

As Introduced

124th General Assembly
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2001-2002

H. B. No. 496

**REPRESENTATIVES Peterson, Clancy, Britton, Carmichael, Evans, Fedor,
Hagan, Hollister, Latta, McGregor, R. Miller, Redfern, Reinhard, Rhine,
Schmidt, Schuring, Setzer, Webster, Willamowski, Olman, Fessler**

A B I L L

To amend sections 2317.02, 3793.07, 4745.01, and 1
4757.41; to enact sections 4758.01, 4758.02, 2
4758.04 to 4758.07, 4758.09, 4758.11 to 4758.13, 3
4758.15 to 4758.27, 4758.30, 4758.31, 4758.33 to 4
4758.38, 4758.40, 4758.41, 4758.43, 4758.45 to 5
4758.51, 4758.60 to 4758.62, and 4758.99 of the 6
Revised Code; and to repeal Sections 6, 7, and 8 of 7
Am. Sub. S.B. 172 of the 123rd General Assembly to 8
create the Chemical Dependency Professionals Board, 9
to require licensure or certification of chemical 10
dependency counselors and certification of alcohol 11
and other drug prevention specialists, and to make 12
an appropriation. 13

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

Section 1. That sections 2317.02, 3793.07, 4745.01, and 14
4757.41 be amended and sections 4758.01, 4758.02, 4758.04, 15
4758.05, 4758.06, 4758.07, 4758.09, 4758.11, 4758.12, 4758.13, 16
4758.15, 4758.16, 4758.17, 4758.18, 4758.19, 4758.20, 4758.21, 17
4758.22, 4758.23, 4758.24, 4758.25, 4758.26, 4758.27, 4758.30, 18
4758.31, 4758.33, 4758.34, 4758.35, 4758.36, 4758.37, 4758.38, 19

4758.40, 4758.41, 4758.43, 4758.45, 4758.46, 4758.47, 4758.48, 20
4758.49, 4758.50, 4758.51, 4758.60, 4758.61, 4758.62, and 4758.99 21
of the Revised Code be enacted to read as follows: 22

Sec. 2317.02. The following persons shall not testify in 23
certain respects: 24

(A) An attorney, concerning a communication made to the 25
attorney by a client in that relation or the attorney's advice to 26
a client, except that the attorney may testify by express consent 27
of the client or, if the client is deceased, by the express 28
consent of the surviving spouse or the executor or administrator 29
of the estate of the deceased client and except that, if the 30
client voluntarily testifies or is deemed by section 2151.421 of 31
the Revised Code to have waived any testimonial privilege under 32
this division, the attorney may be compelled to testify on the 33
same subject; 34

(B)(1) A physician or a dentist concerning a communication 35
made to the physician or dentist by a patient in that relation or 36
the physician's or dentist's advice to a patient, except as 37
otherwise provided in this division, division (B)(2), and division 38
(B)(3) of this section, and except that, if the patient is deemed 39
by section 2151.421 of the Revised Code to have waived any 40
testimonial privilege under this division, the physician may be 41
compelled to testify on the same subject. 42

The testimonial privilege established under this division 43
does not apply, and a physician or dentist may testify or may be 44
compelled to testify, in any of the following circumstances: 45

(a) In any civil action, in accordance with the discovery 46
provisions of the Rules of Civil Procedure in connection with a 47
civil action, or in connection with a claim under Chapter 4123. of 48
the Revised Code, under any of the following circumstances: 49

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| (i) If the patient or the guardian or other legal representative of the patient gives express consent; | 50 51 |
| (ii) If the patient is deceased, the spouse of the patient or the executor or administrator of the patient's estate gives express consent; | 52 53 54 |
| (iii) If a medical claim, dental claim, chiropractic claim, or optometric claim, as defined in section 2305.11 of the Revised Code, an action for wrongful death, any other type of civil action, or a claim under Chapter 4123. of the Revised Code is filed by the patient, the personal representative of the estate of the patient if deceased, or the patient's guardian or other legal representative. | 55 56 57 58 59 60 61 |
| (b) In any civil action concerning court-ordered treatment or services received by a patient, if the court-ordered treatment or services were ordered 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. | 62 63 64 65 66 67 68 |
| (c) In any criminal action concerning any test or the results of any test that determines the presence or concentration of alcohol, a drug of abuse, or alcohol and a drug of abuse in the patient's blood, breath, urine, or other bodily substance at any time relevant to the criminal offense in question. | 69 70 71 72 73 |
| (d) In any criminal action against a physician or dentist. In such an action, the testimonial privilege established under this division does not prohibit the admission into evidence, in accordance with the Rules of Evidence, of a patient's medical or 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 | 74 75 76 77 78 79 80 |

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

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

(b) If a health care provider possesses any records of the
type described in division (B)(2)(a) of this section regarding the
person in question at any time relevant to the criminal offense in
question, in lieu of personally testifying as to the results of
the test in question, the custodian of the records may submit a
certified copy of the records, and, upon its submission, the

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

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

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(b) If the testimonial privilege described in division (B)(1)
of this section does not apply to a physician or dentist as
provided in division (B)(1)(c) of this section, the physician or
dentist, in lieu of personally testifying as to the results of the
test in question, may submit a certified copy of those results,
and, upon its submission, the certified copy is qualified as
authentic evidence and may be admitted as evidence in accordance
with the Rules of Evidence. Division (A) of section 2317.422 of
the Revised Code does not apply to any certified copy of results
submitted in accordance with this division. Nothing in this

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division shall be construed to limit the right of any party to
call as a witness the person who administered the test in
question, the person under whose supervision the test was
administered, the custodian of the results of the test, the person
who compiled the results, or the person under whose supervision
the results were compiled.

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

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

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

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

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(i) "Ambulatory care facility" means a facility that provides
medical, diagnostic, or surgical treatment to patients who do not
require hospitalization, including a dialysis center, ambulatory
surgical facility, cardiac catheterization facility, diagnostic
imaging center, extracorporeal shock wave lithotripsy center, home
health agency, inpatient hospice, birthing center, radiation

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therapy center, emergency facility, and an urgent care center. 176
"Ambulatory health care facility" does not include the private 177
office of a physician or dentist, whether the office is for an 178
individual or group practice. 179

(ii) "Emergency facility" means a hospital emergency 180
department or any other facility that provides emergency medical 181
services. 182

(iii) "Health care practitioner" has the same meaning as in 183
section 4769.01 of the Revised Code. 184

(iv) "Hospital" has the same meaning as in section 3727.01 of 185
the Revised Code. 186

(v) "Long-term care facility" means a nursing home, 187
residential care facility, or home for the aging, as those terms 188
are defined in section 3721.01 of the Revised Code; an adult care 189
facility, as defined in section 3722.01 of the Revised Code; a 190
nursing facility or intermediate care facility for the mentally 191
retarded, as those terms are defined in section 5111.20 of the 192
Revised Code; a facility or portion of a facility certified as a 193
skilled nursing facility under Title XVIII of the "Social Security 194
Act," 49 Stat. 286 (1965), 42 U.S.C.A. 1395, as amended. 195

(vi) "Pharmacy" has the same meaning as in section 4729.01 of 196
the Revised Code. 197

(6) Divisions (B)(1), (2), (3), (4), and (5) of this section 198
apply to doctors of medicine, doctors of osteopathic medicine, 199
doctors of podiatry, and dentists. 200

(7) Nothing in divisions (B)(1) to (6) of this section 201
affects, or shall be construed as affecting, the immunity from 202
civil liability conferred by section 307.628 or 2305.33 of the 203
Revised Code upon physicians who report an employee's use of a 204
drug of abuse, or a condition of an employee other than one 205
involving the use of a drug of abuse, to the employer of the 206

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
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(G)(1) A school guidance counselor who holds a valid educator license from the state board of education as provided for in section 3319.22 of the Revised Code, a person licensed under Chapter 4757. of the Revised Code as a professional clinical counselor, professional counselor, social worker, or independent social worker, 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 or social worker-client relationship.

(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. 270
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(2) Nothing in division (G)(1) of this section shall relieve a school guidance counselor or a person licensed or registered under Chapter 4757. of the Revised Code from the requirement to report information concerning child abuse or neglect under section 2151.421 of the Revised Code. 275
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(H) A mediator acting under a mediation order issued under division (A) of section 3109.052 of the Revised Code or otherwise issued in any proceeding for divorce, dissolution, legal separation, annulment, or the allocation of parental rights and responsibilities for the care of children, in any action or proceeding, other than a criminal, delinquency, child abuse, child neglect, or dependent child action or proceeding, that is brought by or against either parent who takes part in mediation in accordance with the order and that pertains to the mediation process, to any information discussed or presented in the mediation process, to the allocation of parental rights and responsibilities for the care of the parents' children, or to the awarding of parenting time rights in relation to their children; 280
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(I) A communications assistant, acting within the scope of the communication assistant's authority, when providing telecommunications relay service pursuant to section 4931.35 of the Revised Code or Title II of the "Communications Act of 1934," 104 Stat. 366 (1990), 47 U.S.C. 225, concerning a communication made through a telecommunications relay service. Nothing in this section shall limit the obligation of a communications assistant to divulge information or testify when mandated by federal law or regulation or pursuant to subpoena in a criminal proceeding. 293
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Nothing in this section shall limit any immunity or privilege granted under federal law or regulation.

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

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

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

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

(2) If the testimonial privilege described in division (J)(1) of this section does not apply as provided in division (J)(1)(c) of this section, a chiropractor may be compelled to testify or to submit to discovery under the Rules of Civil Procedure only as to a communication made to the chiropractor by the patient in question in that relation, or the chiropractor's advice to the patient in question, that related causally or historically to

physical or mental injuries that are relevant to issues in the 333
medical claim, dental claim, chiropractic claim, or optometric 334
claim, action for wrongful death, other civil action, or claim 335
under Chapter 4123. of the Revised Code. 336

(3) The testimonial privilege established under this division 337
does not apply, and a chiropractor may testify or be compelled to 338
testify, in any criminal action or administrative proceeding. 339
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(4) As used in this division, "communication" means 341
acquiring, recording, or transmitting any information, in any 342
manner, concerning any facts, opinions, or statements necessary to 343
enable a chiropractor to ~~diagnosis~~ diagnose, treat, or act for a 344
patient. A communication may include, but is not limited to, any 345
chiropractic, office, or hospital communication such as a record, 346
chart, letter, memorandum, laboratory test and results, x-ray, 347
photograph, financial statement, diagnosis, or prognosis. 348

(K) An individual who holds a license or certificate under 349
Chapter 4758. of the Revised Code as an independent chemical 350
dependency counselor, chemical dependency counselor III, chemical 351
dependency counselor II, chemical dependency counselor I, chemical 352
dependency counselor assistant, prevention specialist II, 353
prevention specialist I, or registered applicant concerning a 354
communication made to that individual by a client or consumer in 355
that relation or the individual's advice to a client or consumer, 356
or a communication made to the individual by a licensed health 357
professional in regard to a client or consumer, except as 358
permitted by federal law or regulation. Nothing in this division 359
shall limit any immunity or privilege granted under federal law or 360
regulation. 361

Sec. 3793.07. (A) As used in this section: 362

(1) "Medicare program" means the program established under 363

Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended;

(2) "Medicaid program" means the program established under Title XIX of the "Social Security Act."

(B) ~~The~~ Except as provided in division (D) of this section, the department of alcohol and drug addiction services shall establish and administer a process for the certification or credentialing of chemical dependency ~~professionals~~ counselors and alcohol and other drug abuse prevention specialists for the purpose of qualifying ~~the~~ their services ~~provided by chemical dependency professionals~~ for reimbursement under the medicare or medicaid program. The process shall be made available to any individual who is a member of the profession of ~~alcoholism counseling,~~ drug abuse counseling, or chemical dependency counseling, or any individual who is an ~~alcoholism or alcohol and other~~ drug abuse prevention ~~consultant or~~ specialist. Nothing in this section shall be construed as requiring such certification or credentials for services that are not reimbursed by medicare or medicaid.

The department shall cease to administer its process for the certification or credentialing of chemical dependency counselors and alcohol and other drug abuse prevention specialists under this section at the earlier of the following:

(1) The date, which shall be specified in an agreement between the department and chemical dependency professionals board, on which the board is to assume, under Chapter 4758. of the Revised Code, the department's certification duties;

(2) Two years after the effective date of this amendment.

(C) The department shall adopt rules in accordance with Chapter 119. of the Revised Code establishing standards and procedures for the certification or credentialing process. The

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| rules shall include the following: | 395 |
| (1) Eligibility requirements; | 396 |
| (2) Application procedures; | 397 |
| (3) Minimum educational and clinical training requirements that must be met for initial certification or credentialing; | 398 399 |
| (4) Continuing education and training requirements for certified or credentialed individuals; | 400 401 |
| (5) Application and renewal fees that do not exceed the cost incurred by the department in implementing and administering the process; | 402 403 404 |
| (6) Administration or approval of examinations; | 405 |
| (7) Investigation of complaints and alleged violations of this section; | 406 407 |
| (8) Maintenance of the confidentiality of the department's investigative records; | 408 409 |
| (9) Disciplinary actions, including application denial and suspension or revocation of certification or credentials; | 410 411 |
| (10) Any other rules the department considers necessary to establish or administer the certification or credentialing process. | 412 413 414 |
| <u>(D)(1) Except as provided in division (D)(2) of this section, the department shall not issue an initial certificate or credential to practice as a chemical dependency counselor I, but may renew such a certificate or credential issued prior to the effective date of this amendment or pursuant to division (D)(2) of this section until the department ceases to administer the certification and credentialing process under this section.</u> | 415 416 417 418 419 420 421 |
| <u>(2) The department may issue an initial certificate or credential to practice as a chemical dependency counselor I to an</u> | 422 423 |

individual if the individual submitted the application for 424
certification or credentials to the department prior to the 425
effective date of this amendment. 426

(E) The department shall investigate alleged violations of 427
this section or the rules adopted under it. As part of its 428
investigation, the department may issue subpoenas, examine 429
witnesses, and administer oaths. The department shall ensure that 430
all records it holds pertaining to an investigation remain 431
confidential. 432

~~(E)~~(F) With respect to hearings conducted by the department 433
as part of the certification or credentialing process, both of the 434
following apply: 435

(1) An individual whose application for certification or 436
credentials issued under this section has been denied by the 437
department may request a hearing in accordance with Chapter 119. 438
of the Revised Code and the rules adopted under this section. 439

(2) The department may appoint a referee or hearing examiner 440
to conduct the proceedings and make recommendations to the 441
department as appropriate. 442

~~(F)~~(G) The department shall maintain a record of all fees 443
collected under this section. All fees collected shall be paid 444
into the state treasury to the credit of the credentialing fund, 445
which is hereby created. Money credited to the fund shall be used 446
solely to pay the costs of establishing and administering the 447
process for certification or credentialing of chemical dependency 448
professionals under this section. 449

~~(G)~~ Certifications Money credited to the credentialing fund 450
under this section shall be transferred to the chemical dependency 451
professionals board fund created under section 4758.16 of the 452
Revised Code at the earlier of the following: 453

(1) The date, which shall be specified in an agreement 454

between the department and chemical dependency professionals 455
board, on which the board is to assume, under Chapter 4758. of the 456
Revised Code, the department's certification duties; 457

(2) Two years after the effective date of this amendment. 458

(H) Certifications made and credentials issued by the Ohio 459
credentialing board for chemical dependency professionals prior to 460
the date the department establishes its certification or 461
credentialing process under this section shall continue to be 462
accepted by the department until, with respect to any particular 463
individual, one of the following occurs: 464

(1) The individual's certification or credentials from the 465
board have expired. 466

(2) The individual's certification or credentials from the 467
board would be suspended or revoked by the department if the 468
certification or credentials had been issued by the department 469
under this section. 470

Sec. 4745.01. (A) "Standard renewal procedure," as used in 471
Chapters 905., 907., 909., 911., 913., 915., 918., 921., 923., 472
927., 942., 943., 953., 1321., 3710., 3713., 3719., 3731., 3742., 473
3748., 3769., 3783., 3921., 3951., 4104., 4105., 4143., 4169., 474
4561., 4703., 4707., 4709., 4713., 4715., 4717., 4723., 4725., 475
4727., 4728., 4729., 4731., 4733., 4734., 4735., 4739., 4741., 476
4747., 4749., 4753., 4755., 4757., 4758., 4759., 4761., 4766., 477
4773., and 4775. of the Revised Code, means the license renewal 478
procedures specified in this chapter. 479

(B) "Licensing agency," as used in this chapter, means any 480
department, division, board, section of a board, or other state 481
governmental unit subject to the standard renewal procedure, as 482
defined in this section, and authorized by the Revised Code to 483
issue a license to engage in a specific profession, occupation, or 484

occupational activity, or to have charge of and operate certain
specified equipment, machinery, or premises.

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(C) "License," as used in this chapter, means a license,
certificate, permit, card, or other authority issued or conferred
by a licensing agency by authority of which the licensee has or
claims the privilege to engage in the profession, occupation, or
occupational activity, or to have control of and operate certain
specific equipment, machinery, or premises, over which the
licensing agency has jurisdiction.

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(D) "Licensee," as used in this chapter, means either the
person to whom the license is issued or renewed by a licensing
agency, or the person, partnership, or corporation at whose
request the license is issued or renewed.

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(E) "Renewal" and "renewed," as used in this chapter and in
the chapters of the Revised Code specified in division (A) of this
section, includes the continuing licensing procedure provided in
Chapter 3748. of the Revised Code and rules adopted under it and
in sections 1321.05 and 3921.33 of the Revised Code, and as
applied to those continuing licenses any reference in this chapter
to the date of expiration of any license shall be construed to
mean the due date of the annual or other fee for the continuing
license.

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

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

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| other developmental disabilities; | 516 |
| (2) Psychologists or school psychologists licensed under Chapter 4732. of the Revised Code; | 517 518 |
| (3) Members of other professions licensed, certified, or registered by this state while performing services within the recognized scope, standards, and ethics of their respective professions; | 519 520 521 522 |
| (4) Rabbis, priests, Christian science practitioners, clergy, or members of religious orders and other individuals participating with them in pastoral counseling when the counseling activities are within the scope of the performance of their regular or specialized ministerial duties and are performed under the auspices or sponsorship of an established and legally cognizable church, denomination, or sect or an integrated auxiliary of a church as defined in federal tax regulations, paragraph (g)(5) of 26 C.F.R. 1.6033-2 (1995), and when the individual rendering the service remains accountable to the established authority of that church, denomination, sect, or integrated auxiliary; | 523 524 525 526 527 528 529 530 531 532 533 534 |
| (5) Any person employed in the civil service as defined in section 124.01 of the Revised Code while engaging in social work or professional counseling as a civil service employee; | 535 536 537 |
| (6) A student in an accredited educational institution while carrying out activities that are part of the student's prescribed course of study if the activities are supervised as required by the educational institution and if the student does not hold herself or himself out as a person licensed or registered under this chapter; | 538 539 540 541 542 543 |
| (7) <u>Individuals Until the date the department of alcohol and drug addiction services ceases to administer its process for the certification or credentialing of chemical dependency counselors</u> | 544 545 546 |

and alcohol and other drug abuse prevention specialists under 547
section 3793.07 of the Revised Code, as specified in division (B) 548
of that section, individuals with certification or credentials 549
accepted by the department of ~~alcohol and drug addiction services~~ 550
under that section 3793.07 of the Revised Code who are acting 551
within the scope of their certification or credentials as members 552
of the profession of ~~alcoholism counseling, drug abuse counseling,~~ 553
~~or~~ chemical dependency counseling, or as ~~alcoholism or alcohol and~~ 554
other drug abuse prevention consultants or specialists; 555

(8) Individuals who hold a license or certificate under 556
Chapter 4758. of the Revised Code who are acting within the scope 557
of their license or certificate as members of the profession of 558
chemical dependency counseling or alcohol and other drug 559
prevention services; 560

(9) Any person employed by the American red cross while 561
engaging in activities relating to services for military families 562
and veterans and disaster relief, as described in the "American 563
National Red Cross Act," 33 Stat. 599 (1905), 36 U.S.C.A. 1, as 564
amended; 565

~~(9)~~(10) Members of labor organizations who hold union 566
counselor certificates while performing services in their official 567
capacity as union counselors; 568

~~(10)~~(11) Any person employed in a hospital as defined in 569
section 3727.01 of the Revised Code or in a nursing home as 570
defined in section 3721.01 of the Revised Code while providing as 571
a hospital employee or nursing home employee, respectively, social 572
services other than counseling and the use of psychosocial 573
interventions and social psychotherapy. 574

(B) Divisions (A)(5), ~~(8)~~(9), and ~~(10)~~(11) of this section do 575
not prevent a person described in those divisions from obtaining a 576
license or certificate of registration under this chapter. 577

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| <u>Sec. 4758.01. As used in this chapter:</u> | 579 |
| <u>(A) "Accredited educational institution" means an educational institution accredited by an accrediting agency accepted by the Ohio board of regents.</u> | 580 581 582 |
| <u>(B)(1) "Alcohol and other drug clinical counseling principles, methods, or procedures" means an approach to counseling that emphasizes the counselor's role in systematically assisting clients through all of the following:</u> | 583 584 585 586 |
| <u>(a) Assessing and analyzing background and current information;</u> | 587 588 |
| <u>(b) Exploring possible solutions;</u> | 589 |
| <u>(c) Developing and providing a treatment plan;</u> | 590 |
| <u>(d) In the case of an independent chemical dependency counselor or chemical dependency counselor III only, diagnosing chemical dependency conditions.</u> | 591 592 593 |
| <u>(2) "Alcohol and other drug clinical counseling principles, methods, or procedures" includes counseling, assessing, consulting, and referral.</u> | 594 595 596 |
| <u>(C) "Alcohol and other drug prevention services" means rendering or offering to render to individuals, groups, or the public services involving approaches and activities designed to preclude the onset of alcohol and other drug problems, addiction, or both.</u> | 597 598 599 600 601 |
| <u>(D) "Chemical dependency conditions" means those conditions relating to the abuse of or dependency on alcohol or other drugs that are classified in accepted nosologies, including the international classification of diseases, and in editions of those nosologies published after the effective date of this section.</u> | 602 603 604 605 606 |
| <u>(E) "Chemical dependency counseling" means rendering or</u> | 607 |

offering to render to individuals, groups, or the public a
counseling service involving the application of alcohol and other
drug clinical counseling principles, methods, or procedures to
assist individuals who are abusing or dependent on alcohol or
other drugs.

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(F) "Registered applicant" means an individual authorized to
engage in alcohol and other drug addiction prevention services
pursuant to section 4758.51 of the Revised Code while completing
the requirements to take an examination to obtain a prevention
specialist II certificate or prevention specialist I certificate.

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(G) "Scope of practice" means the services, methods, and
techniques in which and the areas for which a person who holds a
license or certificate under this chapter is trained and
qualified.

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Sec. 4758.02. No person shall do any of the following:

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(A) Except as provided in section 4758.60 of the Revised
Code, engage in or represent to the public that the person engages
in chemical dependency counseling for a fee, salary, or other
consideration unless the person holds a valid independent chemical
dependency counselor license, chemical dependency counselor III
license, chemical dependency counselor II license, chemical
dependency counselor I certificate, or chemical dependency
counselor assistant certificate issued under this chapter;

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(B) Effective six years after the effective date of this
section, engage in or represent to the public that the person
engages in chemical dependency counseling as a chemical dependency
counselor I;

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(C) Use the title "licensed independent chemical dependency
counselor," "LICDC," "licensed chemical dependency counselor III,"
"LCDC III," "licensed chemical dependency counselor II," "LCDC

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II," "certified chemical dependency counselor I," "CCDC I," 638
"chemical dependency counselor assistant," "CDCA," or any other 639
title or description incorporating the word "chemical dependency 640
counselor" or any other initials used to identify persons acting 641
in those capacities unless currently authorized under this chapter 642
to act in the capacity indicated by the title or initials; 643

(D) Represent to the public that the person is a registered 644
applicant unless the person holds a valid registered applicant 645
certificate issued under this chapter; 646

(E) Use the title "certified prevention specialist II," "CPS 647
II," "certified prevention specialist I," "CPS I," "registered 648
applicant," or any other title, description, or initials used to 649
identify persons acting in those capacities unless currently 650
authorized under this chapter to act in the capacity indicated by 651
the title or initials. 652

Sec. 4758.04. (A) There is hereby created the chemical 653
dependency professionals board. 654

(B) The governor shall appoint all of the following voting 655
members of the board with the advice and consent of the senate: 656
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(1) Four individuals who hold a valid independent chemical 658
dependency counselor license issued under this chapter, including 659
at least two of whom have received at least a master's degree in a 660
field related to chemical dependency counseling from an accredited 661
educational institution; 662

(2) Two individuals who hold a valid chemical dependency 663
counselor III license issued under this chapter; 664

(3) One individual who holds a valid chemical dependency 665
counselor II license issued under this chapter; 666

(4) Two individuals who hold a valid prevention specialist II 667

certificate or prevention specialist I certificate issued under
this chapter;

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(5) One individual who is or has been authorized under
Chapter 4731. of the Revised Code to practice medicine and surgery
or osteopathic medicine and surgery and has experience practicing
in a field related to chemical dependency counseling;

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(6) Two individuals who represent the public and have not
practiced chemical dependency counseling or alcohol and other drug
prevention services and have not been involved in the delivery of
chemical dependency counseling services or alcohol and other drug
prevention services. At least one of these individuals shall be at
least sixty years of age. During their terms, the public members
shall not practice chemical dependency counseling or alcohol and
other drug prevention services or be involved in the delivery of
chemical dependency counseling services or alcohol and other drug
prevention services.

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(C) Not later than ninety days after the effective date of
this section, the director of alcohol and drug addiction services
shall appoint an individual who represents the department of
alcohol and drug addiction services to serve as an ex officio
member of the chemical dependency professionals board.

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(D) Not more than one-half of the voting members of the board
may be of the same gender or members of the same political party.
At least two voting members of the board shall be of African,
Native American, Hispanic, or Asian descent.

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Sec. 4758.05. Of the initial appointees to the chemical
dependency professionals board appointed by the governor under
division (B) of section 4758.04 of the Revised Code, four shall be
appointed for terms ending one year after the effective date of
this section, four shall be appointed for terms ending two years
after the effective date of this section, and four shall be

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appointed for terms ending three years after the effective date of
this section. After the initial appointments, terms of office
shall be three years, each term ending on the same day of the same
month of the year as the term it succeeds.

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

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The ex officio member of the board appointed by the director
of alcohol and drug addiction services under division (C) of
section 4758.04 of the Revised Code shall serve at the pleasure of
the director.

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Sec. 4758.06. The voting members of the chemical dependency
professionals board shall receive an amount fixed under division
(J) of section 124.15 of the Revised Code for each day employed in
the discharge of their official duties as board members and shall
be reimbursed for their necessary and actual expenses incurred in
the performance of their official duties.

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Sec. 4758.07. The chemical dependency professionals board
shall meet to discuss matters relating to the administration and
operation of the board and the regulation of the practices of
chemical dependency counseling and alcohol and other drug

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prevention services. The board shall hold at least one regular meeting every three months. Additional meetings may be held at such times as the board determines, on the call of the chairperson, or on the written request to the executive director of three or more voting board members. If three or more voting members request a meeting, the executive director shall call a meeting, which shall be held not later than seven days after the request is received.

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Seven voting members of the board constitute a quorum to conduct business. Except as provided in section 4758.27 of the Revised Code, no action shall be taken without the concurrence of at least a quorum.

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At its first meeting each year, the board shall elect a chairperson from among its voting members. No member shall serve more than two consecutive terms as chairperson.

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The board shall keep any records and minutes necessary to fulfill the duties established by this chapter and rules adopted under it.

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Sec. 4758.09. The chemical dependency professionals board shall employ an executive director. The board may employ and prescribe the powers and duties of employees and consultants as are necessary for it to carry out the board's duties under this chapter and the rules adopted under it.

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Sec. 4758.11. The chemical dependency professionals board shall not discriminate against any licensee, certificate holder, or applicant for a license or certificate under this chapter because of the individual's race, color, religion, gender, national origin, disability as defined in section 4112.01 of the Revised Code, or age. The board shall afford a hearing to any individual who files with the board a statement alleging

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discrimination based on any of those reasons.

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Sec. 4758.12. The chemical dependency professionals board shall adopt a seal to authenticate its records and proceedings.

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A statement, signed by the executive director of the board to which is affixed the official seal of the board, to the effect that an individual specified in the statement does not currently hold a license or certificate under this chapter or that a license or certificate issued by the board under this chapter has been revoked or suspended, shall be received as prima-facie evidence of a record of the board in any court or before any officer of the state.

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Sec. 4758.13. The chemical dependency professionals board shall include the board's address and telephone number on each license and certificate it issues under this chapter.

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Sec. 4758.15. (A) The chemical dependency professionals board shall adopt rules to establish, specify, or provide for all of the following:

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(1) For the purpose of section 4758.18 of the Revised Code, codes of ethical practice and professional conduct for individuals who hold a license or certificate issued under this chapter;

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(2) For the purpose of section 4758.19 of the Revised Code, all of the following:

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(a) Good moral character requirements for an individual who seeks or holds a license or certificate issued under this chapter;

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(b) The documents that an individual seeking such a license or certificate must submit to the board;

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(c) Requirements to obtain the license or certificate that are in addition to the requirements established under sections

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| <u>4758.33, 4758.34, 4758.35, 4758.36, 4758.37, and 4758.38 of the</u> | 787 |
| <u>Revised Code. The additional requirements may include</u> | 788 |
| <u>preceptorships.</u> | 789 |
| <u>(3) Procedures for renewal of a chemical dependency counselor</u> | 790 |
| <u>I license under section 4758.22 of the Revised Code;</u> | 791 |
| <u>(4) For the purpose of section 4758.23 of the Revised Code,</u> | 792 |
| <u>requirements for approval of continuing education courses of study</u> | 793 |
| <u>for individuals who hold a license or certificate issued under</u> | 794 |
| <u>this chapter;</u> | 795 |
| <u>(5) For the purpose of section 4758.25 of the Revised Code,</u> | 796 |
| <u>the intervention for and treatment of an individual holding a</u> | 797 |
| <u>license or certificate issued under this chapter whose abilities</u> | 798 |
| <u>to practice are impaired due to abuse of or dependency on alcohol</u> | 799 |
| <u>or other drugs or other physical or mental condition;</u> | 800 |
| <u>(6) Requirements governing reinstatement of a suspended or</u> | 801 |
| <u>revoked license or certificate under division (B) of section</u> | 802 |
| <u>4758.25 of the Revised Code, including requirements for</u> | 803 |
| <u>determining the amount of time an individual must wait to apply</u> | 804 |
| <u>for reinstatement;</u> | 805 |
| <u>(7) For the purpose of section 4758.26 of the Revised Code,</u> | 806 |
| <u>methods of ensuring that all records the board holds pertaining to</u> | 807 |
| <u>an investigation remain confidential during the investigation;</u> | 808 |
| <u>(8) Criteria for employees of the board to follow when</u> | 809 |
| <u>performing their duties under division (B) of section 4758.30 of</u> | 810 |
| <u>the Revised Code;</u> | 811 |
| <u>(9) For the purpose of division (A)(1) of section 4758.33 and</u> | 812 |
| <u>division (A)(1) of section 4758.34 of the Revised Code, course</u> | 813 |
| <u>requirements for a master's degree and bachelor's degree in</u> | 814 |
| <u>behavioral sciences;</u> | 815 |
| <u>(10) For the purpose of division (A)(3) of section 4758.33,</u> | 816 |

division (A)(3) of section 4758.34, division (A)(3) of section 4758.35, and division (A) of section 4758.36 of the Revised Code, training requirements for chemical dependency counseling; 817
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(11) For the purpose of division (A)(3) of section 4758.37, division (A)(3) of section 4758.38, and division (A)(2) of section 4758.43 of the Revised Code, requirements for prevention-related education; 820
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(12) For the purpose of section 4758.41 of the Revised Code, continuing education requirements for individuals who hold a license or certificate issued under this chapter; 824
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(13) For the purpose of section 4758.41 of the Revised Code, the number of hours of continuing education that an individual must complete to have an expired license or certificate restored under section 4758.21 of the Revised Code; 827
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(14) For the purpose of section 4758.43 of the Revised Code, the requirements an individual holding a registered applicant certificate must complete to take an examination administered pursuant to section 4758.17 of the Revised Code to obtain a prevention specialist II certificate or prevention specialist I certificate and the documentation the individual must submit to the board showing that the individual has completed the requirements; 831
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(15) The method of determining the amount of time an individual must wait to apply to the board for a new registered applicant certificate under division (B) of section 4758.43 of the Revised Code; 839
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(16) The duties of an individual who supervises a chemical dependency counselor III under section 4758.46, chemical dependency counselor II under section 4758.47, chemical dependency counselor I under section 4758.48, chemical dependency counselor assistant under section 4758.49, or registered applicant under 843
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section 4758.51 of the Revised Code. The duties may differ. 848

(17) Anything else necessary to administer this chapter. 849

(B) All rules adopted under this section shall be adopted in accordance with Chapter 119. of the Revised Code and any applicable federal laws and regulations. Initial rules shall be adopted not later than nine months after the effective date of this section. 850
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(C) When it adopts rules under this section, the board may consider standards established by any national association or other organization representing the interests of those involved in chemical dependency counseling or alcohol and other drug prevention services. 855
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Sec. 4758.16. (A) Subject to division (B) of this section, the chemical dependency professionals board shall establish, and may from time to time adjust, fees to be charged for the following: 860
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(1) Admitting an individual to an examination administered pursuant to section 4758.17 of the Revised Code; 864
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(2) Issuing an initial independent chemical dependency counselor license, chemical dependency counselor III license, chemical dependency counselor II license, chemical dependency counselor assistant certificate, prevention specialist II certificate, prevention specialist I certificate, or registered applicant certificate; 866
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(3) Renewing an independent chemical dependency counselor license, chemical dependency counselor III license, chemical dependency counselor II license, chemical dependency counselor I certificate, chemical dependency counselor assistant certificate, prevention specialist II certificate, prevention specialist I certificate, or registered applicant certificate; 872
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(4) Approving continuing education courses under section 4758.23 of the Revised Code; 878
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(5) Doing anything else the board determines necessary to administer this chapter. 880
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(B) The fees established under division (A) of this section are nonrefundable. They shall be in amounts sufficient to cover the necessary expenses of the board in administering this chapter and rules adopted under it. The renewal fee for a license or certificate shall not be less than the initial fee for the license or certificate. The fees for a license or certificate and the renewal of a license or certificate may differ for the various types of licenses and certificates. 882
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(C) All receipts of the board shall be deposited in the state treasury to the credit of the chemical dependency professionals board fund, which is hereby created. 890
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(D) All vouchers of the board shall be approved by the chairperson or executive director of the board, or both, as authorized by the board. 893
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Sec. 4758.17. The chemical dependency professionals board shall prepare, cause to be prepared, or procure the use of, and grade, cause to be graded, or procure the grading of, examinations to determine the competence of individuals seeking an independent chemical dependency counselor license, chemical dependency counselor III license, chemical dependency counselor II license, prevention specialist II certificate, or prevention specialist I certificate. The board may develop the examinations or use examinations prepared by state or national organizations that represent the interests of those involved in chemical dependency counseling or alcohol and other drug prevention services. The board shall conduct examinations at least twice each year and shall determine the level of competence necessary for a passing 896
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An individual may not sit for an examination administered pursuant to this section unless the individual meets the requirements to obtain the license or certificate the individual seeks, other than the requirement to have passed the examination, and pays the fee established under section 4758.16 of the Revised Code. An individual who is denied admission to the examination may appeal the denial in accordance with Chapter 119. of the Revised Code.

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Sec. 4758.18. (A) In rules adopted under section 4758.15 of the Revised Code, the chemical dependency professionals board shall establish codes of ethical practice and professional conduct for the following:

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(1) Individuals who hold a valid independent chemical dependency counselor license, chemical dependency counselor III license, chemical dependency counselor II license, chemical dependency counselor I certificate, or chemical dependency counselor assistant certificate issued under this chapter;

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(2) Individuals who hold a valid prevention specialist II certificate, prevention specialist I certificate, or registered applicant certificate.

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(B) The codes for individuals identified under division (A)(1) of this section shall define unprofessional conduct, which shall include engaging in a dual relationship with a client, former client, consumer, or former consumer; committing an act of sexual abuse, misconduct, or exploitation of a client, former client, consumer, or former consumer; and, except as permitted by law, violating client or consumer confidentiality.

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(C) The codes for individuals identified under division (A)(1) of this section may be based on any codes of ethical

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practice and professional conduct developed by national 939
associations or other organizations representing the interests of 940
those involved in chemical dependency counseling. The codes for 941
individuals identified under division (A)(2) of this section may 942
be based on any codes of ethical practice and professional conduct 943
developed by national associations or other organizations 944
representing the interests of those involved in alcohol and other 945
drug prevention services. The board may establish standards in the 946
codes that are more stringent than those established by the 947
national associations or other organizations. 948

Sec. 4758.19. (A) The chemical dependency professionals board 949
shall issue a license or certificate under this chapter to an 950
individual who meets all of the following requirements: 951

(1) Is of good moral character as determined in accordance 952
with rules adopted under section 4758.15 of the Revised Code; 953

(2) Submits a properly completed application and all other 954
documentation specified in rules adopted under section 4758.15 of 955
the Revised Code; 956

(3) Pays the fee established under section 4758.16 of the 957
Revised Code for the license or certificate that the individual 958
seeks; 959

(4) Meets the requirements to obtain the license or 960
certificate that the individual seeks as specified in section 961
4758.33, 4758.34, 4758.35, 4758.36, 4758.37, or 4758.38 of the 962
Revised Code; 963

(5) Meets any additional requirements specified in rules 964
adopted under section 4758.15 of the Revised Code to obtain the 965
license or certificate that the individual seeks. 966

(B) The board shall not issue an initial certificate to 967
practice as a chemical dependency counselor I. 968

Sec. 4758.20. (A) The chemical dependency professionals board 969
may enter into a reciprocal agreement with any state that 970
regulates individuals practicing in the same capacities as those 971
regulated under this chapter if the board finds that the state has 972
requirements substantially equivalent to the requirements of this 973
state to receive a license or certificate under this chapter. 974

The board may become a member of a national reciprocity 975
organization that requires its members to have requirements 976
substantially equivalent to the requirements of this state to 977
receive a license or certificate to practice in the same 978
capacities as those regulated under this chapter. If the board 979
becomes a member of such an organization, the board shall consider 980
itself to have a reciprocal agreement with the other states that 981
are also members of the organization. 982

(B) The board may, by endorsement, issue the appropriate 983
license or certificate to a resident of a state with which the 984
board does not have a reciprocal agreement if both of the 985
following apply: 986

(1) The board finds that the state has requirements 987
substantially equivalent to the requirements of this state for 988
receipt of a license or certificate under this chapter. 989

(2) The individual submits proof satisfactory to the board of 990
being currently authorized to practice by that state. 991

(C) A license or certificate obtained by reciprocity or 992
endorsement under this section may be renewed or restored under 993
section 4758.21 of the Revised Code if the individual holding the 994
license or certificate satisfies the renewal or restoration 995
requirements established by that section. An individual holding a 996
license or certificate obtained by reciprocity or endorsement 997
under this section may obtain, under section 4758.19 of the 998
Revised Code, a different license or certificate available under 999

this chapter if the individual meets all of the requirements as 1000
specified in that section for the license or certificate the 1001
individual seeks. 1002

Sec. 4758.21. (A) Except as provided in section 4758.22 of 1003
the Revised Code, a license or certificate issued under this 1004
chapter, other than a registered applicant certificate, expires 1005
two years after it is issued and may be renewed in accordance with 1006
the standard renewal procedure established under Chapter 4745. of 1007
the Revised Code. 1008

(B) Subject to section 4758.25 of the Revised Code and except 1009
as provided in section 4758.22 of the Revised Code, the chemical 1010
dependency professionals board shall renew a license or 1011
certificate issued under this chapter, other than a registered 1012
applicant certificate, if the individual seeking the renewal pays 1013
the renewal fee established under section 4758.16 of the Revised 1014
Code and satisfies the continuing education requirements 1015
established under section 4758.41 of the Revised Code. 1016

(C) Except as provided in section 4758.22 of the Revised 1017
Code, a license or certificate issued under this chapter, other 1018
than a registered applicant certificate, that has expired may be 1019
restored if the individual seeking the restoration, not later than 1020
two years after the license or certificate expires, applies for 1021
restoration of the license or certificate. The board shall issue a 1022
restored license or certificate to the individual if the 1023
individual pays the renewal fee established under section 4758.16 1024
of the Revised Code and satisfies the continuing education 1025
requirements established under section 4758.41 of the Revised Code 1026
for restoring the license or certificate. The board shall not 1027
require an individual to take an examination as a condition of 1028
having an expired license or certificate restored under this 1029
section. 1030

Sec. 4758.22. Until the date that is six years after this section's effective date, the chemical dependency professionals board shall renew a certificate that on this section's effective date is accepted under section 3793.07 of the Revised Code as authority to practice as a chemical dependency counselor I if the individual holding the certificate renews the certificate in accordance with rules adopted under section 4758.15 of the Revised Code and pays the renewal fee established under section 4758.16 of the Revised Code. Subsequent renewals shall be done under section 4758.21 of the Revised Code. 1031
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After the date that is six years after this section's effective date, the board shall not renew under this section, or renew or restore under section 4758.21 of the Revised Code, a certificate to practice as a certified chemical dependency counselor I. 1041
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Sec. 4758.23. The chemical dependency professionals board shall approve, in accordance with rules adopted under section 4758.15 of the Revised Code and subject to payment of the fee established under section 4758.16 of the Revised Code, continuing education courses of study for individuals who hold a license or certificate issued under this chapter. 1046
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Sec. 4758.24. On receipt of notice pursuant to section 3123.43 of the Revised Code, the chemical dependency professionals board shall comply with that section with respect to a license or certificate issued pursuant to this chapter. 1052
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Sec. 4758.25. (A) The chemical dependency professionals board, in accordance with Chapter 119. of the Revised Code, may refuse to issue a license or certificate applied for under this chapter; refuse to renew a license or certificate issued under 1056
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this chapter; suspend, revoke, or otherwise restrict a license or 1060
certificate issued under this chapter; or reprimand an individual 1061
holding a license or certificate issued under this chapter. These 1062
actions may be taken by the board regarding the applicant for a 1063
license or certificate or the individual holding a license or 1064
certificate for one or more of any of the following reasons: 1065

(1) Violation of any provision of this chapter or rules 1066
adopted under it; 1067

(2) Knowingly making a false statement on an application for 1068
a license or certificate or for renewal, restoration, or 1069
reinstatement of a license or certificate; 1070

(3) Acceptance of a commission or rebate for referring an 1071
individual to a person who holds a license or certificate issued 1072
by, or who is registered with, an entity of state government, 1073
including persons practicing chemical dependency counseling, 1074
alcohol and other drug prevention services, or fields related to 1075
chemical dependency counseling or alcohol and other drug 1076
prevention services; 1077

(4) Conviction in this or any other state of any crime that 1078
is a felony in this state; 1079

(5) Conviction in this or any other state of a misdemeanor 1080
committed in the course of practice as an independent chemical 1081
dependency counselor, chemical dependency counselor III, chemical 1082
dependency counselor II, chemical dependency counselor I, chemical 1083
dependency counselor assistant, prevention specialist II, 1084
prevention specialist I, or registered applicant; 1085

(6) Inability to practice as an independent chemical 1086
dependency counselor, chemical dependency counselor III, chemical 1087
dependency counselor II, chemical dependency counselor I, chemical 1088
dependency counselor assistant, prevention specialist II, 1089
prevention specialist I, or registered applicant due to abuse of 1090

or dependency on alcohol or other drugs or other physical or 1091
mental condition; 1092

(7) Practicing outside the individual's scope of practice; 1093

(8) Practicing without complying with the supervision 1094
requirements specified under section 4758.46, 4758.49, or 4758.51 1095
of the Revised Code; 1096

(9) Violation of the code of ethical practice and 1097
professional conduct for chemical dependency counseling or alcohol 1098
and other drug prevention services adopted by the board pursuant 1099
to section 4758.18 of the Revised Code; 1100

(10) Revocation of a license or certificate or voluntary 1101
surrender of a license or certificate in another state or 1102
jurisdiction for an offense that would be a violation of this 1103
chapter. 1104

(B) An individual whose license or certificate has been 1105
suspended or revoked under this section may apply to the board for 1106
reinstatement after an amount of time the board shall determine in 1107
accordance with rules adopted under section 4758.15 of the Revised 1108
Code. The board may accept or refuse an application for 1109
reinstatement. The board may require an examination for 1110
reinstatement of a license or certificate that has been suspended 1111
or revoked. 1112

Sec. 4758.26. The chemical dependency professionals board 1113
shall investigate alleged violations of this chapter or the rules 1114
adopted under it and alleged irregularities in the delivery of 1115
chemical dependency counseling services or alcohol and other drug 1116
prevention services by individuals who hold a license or 1117
certificate issued under this chapter. As part of an 1118
investigation, the board may issue subpoenas, examine witnesses, 1119
and administer oaths. 1120

The board may receive any information necessary to conduct an investigation under this section that has been obtained in accordance with federal laws and regulations. If the board is investigating the provision of chemical dependency counseling services to a couple or group, it is not necessary for both members of the couple or all members of the group to consent to the release of information relevant to the investigation. 1121
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The board shall ensure, in accordance with rules adopted under section 4758.15 of the Revised Code, that all records it holds pertaining to an investigation remain confidential during the investigation. After the investigation, the records are public records except as otherwise provided by federal or state law. 1128
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Sec. 4758.27. For any hearing it conducts under this chapter, the chemical dependency professionals board may appoint one of its voting members to act on behalf of the board. It is not necessary that the member be an attorney to be appointed. The board shall make the appointment in writing. 1134
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A finding or order of a member appointed to act on behalf of the board is a finding or order of the board when confirmed by the board. 1139
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Sec. 4758.30. (A) An individual seeking a license or certificate issued under this chapter shall file with the chemical dependency professionals board a written application on a form prescribed by the board. Each form shall state that a false statement made on the form is the crime of falsification under section 2921.13 of the Revised Code. 1142
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(B) The board shall require an individual or individuals employed by the board under section 4758.09 of the Revised Code to do both of the following in accordance with criteria established 1148
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by rules adopted under section 4758.15 of the Revised Code: 1151

(1) Receive and review all applications submitted to the 1152
board; 1153

(2) Submit to the board all applications the individual or 1154
individuals recommend the board review based on the criteria 1155
established in the rules. 1156

(C) The board shall review all applications submitted to the 1157
board pursuant to division (B)(2) of this section. 1158

Sec. 4758.31. As part of the review process under division 1159
(C) of section 4758.30 of the Revised Code of an application 1160
submitted by an applicant who has obtained the applicant's 1161
education, experience in chemical dependency counseling or alcohol 1162
and other drug prevention services, or education and experience 1163
outside the United States, the chemical dependency professionals 1164
board shall determine whether the applicant's command of the 1165
English language and education or experience meet the standards 1166
required by this chapter and rules adopted under it. 1167

Sec. 4758.33. An individual seeking an independent chemical 1168
dependency counselor license shall meet either of the following 1169
requirements: 1170

(A) Meet all of the following requirements: 1171

(1) Hold from an accredited educational institution a 1172
master's degree in behavioral sciences that meets the course 1173
requirements specified in rules adopted under section 4758.15 of 1174
the Revised Code; 1175

(2) Have not less than four thousand hours of compensated 1176
work experience in the field of counseling, not less than eight 1177
hundred hours of which are in chemical dependency counseling; 1178

(3) Have a minimum of two hundred seventy hours of training 1179

in chemical dependency counseling that meets the requirements 1180
specified in rules adopted under section 4758.15 of the Revised 1181
Code; 1182

(4) Pass one or more examinations administered pursuant to 1183
section 4758.17 of the Revised Code for the purpose of determining 1184
competence to practice as an independent chemical dependency 1185
counselor. 1186

(B) Until the date the department of alcohol and drug 1187
addiction services ceases to administer its certification and 1188
credentialing process under section 3793.07 of the Revised Code, 1189
as specified in division (B) of that section, meet both of the 1190
following requirements: 1191

(1) On the effective date of this section, hold a certificate 1192
or credentials that were accepted under section 3793.07 of the 1193
Revised Code as authority to practice as a certified chemical 1194
dependency counselor III or certified chemical dependency 1195
counselor III-E; 1196

(2) Meet one of the following requirements: 1197

(a) Hold the degree described in division (A)(1) of this 1198
section; 1199

(b) Have held a chemical dependency counselor III, II, or I 1200
certificate for at least eight consecutive years and have at least 1201
thirty hours of training approved by the chemical dependency 1202
professionals board in behavioral health diagnosis. 1203

Sec. 4758.34. An individual seeking a chemical dependency 1204
counselor III license shall meet any of the following 1205
requirements: 1206

(A) Meet all of the following requirements: 1207

(1) Hold from an accredited educational institution a 1208

bachelor's degree in a behavioral science that meets the course requirements specified in rules adopted under section 4758.15 of the Revised Code; 1209
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(2) Have not less than four thousand hours of compensated work experience in the field of counseling, not less than eight hundred work hours of which are in chemical dependency counseling; 1212
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(3) Have a minimum of two hundred seventy hours of training in chemical dependency that meets the requirements specified in rules adopted under section 4758.15 of the Revised Code; 1215
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(4) Pass one or more examinations administered pursuant to section 4758.17 of the Revised Code for the purpose of determining competence to practice as a chemical dependency counselor III. 1218
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(B) Until the date the department of alcohol and drug addiction services ceases to administer its certification and credentialing process under section 3793.07 of the Revised Code, as specified in division (B) of that section, meet both of the following requirements: 1221
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(1) On the effective date of this section, hold a certificate or credentials that were accepted under section 3793.07 of the Revised Code as authority to practice as a certified chemical dependency counselor III or certified chemical dependency counselor III-E; 1226
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(2) Have not less than thirty hours of training approved by the chemical dependency professionals board in behavioral health diagnosis. 1231
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(C) Until the date the department of alcohol and drug addiction services ceases to administer its certification and credentialing process under section 3793.07 of the Revised Code, as specified in division (B) of that section, meet all of the following requirements: 1234
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| <u>(1) Hold a bachelor's degree in a behavioral science;</u> | 1239 |
| <u>(2) On the effective date of this section, hold a certificate or credentials that were accepted under section 3793.07 of the Revised Code as authority to practice as a certified chemical dependency counselor II;</u> | 1240 1241 1242 1243 |
| <u>(3) Have not less than thirty hours of training approved by the board in diagnosis of chemical dependency conditions.</u> | 1244 1245 |
| <u>Sec. 4758.35. An individual seeking a chemical dependency counselor II license shall meet either of the following requirements:</u> | 1246 1247 1248 |
| <u>(A) Meet all of the following requirements:</u> | 1249 |
| <u>(1) Hold from an accredited educational institution an associate's degree in a behavioral science or a bachelor's degree in any field;</u> | 1250 1251 1252 |
| <u>(2)(a) If the individual holds an associate's degree, have not less than five thousand hours of compensated or volunteer work experience in counseling, not less than one thousand hours of which are in chemical dependency counseling;</u> | 1253 1254 1255 1256 |
| <u>(b) If the individual holds a bachelor's degree, have not less than six thousand hours of compensated or volunteer work experience in counseling, not less than one thousand two hundred hours of which are in chemical dependency counseling.</u> | 1257 1258 1259 1260 |
| <u>(3) Have a minimum of two hundred seventy hours of training in chemical dependency counseling that meets the requirements specified in rules adopted under section 4758.15 of the Revised Code;</u> | 1261 1262 1263 1264 |
| <u>(4) Pass one or more examinations administered pursuant to section 4758.17 of the Revised Code for the purpose of determining competence to practice as a chemical dependency counselor II.</u> | 1265 1266 1267 |

(B) Until the date the department of alcohol and drug addiction services ceases to administer its certification and credentialing process under section 3793.07 of the Revised Code, as specified in division (B) of that section, meet both of the following requirements: 1268
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(1) Hold a degree described in division (A)(1) of this section; 1273
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(2) On the effective date of this section, hold a certificate or credentials that were accepted under section 3793.07 of the Revised Code as authority to practice as a certified chemical dependency counselor II. 1275
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Sec. 4758.36. An individual seeking a chemical dependency counselor assistant certificate shall meet either of the following requirements: 1279
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(A) Have at least forty hours of training in chemical dependency counseling that meets the requirements specified in rules adopted under section 4758.15 of the Revised Code. 1282
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(B) Until the date the department of alcohol and drug addiction services ceases to administer its certification and credentialing process under section 3793.07 of the Revised Code, as specified in division (B) of that section, hold, on the effective date of this section, a certificate or credentials that were accepted under section 3793.07 of the Revised Code as authority to practice as a registered candidate. 1285
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Sec. 4758.37. An individual seeking a prevention specialist II certificate shall meet either of the following requirements: 1292
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(A) Meet all of the following requirements: 1294

(1) Have compensated work experience in which not less than fifty per cent of the individual's time was devoted to planning, 1295
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| <u>coordinating, or delivering alcohol and other drug prevention</u> | 1297 |
| <u>services;</u> | 1298 |
| <u>(2) Have one of the following:</u> | 1299 |
| <u>(a) A bachelor's degree in a behavioral science and at least</u> | 1300 |
| <u>six thousand hours of compensated work experience in alcohol and</u> | 1301 |
| <u>other drug prevention services;</u> | 1302 |
| <u>(b) A master's or doctoral degree in a behavioral science and</u> | 1303 |
| <u>at least four thousand hours of compensated work experience in</u> | 1304 |
| <u>alcohol and other drug prevention services.</u> | 1305 |
| <u>(3) Have at least two hundred seventy hours of</u> | 1306 |
| <u>prevention-related education that meets the requirements specified</u> | 1307 |
| <u>in rules adopted under section 4758.15 of the Revised Code;</u> | 1308 |
| <u>(4) Obtain a registered applicant certificate under this</u> | 1309 |
| <u>chapter and comply with the requirements of section 4758.43 of the</u> | 1310 |
| <u>Revised Code;</u> | 1311 |
| <u>(5) Pass the examination administered pursuant to section</u> | 1312 |
| <u>4758.17 of the Revised Code for the purpose of determining</u> | 1313 |
| <u>competence to practice as a prevention specialist II.</u> | 1314 |
| <u>(B) Until the date the department of alcohol and drug</u> | 1315 |
| <u>addiction services ceases to administer its certification and</u> | 1316 |
| <u>credentialing process under section 3793.07 of the Revised Code,</u> | 1317 |
| <u>as specified in division (B) of that section, meet both of the</u> | 1318 |
| <u>following requirements:</u> | 1319 |
| <u>(1) On the effective date of this section, hold a certificate</u> | 1320 |
| <u>or credentials that were accepted under section 3793.07 of the</u> | 1321 |
| <u>Revised Code as authority to practice as a certified prevention</u> | 1322 |
| <u>specialist II;</u> | 1323 |
| <u>(2) Hold the degree and have the work experience specified in</u> | 1324 |
| <u>division (A)(2)(a) or (A)(2)(b) of this section.</u> | 1325 |

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| <u>Sec. 4758.38. An individual seeking a prevention specialist I</u> | 1326 |
| <u>certificate shall meet either of the following requirements:</u> | 1327 |
| <u>(A) Meet all of the following requirements:</u> | 1328 |
| <u>(1) Have compensated or volunteer work experience in which</u> | 1329 |
| <u>not less than twenty per cent of the individual's time was devoted</u> | 1330 |
| <u>to planning or delivering alcohol and other drug prevention</u> | 1331 |
| <u>services;</u> | 1332 |
| <u>(2) Have one of the following:</u> | 1333 |
| <u>(a) At least six thousand hours of compensated or volunteer</u> | 1334 |
| <u>work experience in alcohol and other drug prevention services;</u> | 1335 |
| <u>(b) An associate's degree in a behavioral science and at</u> | 1336 |
| <u>least four thousand hours of compensated or volunteer work</u> | 1337 |
| <u>experience in alcohol and other drug prevention services;</u> | 1338 |
| <u>(c) A bachelor's, master's, or doctoral degree in a</u> | 1339 |
| <u>behavioral science and at least two thousand hours of compensated</u> | 1340 |
| <u>or volunteer work experience in alcohol and other drug prevention</u> | 1341 |
| <u>services.</u> | 1342 |
| <u>(3) Have at least one hundred eighty hours of</u> | 1343 |
| <u>prevention-related education that meets the requirements specified</u> | 1344 |
| <u>in rules adopted under section 4758.15 of the Revised Code;</u> | 1345 |
| <u>(4) Obtain a registered applicant certificate under this</u> | 1346 |
| <u>chapter and comply with the requirements of section 4758.43 of the</u> | 1347 |
| <u>Revised Code;</u> | 1348 |
| <u>(5) Pass the examination administered pursuant to section</u> | 1349 |
| <u>4758.17 of the Revised Code for the purpose of determining</u> | 1350 |
| <u>competence to practice as a prevention specialist I.</u> | 1351 |
| <u>(B) Until the date the department of alcohol and drug</u> | 1352 |
| <u>addiction services ceases to administer its certification and</u> | 1353 |
| <u>credentialing process under section 3793.07 of the Revised Code,</u> | 1354 |

as specified in division (B) of that section, meet both of the 1355
following requirements: 1356

(1) On the effective date of this section, hold a certificate 1357
or credentials that were accepted under section 3793.07 of the 1358
Revised Code as authority to practice as a certified prevention 1359
specialist I; 1360

(2) Have the work experience specified in division (A)(2)(a) 1361
of this section or hold the degree and have the work experience 1362
specified in division (A)(2)(b) or (A)(2)(c) of this section. 1363
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Sec. 4758.40. An individual who holds a license or 1365
certificate issued under this chapter shall post the license or 1366
certificate in a prominent place at the individual's place of 1367
employment. 1368

Sec. 4758.41. (A) Except as provided in division (B) of this 1369
section and in accordance with rules adopted under section 4758.15 1370
of the Revised Code, each individual who holds a license or 1371
certificate issued under this chapter shall complete during the 1372
period that the license or certificate is in effect not less than 1373
forty clock hours of continuing education as a condition of 1374
receiving a renewed license or certificate. To have an expired 1375
license or certificate restored, an individual shall complete the 1376
number of hours of continuing education specified in rules adopted 1377
under section 4758.15 of the Revised Code. 1378

(B) The chemical dependency professionals board may waive the 1379
continuing education requirements established under this section 1380
for individuals who are unable to fulfill them because of military 1381
service, illness, residence outside the United States, or any 1382
other reason the board considers acceptable. 1383

Sec. 4758.43. (A) Not later than four years after the 1384
effective date of a registered applicant certificate issued under 1385
this chapter, the individual issued the certificate shall submit 1386
to the chemical dependency professionals board documentation 1387
specified in rules adopted under section 4758.15 of the Revised 1388
Code showing that the individual has completed the requirements 1389
specified in those rules to take an examination administered 1390
pursuant to section 4758.17 of the Revised Code to obtain a 1391
prevention specialist II certificate or prevention specialist I 1392
certificate. If the individual submits the required documentation 1393
within the required time, the board shall notify the individual 1394
that the individual meets the requirements to take the 1395
examination. Not later than one year after the board so notifies 1396
the individual, the individual shall take the examination. If the 1397
individual fails the examination, the individual shall do both of 1398
the following: 1399

(1) Retake the examination at least two times per year until 1400
the individual passes the examination; 1401

(2) Not later than two years after the date of the first 1402
examination, renew the registered applicant certificate and 1403
complete forty hours of prevention-related education that meets 1404
the requirements specified in rules adopted under section 4758.15 1405
of the Revised Code. 1406

(B) If an individual holding a registered applicant 1407
certificate fails to meet any of the requirements of division (A) 1408
of this section, the board shall revoke the individual's 1409
registered applicant certificate. The individual may not apply to 1410
the board for a new registered applicant certificate earlier than 1411
a period of time the board shall determine in accordance with 1412
rules adopted under section 4758.15 of the Revised Code. 1413

Sec. 4758.45. (A) An individual holding a valid independent chemical dependency counselor license may do both of the following: 1414
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(1) Diagnose and treat chemical dependency conditions; 1417

(2) Perform treatment planning, assessment, crisis intervention, individual and group counseling, case management, and education services as they relate to abuse of and dependency on alcohol and other drugs. 1418
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(B) An independent chemical dependency counselor may practice as an individual practitioner or member of a partnership or group practice or at an alcohol and drug addiction program certified by the department of alcohol and drug addiction services under section 3793.06 of the Revised Code. 1422
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Sec. 4758.46. (A) An individual holding a valid chemical dependency counselor III license may do all of the following: 1427
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(1) Diagnose chemical dependency conditions under the supervision of any of the following: 1429
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(a) An independent chemical dependency counselor licensed under this chapter; 1431
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(b) An individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery; 1433
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(c) A psychologist licensed under Chapter 4732. of the Revised Code; 1436
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(d) A registered nurse licensed under Chapter 4723. of the Revised Code or professional clinical counselor or independent social worker licensed under Chapter 4757. of the Revised Code if such supervision is consistent with the scope of practice of the registered nurse, professional clinical counselor, or independent 1438
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| <u>social worker.</u> | 1443 |
| <u>(2) Treat chemical dependency conditions;</u> | 1444 |
| <u>(3) Perform treatment planning, assessment, crisis</u> | 1445 |
| <u>intervention, individual and group counseling, case management,</u> | 1446 |
| <u>and education services as they relate to abuse of and dependency</u> | 1447 |
| <u>on alcohol and other drugs.</u> | 1448 |
| <u>(B) A chemical dependency counselor III may practice as a</u> | 1449 |
| <u>member of a partnership or group practice or at an alcohol and</u> | 1450 |
| <u>drug addiction program certified by the department of alcohol and</u> | 1451 |
| <u>drug addiction services under section 3793.06 of the Revised Code.</u> | 1452 |
| <u>A chemical dependency counselor III may not practice as an</u> | 1453 |
| <u>individual practitioner.</u> | 1454 |
| Sec. 4758.47. <u>(A) An individual holding a valid chemical</u> | 1455 |
| <u>dependency counselor II license may perform assessment, crisis</u> | 1456 |
| <u>intervention, individual and group counseling, case management,</u> | 1457 |
| <u>and education services as they relate to abuse of and dependency</u> | 1458 |
| <u>on alcohol and other drugs.</u> | 1459 |
| <u>(B) A chemical dependency counselor II may practice as a</u> | 1460 |
| <u>member of a partnership or group practice or at an alcohol and</u> | 1461 |
| <u>drug addiction program certified by the department of alcohol and</u> | 1462 |
| <u>drug addiction services under section 3793.06 of the Revised Code.</u> | 1463 |
| <u>A chemical dependency counselor II may not practice as an</u> | 1464 |
| <u>individual practitioner.</u> | 1465 |
| Sec. 4758.48. <u>(A) Until six years after the effective date of</u> | 1466 |
| <u>this section, an individual holding a valid chemical dependency</u> | 1467 |
| <u>counselor I certificate may perform assessment, crisis</u> | 1468 |
| <u>intervention, individual and group counseling, case management,</u> | 1469 |
| <u>and education services as they relate to abuse of and dependency</u> | 1470 |
| <u>on alcohol and other drugs.</u> | 1471 |

(B) A chemical dependency counselor I may practice as a member of a partnership or group practice or at an alcohol and drug addiction program certified by the department of alcohol and drug addiction services under section 3793.06 of the Revised Code. A chemical dependency counselor I may not practice as an individual practitioner.

Sec. 4758.49. An individual holding a valid chemical dependency counselor assistant certificate may perform, under the supervision of any of the following, assessment, crisis intervention, individual and group counseling, case management, and education services as they relate to abuse of or dependency on alcohol and other drugs:

(A) An independent chemical dependency counselor or chemical dependency counselor III licensed under this chapter;

(B) An individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery;

(C) A psychologist licensed under Chapter 4732. of the Revised Code;

(D) A registered nurse licensed under Chapter 4723. of the Revised Code or professional clinical counselor or independent social worker licensed under Chapter 4757. of the Revised Code if such supervision is consistent with the scope of practice of the registered nurse, professional clinical counselor, or independent social worker.

Sec. 4758.50. An individual who holds a valid prevention specialist II certificate or prevention specialist I certificate issued under this chapter may engage in the practice of alcohol and drug addiction prevention services.

Sec. 4758.51. An individual who holds a valid registered applicant certificate issued under this chapter may engage in the practice of alcohol and drug addiction prevention services under the supervision of an individual holding a valid prevention specialist II certificate or prevention specialist I certificate issued under this chapter. 1501
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Sec. 4758.60. This chapter does not apply to any of the following: 1507
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(A) Individuals who are licensed or registered or hold a certificate issued under another chapter of the Revised Code while performing services within the recognized scope, standards, and ethics of their respective professions; 1509
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(B) An individual who is a rabbi, priest, Christian Science practitioner, clergy, or member of a religious order and other individuals participating with them in pastoral counseling when the chemical dependency counseling activities are within the scope of the performance of their regular or specialized ministerial duties and are performed under the auspices or sponsorship of an established and legally cognizable church, denomination, or sect or an integrated auxiliary of a church as defined in paragraph (h) of 26 Code of Federal Regulations 1.6033-2 (2000) as amended, and the individual rendering the service remains accountable to the established authority of that church, denomination, sect, or integrated auxiliary; 1513
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(C) A student in an accredited educational institution while carrying out activities that are part of the student's prescribed course of study if the activities are supervised as required by the educational institution and the student is not represented as an individual who holds a license or certificate issued under this chapter. 1525
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Sec. 4758.61. Except to the extent of providing services 1531
authorized by this chapter, this chapter does not authorize any 1532
individual to engage in the practice of psychology as defined in 1533
section 4732.01 of the Revised Code. 1534

Except to the extent of providing services authorized by this 1535
chapter, this chapter does not authorize any individual to engage 1536
in the practice of professional counseling or social work, as 1537
those terms are defined in section 4757.01 of the Revised Code. 1538

Sec. 4758.62. Nothing in this chapter or the rules adopted 1539
under it authorizes an individual who holds a license or 1540
certificate issued under this chapter to admit a patient to a 1541
hospital or requires a hospital to allow any such individual to 1542
admit a patient. 1543

Sec. 4758.99. Whoever violates section 4758.02 of the Revised 1544
Code is guilty of a misdemeanor of the fourth degree on a first 1545
offense; on each subsequent offense, the person is guilty of a 1546
misdemeanor of the third degree. 1547

Section 2. That existing sections 2317.02, 3793.07, 4745.01, 1548
and 4757.41 of the Revised Code are hereby repealed. 1549

Section 3. That Sections 6, 7, and 8 of Am. Sub. S.B. 172 of 1550
the 123rd General Assembly are hereby repealed. 1551

Section 4. Within ninety days after the effective date of 1552
this section, the Governor shall appoint the initial members of 1553
the Chemical Dependency Professionals Board, in accordance with 1554
section 4758.04 of the Revised Code. Such an appointee is not 1555
required, at the time of appointment, to hold an independent 1556
chemical dependency counselor license, chemical dependency 1557

counselor III license, prevention specialist II certificate, or 1558
prevention specialist I certificate. However, the appointee shall 1559
possess at the time of appointment any education, work experience, 1560
and training standards as specified in Chapter 4758. of the 1561
Revised Code that are necessary to obtain such a license or 1562
certificate. The appointee may remain a board member only if the 1563
appointee obtains an independent chemical dependency counselor 1564
license, chemical dependency counselor III license, prevention 1565
specialist II certificate, or prevention specialist I certificate, 1566
as appropriate for the member's appointment, not later than one 1567
year after the effective date of this section. 1568

Section 5. Sections 1 to 4 of this act shall take effect June 1569
30, 2002. 1570

Section 6. The Department of Alcohol and Drug Addiction 1571
Services shall work with the Chemical Dependency Professionals 1572
Board to enable the orderly transition from the Department's 1573
issuance of certificates and credentials under section 3793.07 of 1574
the Revised Code to the Board's issuance of certificates and 1575
licenses under Chapter 4758. of the Revised Code. The transition 1576
shall be completed at the earlier of the following: 1577

(A) The date, which shall be specified in an agreement 1578
between the Department and Board, on which the Board is to assume 1579
the department's duties; 1580

(B) June 30, 2004. 1581

Section 7. All items in this section are hereby appropriated 1582
as designated out of any moneys in the state treasury to the 1583
credit of the Occupational Licensing and Regulatory Fund. For all 1584
appropriations made in this act, those in the first column are for 1585
fiscal year 2002 and those in the second column are for fiscal 1586
year 2003. The appropriations made in this act are in addition to 1587

| | |
|---|------|
| any other appropriations made for the 2001-2003 biennium. | 1588 |
| CDP CHEMICAL DEPENDENCY PROFESSIONALS BOARD | 1589 |
| General Services Fund Group | 1590 |
| 4K9 930-321 Operating Expenses \$ 98,622 \$ 100,518 | 1591 |
| TOTAL GSF General Services Fund \$ 98,622 \$ 100,518 | 1592 |
| Group | |
| TOTAL ALL BUDGET FUND GROUPS \$ 98,622 \$ 100,518 | 1593 |

 Within the limits set forth in this act, the Director of 1594
Budget and Management shall establish accounts indicating source 1595
and amount of funds for each appropriation made in this act, and 1596
shall determine the form and manner in which appropriation 1597
accounts shall be maintained. Expenditures from appropriations 1598
contained in this act shall be accounted for as though made in Am. 1599
Sub. H.B. 94 of the 124th General Assembly. 1600

 The appropriations made in this act are subject to all 1601
provisions of Am. Sub. H.B. 94 of the 124th General Assembly that 1602
are generally applicable to such appropriations. 1603

 This section is not subject to the referendum. Therefore, 1604
under Ohio Constitution, Article II, Section 1d and section 1.471 1605
of the Revised Code, the section goes into immediate effect when 1606
it becomes law. 1607