

**As Passed by the House**

**124th General Assembly**

**Regular Session**

**2001-2002**

**Am. Sub. S. B. No. 9**

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Kearns, Salerno**

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**A B I L L**

To amend sections 2305.111, 2907.01, 2907.03, 2907.06, 1  
4732.01, 4732.02, 4732.141, and 4732.17 and to 2  
enact sections 2305.115, 2307.63, 2907.17, 3  
2907.171, 2907.18, 4732.021, 4732.171, 4732.172, 4  
4732.173, and 4732.31 of the Revised Code to extend 5  
the statute of limitations and limit the defense of 6  
consent in a civil assault or battery actions by a 7  
mental health client or patient against a mental 8  
health professional based on sexual conduct or 9  
sexual contact; to expand the offenses of "sexual 10  
battery" and "sexual imposition" to prohibit in 11  
specified circumstances involving false claims of 12  
necessary treatment mental health professionals 13  
from engaging in sexual conduct or having sexual 14  
contact with their mental health clients or 15  
patients; to provide for notice to the regulatory 16  
entity with authority over a mental health 17  
professional who is charged with or convicted of 18

those activities; to modify the laws regarding the 19  
State Board of Psychology; and to modify the laws 20  
governing psychologist misconduct. 21

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

**Section 1.** That sections 2305.111, 2907.01, 2907.03, 2907.06, 22  
4732.01, 4732.02, 4732.141, and 4732.17 be amended and sections 23  
2305.115, 2307.63, 2907.17, 2907.171, 2907.18, 4732.021, 4732.171, 24  
4732.172, 4732.173, and 4732.31 of the Revised Code be enacted to 25  
read as follows: 26

**Sec. 2305.111.** ~~An~~ Except as provided in section 2305.115 of 27  
the Revised Code, an action for assault or battery shall be 28  
brought within one year after the cause of the action accrues. For 29  
purposes of this section, a cause of action for assault or battery 30  
accrues upon the later of the following: 31

(A) The date on which the alleged assault or battery 32  
occurred; 33

(B) If the plaintiff did not know the identity of the person 34  
who allegedly committed the assault or battery on the date on 35  
which it allegedly occurred, the earlier of the following dates: 36

(1) The date on which the plaintiff learns the identity of 37  
that person; 38

(2) The date on which, by the exercise of reasonable 39  
diligence, ~~he~~ the plaintiff should have learned the identity of 40  
that person. 41

**Sec. 2305.115.** (A) An action for assault or battery shall be 42  
brought within two years after the cause of action accrues, except 43  
as provided in division (B) of this section, if all of the 44  
following apply regarding the action, the cause of the action, and 45

the parties to the action:

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(1) The action is brought against a mental health professional.

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(2) The assault or battery claim asserted in the action is that, while the plaintiff was a mental health client or patient of the mental health professional, the mental health professional engaged in sexual conduct with, had sexual contact with, or caused one or more other persons to have sexual contact with the plaintiff.

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(3) At the time of the sexual conduct or sexual contact described in division (A)(2) of this section, the plaintiff was not the spouse of the mental health professional.

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(B) If the mental health service relationship between the plaintiff in an action for assault or battery that is described in division (A) of this section and the mental health professional continues after the date on which the cause of action accrues, the two-year period specified in division (A) of this section does not begin to run until the date on which that mental health service relationship is terminated by either or both of the parties.

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(C) Unless division (A) or (B) of this section applies, an action for assault or battery shall be brought as provided in section 2305.111 of the Revised Code.

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(D) As used in this section:

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(1) "Mental health client or patient" and "mental health service" have the same meanings as in section 2305.51 of the Revised Code.

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(2) "Mental health professional" has the same meaning as in section 2305.51 of the Revised Code and also includes an individual who is not licensed, certified, or registered under the Revised Code, or otherwise authorized in this state, but who

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regularly provides or purports to provide mental health services  
for compensation or remuneration at an established place of  
business.

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(3) "Mental health service relationship" means the  
relationship between a mental health professional and a mental  
health client or patient of the mental health professional that  
exists for purposes of the mental health professional's provision  
of mental health services to the mental health client or patient.

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(4) "Sexual conduct" and "sexual contact" have the same  
meanings as in section 2907.01 of the Revised Code.

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**Sec. 2307.63.** (A) In an action for assault or battery brought  
against a mental health professional that asserts as a claim that,  
while the plaintiff was a mental health client or patient of the  
mental health professional, the mental health professional engaged  
in sexual conduct with, had sexual contact with, or caused one or  
more other persons to have sexual contact with the plaintiff, the  
consent of the plaintiff to the sexual conduct or sexual contact  
is not a defense to the claim unless either of the following  
applies:

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(1) At the time of that sexual conduct or sexual contact, the  
plaintiff was the spouse of the mental health professional.

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(2) The mental health professional proves by a preponderance  
of the evidence all of the following:

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(a) At the time of the sexual conduct or sexual contact, the  
plaintiff was not emotionally dependent upon the mental health  
professional.

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(b) The plaintiff did not submit to the sexual conduct or  
sexual contact because of therapeutic deception by the mental  
health professional or because the mental health professional  
falsely represented to the plaintiff that the sexual conduct or  
sexual contact was necessary for medical or mental health

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purposes. 107

(B) As used in this section: 108

(1) "Emotionally dependent" means that the emotional 109  
condition of a mental health client or patient of a mental health 110  
professional and the treatment provided by the mental health 111  
professional to the client or patient are of such a nature that 112  
the mental health professional knows or has reason to know that 113  
the client or patient is unable to withhold consent to one or more 114  
of the following: 115

(a) Engaging in sexual conduct with the mental health 116  
professional; 117

(b) Having sexual contact with the mental health professional 118  
or having sexual contact caused by the mental health professional 119  
with one or more other persons. 120

(2) "Mental health client or patient" has the same meaning as 121  
in section 2305.51 of the Revised Code. 122

(3) "Mental health professional" has the same meaning as in 123  
section 2305.115 of the Revised Code. 124

(4) "Sexual conduct" and "sexual contact" have the same 125  
meanings as in section 2907.01 of the Revised Code. 126

(5) "Therapeutic deception" means a representation by a 127  
mental health professional that one or more of the following is 128  
consistent with or part of the treatment for a mental health 129  
client or patient of the mental health professional: 130

(a) The client or patient engaging in sexual conduct with the 131  
mental health professional; 132

(b) The client or patient having sexual contact with the 133  
mental health professional or having sexual contact caused by the 134  
mental health professional with one or more other persons. 135

Sec. 2907.01. As used in sections 2907.01 to 2907.37 of the Revised Code:

(A) "Sexual conduct" means vaginal intercourse between a male and female; anal intercourse, fellatio, and cunnilingus between persons regardless of sex; and, without privilege to do so, the insertion, however slight, of any part of the body or any instrument, apparatus, or other object into the vaginal or anal cavity of another. Penetration, however slight, is sufficient to complete vaginal or anal intercourse.

(B) "Sexual contact" means any touching of an erogenous zone of another, including without limitation the thigh, genitals, buttock, pubic region, or, if the person is a female, a breast, for the purpose of sexually arousing or gratifying either person.

(C) "Sexual activity" means sexual conduct or sexual contact, or both.

(D) "Prostitute" means a male or female who promiscuously engages in sexual activity for hire, regardless of whether the hire is paid to the prostitute or to another.

(E) Any material or performance is "harmful to juveniles," if it is offensive to prevailing standards in the adult community with respect to what is suitable for juveniles, and if any of the following apply:

(1) It tends to appeal to the prurient interest of juveniles;

(2) It contains a display, description, or representation of sexual activity, masturbation, sexual excitement, or nudity;

(3) It contains a display, description, or representation of bestiality or extreme or bizarre violence, cruelty, or brutality;

(4) It contains a display, description, or representation of

human bodily functions of elimination;	165
(5) It makes repeated use of foul language;	166
(6) It contains a display, description, or representation in lurid detail of the violent physical torture, dismemberment, destruction, or death of a human being;	167 168 169
(7) It contains a display, description, or representation of criminal activity that tends to glorify or glamorize the activity, and that, with respect to juveniles, has a dominant tendency to corrupt.	170 171 172 173
(F) When considered as a whole, and judged with reference to ordinary adults or, if it is designed for sexual deviates or other specially susceptible group, judged with reference to that group, any material or performance is "obscene" if any of the following apply:	174 175 176 177 178
(1) Its dominant appeal is to prurient interest;	179
(2) Its dominant tendency is to arouse lust by displaying or depicting sexual activity, masturbation, sexual excitement, or nudity in a way that tends to represent human beings as mere objects of sexual appetite;	180 181 182 183
(3) Its dominant tendency is to arouse lust by displaying or depicting bestiality or extreme or bizarre violence, cruelty, or brutality;	184 185 186
(4) Its dominant tendency is to appeal to scatological interest by displaying or depicting human bodily functions of elimination in a way that inspires disgust or revulsion in persons with ordinary sensibilities, without serving any genuine scientific, educational, sociological, moral, or artistic purpose;	187 188 189 190 191
(5) It contains a series of displays or descriptions of sexual activity, masturbation, sexual excitement, nudity, bestiality, extreme or bizarre violence, cruelty, or brutality, or	192 193 194

human bodily functions of elimination, the cumulative effect of 195  
which is a dominant tendency to appeal to prurient or scatological 196  
interest, when the appeal to such an interest is primarily for its 197  
own sake or for commercial exploitation, rather than primarily for 198  
a genuine scientific, educational, sociological, moral, or 199  
artistic purpose. 200

(G) "Sexual excitement" means the condition of human male or 201  
female genitals when in a state of sexual stimulation or arousal. 202

(H) "Nudity" means the showing, representation, or depiction 203  
of human male or female genitals, pubic area, or buttocks with 204  
less than a full, opaque covering, or of a female breast with less 205  
than a full, opaque covering of any portion thereof below the top 206  
of the nipple, or of covered male genitals in a discernibly turgid 207  
state. 208

(I) "Juvenile" means an unmarried person under the age of 209  
eighteen. 210

(J) "Material" means any book, magazine, newspaper, pamphlet, 211  
poster, print, picture, figure, image, description, motion picture 212  
film, phonographic record, or tape, or other tangible thing 213  
capable of arousing interest through sight, sound, or touch. 214  
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(K) "Performance" means any motion picture, preview, trailer, 216  
play, show, skit, dance, or other exhibition performed before an 217  
audience. 218

(L) "Spouse" means a person married to an offender at the 219  
time of an alleged offense, except that such person shall not be 220  
considered the spouse when any of the following apply: 221

(1) When the parties have entered into a written separation 222  
agreement authorized by section 3103.06 of the Revised Code; 223

(2) During the pendency of an action between the parties for 224



annulment, divorce, dissolution of marriage, or legal separation;	225
(3) In the case of an action for legal separation, after the effective date of the judgment for legal separation.	226 227
(M) "Minor" means a person under the age of eighteen.	228
<u>(N) "Mental health client or patient" has the same meaning as in section 2305.51 of the Revised Code.</u>	229 230
<u>(O) "Mental health professional" has the same meaning as in section 2305.115 of the Revised Code.</u>	231 232
<b>Sec. 2907.03.</b> (A) No person shall engage in sexual conduct with another, not the spouse of the offender, when any of the following apply:	234 235 236
(1) The offender knowingly coerces the other person to submit by any means that would prevent resistance by a person of ordinary resolution.	237 238 239
(2) The offender knows that the other person's ability to appraise the nature of or control the other person's own conduct is substantially impaired.	240 241 242
(3) The offender knows that the other person submits because the other person is unaware that the act is being committed.	243 244
(4) The offender knows that the other person submits because the other person mistakenly identifies the offender as the other person's spouse.	245 246 247
(5) The offender is the other person's natural or adoptive parent, or a stepparent, or guardian, custodian, or person in loco parentis of the other person.	248 249 250
(6) The other person is in custody of law or a patient in a hospital or other institution, and the offender has supervisory or disciplinary authority over the other person.	251 252 253

(7) The offender is a teacher, administrator, coach, or other person in authority employed by or serving in a school for which the state board of education prescribes minimum standards pursuant to division (D) of section 3301.07 of the Revised Code, the other person is enrolled in or attends that school, and the offender is not enrolled in and does not attend that school.

(8) The other person is a minor, the offender is a teacher, administrator, coach, or other person in authority employed by or serving in an institution of higher education, and the other person is enrolled in or attends that institution.

(9) The other person is a minor, and the offender is the other person's athletic or other type of coach, is the other person's instructor, is the leader of a scouting troop of which the other person is a member, or is a person with temporary or occasional disciplinary control over the other person.

(10) The offender is a mental health professional, the other person is a mental health client or patient of the offender, and the offender induces the other person to submit by falsely representing to the other person that the sexual conduct is necessary for mental health treatment purposes.

(B) Whoever violates this section is guilty of sexual battery, a felony of the third degree.

(C) As used in this section, "institution of higher education" means a state institution of higher education defined in section 3345.011 of the Revised Code, a private nonprofit college or university located in this state that possesses a certificate of authorization issued by the Ohio board of regents pursuant to Chapter 1713. of the Revised Code, or a school certified under Chapter 3332. of the Revised Code.

**Sec. 2907.06.** (A) No person shall have sexual contact with

another, not the spouse of the offender; cause another, not the 284  
spouse of the offender, to have sexual contact with the offender; 285  
or cause two or more other persons to have sexual contact when any 286  
of the following applies: 287

(1) The offender knows that the sexual contact is offensive 288  
to the other person, or one of the other persons, or is reckless 289  
in that regard. 290

(2) The offender knows that the other person's, or one of the 291  
other person's, ability to appraise the nature of or control the 292  
offender's or touching person's conduct is substantially impaired. 293  
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(3) The offender knows that the other person, or one of the 295  
other persons, submits because of being unaware of the sexual 296  
contact. 297

(4) The other person, or one of the other persons, is 298  
thirteen years of age or older but less than sixteen years of age, 299  
whether or not the offender knows the age of such person, and the 300  
offender is at least eighteen years of age and four or more years 301  
older than such other person. 302

(5) The offender is a mental health professional, the other 303  
person or one of the other persons is a mental health client or 304  
patient of the offender, and the offender induces the other person 305  
who is the client or patient to submit by falsely representing to 306  
the other person who is the client or patient that the sexual 307  
contact is necessary for mental health treatment purposes. 308

(B) No person shall be convicted of a violation of this 309  
section solely upon the victim's testimony unsupported by other 310  
evidence. 311

(C) Whoever violates this section is guilty of sexual 312  
imposition, a misdemeanor of the third degree. If the offender 313  
previously has been convicted of a violation of this section or of 314

section 2907.02, 2907.03, 2907.04, 2907.05, or 2907.12 of the  
Revised Code, a violation of this section is a misdemeanor of the  
first degree.

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Sec. 2907.17. If a mental health professional is indicted or  
charged and bound over to the court of common pleas for trial for  
an alleged violation of division (A)(10) of section 2907.03 or  
division (A)(5) of section 2907.06 of the Revised Code, the  
prosecuting attorney handling the case shall send written notice  
of the indictment or the charge and bind over to the regulatory or  
licensing board or agency, if any, that has the administrative  
authority to suspend or revoke the mental health professional's  
professional license, certification, registration, or  
authorization.

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Sec. 2907.171. The failure of the prosecuting attorney to  
give the notice required by section 2907.17 of the Revised Code  
does not give rise to a claim for damages against the prosecuting  
attorney or the county. The failure of the prosecuting attorney to  
give the notice does not constitute grounds for declaring a  
mistrial or new trial, for setting aside a conviction or sentence,  
or for granting postconviction relief to a defendant.

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Sec. 2907.18. If a mental health professional is convicted of  
or pleads guilty to a violation of division (A)(10) of section  
2907.03 or division (A)(5) of section 2907.06 of the Revised Code,  
the court shall transmit a certified copy of the judgment entry of  
conviction to the regulatory or licensing board or agency, if any,  
that has the administrative authority to suspend or revoke the  
mental health professional's professional license, certification,  
registration, or authorization.

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**Sec. 4732.01.** As used in sections 4732.01 to 4732.25 of the

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Revised Code: 344

(A) "Psychologist" means any person who holds ~~himself~~ self 345  
out to the public by any title or description of services 346  
incorporating the words "psychologic," "psychological," 347  
"psychologist," "psychology," or any other terms that imply ~~he~~ the 348  
person is trained, experienced, or an expert in the field of 349  
psychology. 350

(B) "The practice of psychology" means rendering or offering 351  
to render to individuals, groups, organizations, or the public any 352  
service involving the application of psychological procedures to 353  
assessment, diagnosis, prevention, treatment, or amelioration of 354  
psychological problems or emotional or mental disorders of 355  
individuals or groups; or to the assessment or improvement of 356  
psychological adjustment or functioning of individuals or groups, 357  
whether or not there is a diagnosable pre-existing psychological 358  
problem. Practice of psychology includes the practice of school 359  
psychology. For purposes of this chapter, teaching or research 360  
shall not be regarded as the practice of psychology, even when 361  
dealing with psychological subject matter, provided it does not 362  
otherwise involve the professional practice of psychology in which 363  
patient or client welfare is directly affected. 364

(C) "Psychological procedures" include but are not restricted 365  
to application of principles, methods, or procedures of 366  
understanding, predicting, or influencing behavior, such as the 367  
principles pertaining to learning, conditioning, perception, 368  
motivation, thinking, emotions, or interpersonal relationships; 369  
the methods or procedures of verbal interaction, interviewing, 370  
counseling, behavior modification, environmental manipulation, 371  
group process, psychological psychotherapy, or hypnosis; and the 372  
methods or procedures of administering or interpreting tests of 373  
mental abilities, aptitudes, interests, attitudes, personality 374  
characteristics, emotions, or motivation. 375

(D) "School psychologist" means any person who holds ~~himself~~ self out to the public by any title or description of services incorporating the words "school psychologist" or "school psychology," or who holds ~~himself~~ self out to be trained, experienced, or an expert in the practice of school psychology.

(E) "Practice of school psychology" means rendering or offering to render to individuals, groups, organizations, or the public any of the following services:

(1) Evaluation, diagnosis, or test interpretation limited to assessment of intellectual ability, learning patterns, achievement, motivation, or personality factors directly related to learning problems in an educational setting;

(2) Counseling services for children or adults for amelioration or prevention of educationally related learning problems;

(3) Educational or vocational consultation or direct educational services. This does not include industrial consultation or counseling services to clients undergoing vocational rehabilitation.

(F) "Licensed psychologist" means an individual holding a current, valid license to practice psychology issued under section 4732.12 or 4732.15 of the Revised Code.

(G) "Licensed school psychologist" means an individual holding a current, valid license to practice school psychology issued under section 4732.12 or 4732.15 of the Revised Code.

(H) "Certificated school psychologist" means an individual holding a current, valid school psychologist certificate issued under division (M) of section 3319.22 of the Revised Code.

(I) "Mental health professional" and "mental health service" have the same meanings as in section 2305.51 of the Revised Code.

Sec. 4732.02. The governor, with the advice and consent of  
the senate, shall appoint a state board of psychology consisting  
of ~~seven~~ nine persons who are citizens of the United States and  
residents of this state. ~~One member shall not be a psychologist or  
other health professional~~ Three members shall be patient advocates  
who are not mental health professionals and who either are parents  
or other relatives of a person who has received or is receiving  
mental health services or are representatives of organizations  
that represent persons who have received or are receiving mental  
health services. At least one patient advocate member shall be a  
parent or other relative of a mental health service recipient, and  
at least one patient advocate member shall be a representative of  
an organization representing mental health service recipients.  
Each of the remaining members shall be a licensed psychologist or  
a licensed school psychologist. The terms of the licensed  
psychologist and licensed school psychologist members that are in  
effect on the effective date of this amendment shall continue as  
under the law in effect prior to the effective date of this  
amendment. Of the ~~original~~ patient advocate members whose  
positions are created on the effective date of this amendment, two  
one shall replace the current member who is not a psychologist or  
other health professional at the end of that member's term, one  
shall be appointed for one year terms, one for two years, two for  
three years a term that ends on October 5, 2003, one for four  
years, and one shall be appointed for five years a term that ends  
on October 5, 2006. Thereafter, terms of office for all members  
shall be for five years, commencing on the sixth day of October  
and ending on the fifth day of October. Each member shall hold  
office from the date of his appointment until the end of the term  
for which he the member was appointed. Any member appointed to  
fill a vacancy occurring prior to the expiration of the term for  
which his the member's predecessor was appointed shall hold office

for the remainder of such term. Any member shall continue in 438  
office subsequent to the expiration date of ~~his~~ the member's term 439  
until ~~his~~ the member's successor takes office, or until a period 440  
of sixty days has elapsed, whichever occurs first. No person shall 441  
be appointed to more than two five-year terms in succession. The 442  
licensed psychologist and licensed school psychologist members of 443  
the board shall be so chosen that they represent the diverse 444  
fields of specialization and practice in the profession of 445  
psychology and the profession of school psychology. The governor 446  
may make such appointments from lists submitted annually by the 447  
Ohio psychological association and by the Ohio school 448  
psychologists association. A vacancy in an unexpired term shall be 449  
filled in the same manner as the original appointment. ~~The~~ 450

The governor may remove any member for malfeasance, 451  
misfeasance, or nonfeasance after a hearing in accordance with 452  
Chapter 119. of the Revised Code. The governor shall remove, after 453  
a hearing in accordance with Chapter 119. of the Revised Code, any 454  
member who has been convicted of or pleaded guilty to the 455  
commission of a felony offense under any law of this state, 456  
another state, or the United States. No person may be appointed to 457  
the board who has been convicted of or pleaded guilty to a felony 458  
offense under any law of this state, another state, or the United 459  
States. 460

**Sec. 4732.021.** A member of the state board of psychology 461  
shall not engage in any conduct involving a conflict of interest 462  
with the member's board duties. 463

**Sec. 4732.141.** (A)(~~1~~) ~~On August 31, 1998, and on or before~~ 464  
the thirty-first day of August of each even-numbered year 465  
~~thereafter~~ beginning in 1998 and until the requirement set forth 466  
in division (A)(2) of this section applies, each person licensed 467



under this chapter by the state board of psychology shall have 468  
completed, in the preceding two-year period, not less than twenty 469  
hours of continuing education in psychology or the number of hours 470  
determined under division (D) of this section. ~~Each such~~ 471

(2) On or before the thirty-first day of August of each 472  
even-numbered year after the biennium in which this amendment 473  
takes effect, each person licensed under this chapter by the state 474  
board of psychology shall have completed, in the preceding 475  
two-year period, not less than twenty-three hours of continuing 476  
education in psychology, including not less than three hours of 477  
continuing education in professional conduct and ethics, or the 478  
number of hours determined under division (D) of this section. 479

(3) Each person subject to division (A)(1) or (2) of this 480  
section shall certify to the board, at the time of biennial 481  
registration pursuant to section 4732.14 of the Revised Code and 482  
on the registration form prescribed by the board under that 483  
section, that in the preceding two years the person has completed 484  
continuing psychology education in compliance with this section. 485  
The board shall adopt rules establishing the procedure for a 486  
person to certify to the board and for properly recording with the 487  
Ohio psychological association or the state board of education 488  
completion of the continuing education. 489

(B) Continuing psychology education may be applied to meet 490  
the requirement of division (A) of this section if both of the 491  
following requirements are met: 492

(1) It is obtained through a program or course approved by 493  
the state board of psychology, the Ohio psychological association, 494  
the Ohio association of black psychologists, or the American 495  
psychological association or, in the case of a licensed school 496  
psychologist or a licensed psychologist with a school psychology 497  
specialty, by the state board of education, the Ohio school 498

psychologists association, or the national association of school 499  
psychologists; 500

(2) Completion of the program or course is recorded with the 501  
Ohio psychological association or the state board of education in 502  
accordance with rules adopted by the state board of psychology in 503  
accordance with division (A) of this section. 504

The state board of psychology may disapprove any program or 505  
course that has been approved by the Ohio psychological 506  
association, Ohio association of black psychologists, American 507  
psychological association, state board of education, Ohio school 508  
psychologists association, or national association of school 509  
psychologists. Such program or course may not be applied to meet 510  
the requirement of division (A) of this section. 511

(C) Each person licensed under this chapter shall be given a 512  
sufficient choice of continuing education programs or courses in 513  
psychology, including programs or courses on professional conduct 514  
and ethics when required under division (A)(2) of this section, to 515  
ensure that the person has had a reasonable opportunity to 516  
participate in programs or courses that are relevant to the 517  
person's practice in terms of subject matter and level. 518

(D) The board shall adopt rules providing for reductions of 519  
the hours of continuing psychology education required by this 520  
section for persons in their first registration period. 521

(E) Each person licensed under this chapter shall retain in 522  
the person's records for at least three years the receipts, 523  
vouchers, or certificates necessary to document completion of 524  
continuing psychology education. Proof of continuing psychology 525  
education recorded with the Ohio psychological association or the 526  
state board of education in accordance with the procedures 527  
established pursuant to division (A) of this section shall serve 528  
as sufficient documentation of completion. With cause, the board 529

may request the documentation from the person. The board also may 530  
request the documentation from persons licensed under this chapter 531  
selected at random, without cause. The board may review any 532  
continuing psychology education records recorded by the Ohio 533  
psychological association or the state board of education. 534

(F) The board may excuse persons licensed under this chapter, 535  
as a group or as individuals, from all or any part of the 536  
requirements of this section because of an unusual circumstance, 537  
emergency, or special hardship. 538

(G) The state board of psychology shall approve one or more 539  
continuing education courses of study that assist psychologists 540  
and school psychologists in recognizing the signs of domestic 541  
violence and its relationship to child abuse. Psychologists and 542  
school psychologists are not required to take the courses. 543

**Sec. 4732.17.** (A) The state board of psychology may refuse to 544  
issue a license to any applicant, may issue a reprimand, or 545  
suspend or revoke the license of any licensed psychologist or 546  
licensed school psychologist, on any of the following grounds: 547

(1) Conviction of a felony, or of any offense involving moral 548  
turpitude, in a court of this or any other state or in a federal 549  
court; 550

(2) Using fraud or deceit in the procurement of the license 551  
to practice psychology or school psychology or knowingly assisting 552  
another in the procurement of such a license through fraud or 553  
deceit; 554

(3) Accepting commissions or rebates or other forms of 555  
remuneration for referring persons to other professionals; 556

(4) Willful, unauthorized communication of information 557  
received in professional confidence; 558

(5) Being negligent in the practice of psychology or school 559

psychology;	560
(6) Using any controlled substance or alcoholic beverage to an extent that such use impairs the person's ability to perform the work of a psychologist or school psychologist with safety to the public;	561 562 563 564
(7) Subject to section 4732.28 of the Revised Code, violating any rule of professional conduct promulgated by the board;	565 566 567
(8) Practicing in an area of psychology for which the person is clearly untrained or incompetent;	568 569
(9) An adjudication by a court, as provided in section 5122.301 of the Revised Code, that the person is incompetent for the purpose of holding the license. Such person may have the person's license issued or restored only upon determination by a court that the person is competent for the purpose of holding the license and upon the decision by the board that such license be issued or restored. The board may require an examination prior to such issuance or restoration.	570 571 572 573 574 575 576 577
(10) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers psychological services, would otherwise be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that provider;	578 579 580 581 582 583
(11) Advertising that the person will waive the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers psychological services, would otherwise be required to pay;	584 585 586 587 588
(12) Notwithstanding division (A)(10) and (11) of this section, sanctions shall not be imposed against any licensee who	589 590

waives deductibles and copayments:

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(a) In compliance with the health benefit plan that expressly  
allows such a practice. Waiver of the deductibles or copays shall  
be made only with the full knowledge and consent of the plan  
purchaser, payer, and third-party administrator. Such consent  
shall be made available to the board upon request.

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(b) For professional services rendered to any other person  
licensed pursuant to this chapter to the extent allowed by this  
chapter and the rules of the board.

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(B) ~~Before~~ Except as provided in section 4732.171 of the  
Revised Code, before the board may deny, suspend, or revoke a  
license under this section, or otherwise discipline the holder of  
a license, written charges shall be filed with the board by the  
secretary and a hearing shall be had thereon in accordance with  
Chapter 119. of the Revised Code.

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**Sec. 4732.171.** On receipt of a complaint that any of the  
grounds listed in division (A) of section 4732.17 of the Revised  
Code exist, the state board of psychology may suspend the license  
of the licensed psychologist or licensed school psychologist prior  
to holding a hearing in accordance with Chapter 119. of the  
Revised Code if it determines, based on the complaint, that there  
is an immediate threat to the public.

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After suspending a license pursuant to this section, the  
board shall notify the licensed psychologist or licensed school  
psychologist of the suspension in accordance with section 119.07  
of the Revised Code. If the individual whose license is suspended  
fails to make a timely request for an adjudication under Chapter  
119. of the Revised Code, the board shall enter a final order  
permanently revoking the individual's license.

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**Sec. 4732.172.** (A) Except as provided in division (B) of this

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section, if, at the conclusion of a hearing required by section 621  
4732.17 of the Revised Code, the state board of psychology 622  
determines that a licensed psychologist or licensed school 623  
psychologist has engaged in sexual conduct or had sexual contact 624  
with the licensed psychologist's or licensed school psychologist's 625  
patient or client in violation of any prohibition contained in 626  
Chapter 2907. of the Revised Code, the board shall do one of the 627  
following: 628

(1) Suspend the licensed psychologist's or licensed school 629  
psychologist's license; 630

(2) Permanently revoke the licensed psychologist's or 631  
licensed school psychologist's license. 632

(B) If it determines at the conclusion of the hearing that 633  
neither of the sanctions described in division (A) of this section 634  
is appropriate, the board shall impose another sanction it 635  
considers appropriate and issue a written finding setting forth 636  
the reasons for the sanction imposed and the reason that neither 637  
of the sanctions described in division (A) of this section is 638  
appropriate. 639

**Sec. 4732.173.** Any finding made, and the record of any 640  
sanction imposed, by the state board of psychology under section 641  
4732.17, 4732.171, or 4732.172 of the Revised Code is a public 642  
record under section 149.43 of the Revised Code. 643

**Sec. 4732.31.** (A) The state board of psychology shall provide 644  
access to the following information through the internet: 645

(1) The names of all licensed psychologists and licensed 646  
school psychologists; 647

(2) The names of all licensed psychologists and licensed 648  
school psychologists who have been reprimanded by the board for 649

misconduct, the names of all psychologists or school psychologists 650  
who have current licenses but whose licenses are under an active 651  
suspension imposed for misconduct, the names of all former 652  
licensed psychologists and licensed school psychologists whose 653  
licenses have been suspended or revoked for misconduct, and the 654  
reason for each reprimand, suspension, or revocation; 655

(3) Written findings made under division (B) of section 656  
4732.172 of the Revised Code. 657

(B) Division (A)(2) of this section does not apply to a 658  
suspension of the license of a psychologist or school psychologist 659  
that is an automatic suspension imposed under section 4732.14 of 660  
the Revised Code. 661

**Section 2.** That existing sections 2305.111, 2907.01, 2907.03, 662  
2907.06, 4732.01, 4732.02, 4732.141, and 4732.17 of the Revised 663  
Code are hereby repealed. 664

**Section 3.** Of the three patient advocates who are not mental 665  
health professionals and who are required to be appointed to the 666  
State Board of Psychology under section 4732.02 of the Revised 667  
Code, as amended by this act, one shall replace the current member 668  
who is not a psychologist or other health professional at the end 669  
of that member's term and two shall be appointed as new members in 670  
accordance with that section. 671