covered by fees charged under 1529
division (A)(1) or (C) of this section. The renewal fee for a 1530
license or certificate of registration shall not be less than the 1531
initial fee for that license or certificate. The fees charged for 1532
licensure and registration and the renewal of licensure and 1533
registration may differ for the various types of licensure and 1534
registration, but shall not exceed ~~seventy-five~~ one hundred 1535
twenty-five dollars each, unless the board determines that amounts 1536
in excess of ~~seventy-five~~ one hundred twenty-five dollars are 1537
needed to cover its necessary expenses in administering this 1538
chapter and rules adopted under it and the amounts in excess of 1539
~~seventy-five~~ one hundred twenty-five dollars are approved by the 1540
controlling board. 1541

(C) All receipts of the board shall be deposited in the state 1542
treasury to the credit of the occupational licensing and 1543
regulatory fund. All vouchers of the board shall be approved by 1544
the chairperson or executive director of the board, or both, as 1545
authorized by the board. 1546

Sec. 4757.32. A license or certificate of registration issued 1547
under this chapter expires two years after it is issued and may be 1548
renewed in accordance with the standard renewal procedure 1549
established under Chapter 4745. of the Revised Code. 1550

Subject to section 4757.36 of the Revised Code, the staff of 1551
the appropriate professional standards committee of the counselor 1552
~~and~~, social worker, and marriage and family therapist board shall, 1553
on behalf of each committee, issue a renewed license or 1554
certificate of registration to each applicant who has paid the 1555
renewal fee established by the board under section 4757.31 of the 1556
Revised Code and satisfied the continuing education requirements 1557
established by the board under section 4757.33 of the Revised 1558
Code. 1559

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A license or certificate of registration that is not renewed 1560
lapses on its expiration date. A license or certificate of 1561
registration that has lapsed may be restored if the individual, 1562
not later than two years after the license or certificate expired, 1563
applies for restoration of the license or certificate. The staff 1564
of the appropriate professional standards committee shall issue a 1565
restored license or certificate of registration to the applicant 1566
if the applicant pays the renewal fee established under section 1567
4757.31 of the Revised Code and satisfies the continuing education 1568
requirements established under section 4757.33 of the Revised Code 1569
for restoring the license or certificate of registration. The 1570
board and its professional standards committees shall not require 1571
a person to take an examination as a condition of having a lapsed 1572
license or certificate of registration restored. 1573

Sec. 4757.33. (A) Except as provided in division (B) of this 1574
section, each person who holds a license or certificate of 1575
registration issued under this chapter shall complete during the 1576
period that the license or certificate is in effect not less than 1577
thirty clock hours of continuing professional education as a 1578
condition of receiving a renewed license or certificate. To have a 1579
lapsed license or certificate of registration restored, a person 1580
shall complete the number of hours of continuing education 1581
specified by the counselor ~~and~~, social worker, and marriage and 1582
family therapist board in rules it shall adopt in accordance with 1583
Chapter 119. of the Revised Code. 1584

The professional standards committees of the counselor ~~and~~, 1585
social worker, and marriage and family therapist board shall adopt 1586
rules in accordance with Chapter 119. of the Revised Code 1587
establishing standards and procedures to be followed by the 1588
committees in conducting the continuing education approval 1589
process. 1590

(B) The board may waive the continuing education requirements 1591
established under this section for persons who are unable to 1592
fulfill them because of military service, illness, residence 1593
abroad, or any other reason the committee considers acceptable. 1594

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In the case of a social worker licensed by virtue of 1596
receiving, prior to October 10, 1992, a baccalaureate degree in a 1597
program closely related to social work, as a condition of the 1598
first renewal of the license, the social worker must complete at 1599
an accredited educational institution a minimum of five semester 1600
hours of social work graduate or undergraduate credit, or their 1601
equivalent, that is acceptable to the committee and includes a 1602
course in social work theory and a course in social work methods. 1603

Sec. 4757.34. Not later than ninety days after ~~the effective~~ 1604
~~date of this section~~ December 9, 1994, the counselor ~~and~~, social 1605
worker, ~~and marriage and family therapist~~ board shall approve one 1606
or more continuing education courses of study that assist social 1607
workers, independent social workers, social work assistants, 1608
independent marriage and family therapists, marriage and family 1609
therapists, professional clinical counselors, and professional 1610
counselors in recognizing the signs of domestic violence and its 1611
relationship to child abuse. Social workers, independent social 1612
workers, social work assistants, independent marriage and family 1613
therapists, marriage and family therapists, professional clinical 1614
counselors, and professional counselors are not required to take 1615
the courses. 1616

Sec. 4757.36. (A) The professional standards committees of 1617
the counselor ~~and~~, social worker, ~~and marriage and family~~ 1618
therapist board, in accordance with Chapter 119. of the Revised 1619
Code, may refuse to issue a license or certificate of registration 1620
applied for under this chapter; refuse to renew a license or 1621

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certificate of registration issued under this chapter; suspend, 1622
 revoke, or otherwise restrict a license or certificate of 1623
 registration issued under this chapter; or reprimand a person 1624
 holding a license or certificate of registration issued under this 1625
 chapter. Such actions may be taken by the appropriate committee if 1626
 the applicant for a license or certificate of registration or the 1627
 person holding a license or certificate of registration has: 1628

(1) Committed a violation of any provision of this chapter or 1629
 rules adopted under it; 1630

(2) Knowingly made a false statement on an application for 1631
 licensure or registration, or for renewal of a license or 1632
 certificate of registration; 1633

(3) Accepted a commission or rebate for referring persons to 1634
 any professionals licensed, certified, or registered by any court 1635
 or board, commission, department, division, or other agency of the 1636
 state, including, but not limited to, individuals practicing 1637
 counseling ~~or~~, social work, or marriage and family therapy or 1638
 practicing in fields related to counseling ~~or~~, social work, or 1639
marriage and family therapy; 1640

(4) Failed to comply with section 4757.12 of the Revised 1641
 Code; 1642

(5) Been convicted in this or any other state of any crime 1643
 that is a felony in this state; 1644

(6) Had the ability to perform properly as a professional 1645
 clinical counselor, professional counselor, independent marriage 1646
and family therapist, marriage and family therapist, social work 1647
 assistant, social worker, or independent social worker impaired 1648
 due to the use of alcohol or other drugs or any other physical or 1649
 mental condition; 1650

(7) Been convicted in this state or in any other state of a 1651

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misdemeanor committed in the course of practice as a professional
 clinical counselor, professional counselor, independent marriage
 and family therapist, marriage and family therapist, social work
 assistant, social worker, or independent social worker;

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

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

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

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

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

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

offenses comparable to offenses defined in Title XXIX of the 1682
Revised Code. 1683

(B) When there is clear and convincing evidence that 1684
continued practice by an individual licensed under this chapter 1685
presents a danger of immediate and serious harm to the public, as 1686
determined on consideration of the evidence by the professional 1687
standards committees of the counselor, social worker, and marriage 1688
and family therapist board, the appropriate committee shall impose 1689
on the individual a summary suspension without a hearing. 1690

Immediately following the decision to impose a summary 1691
suspension, the appropriate committee shall issue a written order 1692
of suspension and cause it to be delivered by certified mail or in 1693
person in accordance with section 119.07 of the Revised Code. The 1694
order shall not be subject to suspension by the court during the 1695
pendency of any appeal filed under section 119.12 of the Revised 1696
Code. If the individual subject to the suspension requests an 1697
adjudication, the date set for the adjudication shall be within 1698
fifteen days but not earlier than seven days after the individual 1699
makes the request, unless another date is agreed to by both the 1700
individual and the committee imposing the suspension. The summary 1701
suspension shall remain in effect, unless reversed by the 1702
committee, until a final adjudication order issued by the 1703
committee pursuant to this section and Chapter 119. of the Revised 1704
Code becomes effective. 1705

The committee shall issue its final adjudication order within 1706
ninety days after completion of the adjudication. If the committee 1707
does not issue a final order within the ninety-day period, the 1708
summary suspension shall be void, but any final adjudication order 1709
issued subsequent to the ninety-day period shall not be affected. 1710

(C) The license issued to an individual under this chapter is 1711
automatically suspended on that individual's conviction of, plea 1712

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of guilty to, or judicial finding with regard to any of the 1713
following: aggravated murder, murder, voluntary manslaughter, 1714
felonious assault, kidnapping, rape, sexual battery, gross sexual 1715
imposition, aggravated arson, aggravated robbery, or aggravated 1716
burglary. The suspension shall remain in effect from the date of 1717
the conviction, plea, or finding until an adjudication is held 1718
under Chapter 119. of the Revised Code. If the appropriate 1719
committee has knowledge that an automatic suspension has occurred, 1720
it shall notify the individual subject to the suspension. If the 1721
individual is notified and either fails to request an adjudication 1722
within the time periods established by Chapter 119. of the Revised 1723
Code or fails to participate in the adjudication, the committee 1724
shall enter a final order permanently revoking the person's 1725
license or certificate. 1726

Sec. 4757.38. The counselor and, social worker, and marriage 1727
and family therapist board shall investigate alleged violations of 1728
this chapter or the rules adopted under it and alleged 1729
irregularities in the delivery of services related to professional 1730
counseling or, social work, or marriage and family therapy by 1731
persons licensed or registered under this chapter. As part of its 1732
conduct of an investigation, the board may issue subpoenas, 1733
examine witnesses, and administer oaths. 1734

The board may receive any information necessary to conduct an 1735
investigation under this section. If the board is investigating 1736
the provision of services to a couple or group, it is not 1737
necessary for both members of the couple or all members of the 1738
group to consent to the release of information relevant to the 1739
investigation. 1740

The board shall ensure that all records it holds pertaining 1741
to an investigation remain confidential. The board shall adopt 1742
rules establishing procedures to be followed in maintaining the 1743

confidentiality of its investigative records. The rules shall be 1744
adopted in accordance with Chapter 119. of the Revised Code. 1745

Sec. 4757.43. Nothing in this chapter or the rules adopted 1746
under it shall be construed as authorizing a professional clinical 1747
counselor, professional counselor, independent marriage and family 1748
therapist, marriage and family therapist, independent social 1749
worker, social worker, or social work assistant to admit a patient 1750
to a hospital or as requiring a hospital to allow any of those 1751
individuals to admit a patient. 1752

Sec. 4757.44. For the purposes of section 2305.51 of the 1753
Revised Code, a person who holds a license issued under this 1754
chapter is a mental health professional. 1755

A license holder is not liable in damages in a civil action, 1756
and shall not be subject to disciplinary action by the counselor, 1757
social worker, and marriage and family therapist board, for 1758
disclosing any confidential information about a client that is 1759
disclosed for the purposes of section 2305.51 of the Revised Code. 1760
1761

Section 2. That existing sections 125.22, 2151.421, 2317.02, 1762
4757.01, 4757.02, 4757.03, 4757.04, 4757.05, 4757.06, 4757.07, 1763
4757.10, 4757.11, 4757.12, 4757.15, 4757.16, 4757.17, 4757.18, 1764
4757.19, 4757.22, 4757.23, 4757.27, 4757.28, 4757.29, 4757.31, 1765
4757.32, 4757.33, 4757.34, 4757.36, 4757.38, and 4757.43 of the 1766
Revised Code are hereby repealed. 1767

Section 3. Within ninety days after the effective date of 1768
this section, the Governor shall appoint the initial marriage and 1769
family therapist and independent marriage and family therapist 1770
members of the Counselor, Social Worker, and Marriage and Family 1771
Therapist Board, in accordance with section 4757.03 of the Revised 1772

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Code, as amended by this act. Such an appointee is not required, 1773
at the time of appointment, to be licensed as a marriage and 1774
family therapist or independent marriage and family therapist. 1775
However, the appointee may remain a board member only if the 1776
appointee becomes licensed as a marriage and family therapist or 1777
independent marriage and family therapist, as appropriate for the 1778
member's appointment, within one year of the effective date of 1779
this section. 1780

Section 4. Section 4757.02 of the Revised Code, as amended by 1781
this act, shall take effect one year after the effective date of 1782
this act. 1783