

# AN ACT

To amend sections 4757.01, 4757.04, 4757.21, 4757.26, 4757.30, and 4757.36 of the Revised Code and to amend Section 379.10 of Am. Sub. H.B. 119 of the 127th General Assembly, as subsequently amended, regarding the practice of marriage and family therapy and the membership of the professional standards committees of the Counselor, Social Worker, and Marriage and Family Therapist Board.

*Be it enacted by the General Assembly of the State of Ohio:*

SECTION 1. That sections 4757.01, 4757.04, 4757.21, 4757.26, 4757.30, and 4757.36 of the Revised Code be amended to read as follows:

Sec. 4757.01. As used in this chapter:

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

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

(C) "Practice of social work" means the application of specialized knowledge of human development and behavior and social, economic, and cultural systems in directly assisting individuals, families, and groups in a clinical setting to improve or restore their capacity for social functioning,

including counseling, the use of psychosocial interventions, and the use of social psychotherapy, which includes the diagnosis and treatment of mental and emotional disorders.

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

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

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

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

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

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

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

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

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

The counselors professional standards committee consists of the board's

professional clinical counselor and professional counselor members and one of the members representing the public who is not the member representing the public on the marriage and family therapist professional standards committee or the social workers professional standards committee. The committee has full authority to act on behalf of the board on all matters concerning professional clinical counselors and professional counselors.

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

The marriage and family therapist professional standards committee consists of the board's marriage and family therapists and one of the members representing the public who is not the member representing the public on the counselors professional standards committee or the social workers professional standards committee. The committee has full authority to act on behalf of the board on all matters concerning independent marriage and family therapists and marriage and family therapists.

Sec. 4757.21. A person licensed under this chapter to practice as a professional clinical counselor or a professional counselor may diagnose and treat mental and emotional disorders, except that a professional counselor may do so only under the supervision of a psychologist, psychiatrist, professional clinical counselor, independent marriage and family therapist, or independent social worker. A professional clinical counselor or professional counselor may engage in the private practice of professional counseling as an individual practitioner or as a member of a partnership or group practice.

Sec. 4757.26. (A) A person licensed under this chapter to practice as an independent social worker or a social worker may diagnose and treat mental and emotional disorders, except that a social worker may do so only under the supervision of a psychologist, psychiatrist, professional clinical counselor, independent marriage and family therapist, independent social worker, or registered nurse who holds a master's degree in psychiatric nursing.

(B) A person licensed under this chapter to practice as an independent social worker may engage in the private practice of social work as an individual practitioner or as a member of a partnership or group practice.

(C) A person licensed under this chapter to practice as a social worker

shall not engage in the private practice of social work as an individual practitioner or as a member of a partnership or group practice. A social worker shall not engage in the practice of social work as an employee of a private individual, partnership, or group practitioner of social work unless the social worker is supervised by a psychologist, psychiatrist, professional clinical counselor, independent marriage and family therapist, independent social worker, or registered nurse who holds a master's degree in psychiatric nursing.

(D) A person who receives a certificate of registration to practice as a social work assistant is not authorized to engage in the practice of social work. A social work assistant, under the direct supervision of a psychologist, psychiatrist, professional clinical counselor, professional counselor, independent marriage and family therapist, independent social worker, social worker, or registered nurse who holds a master's degree in psychiatric nursing, may provide human, social, and community services that include intake assessment and referral, screening, crisis intervention and resolution, community support, case management and outreach, record keeping, social assessment, visual observation of an individual in the individual's environment, assistance in facilitation with groups and families, advocacy, and orientation, education, and prevention services.

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

- (1) Properly completed an application for the license;
- (2) Paid the required fee established by the board under section 4757.31 of the Revised Code;
- (3) Achieved one of the following:
  - (a) Received from an educational institution accredited at the time the degree was granted by a regional accrediting organization recognized by the board a master's degree or a doctorate in marriage and family therapy;
  - (b) Completed a graduate degree that includes a minimum of ninety quarter hours of graduate level course work in marriage and family therapy training that is acceptable to the committee;
- (4) Passed an examination administered by the board for the purpose of determining the person's ability to be a marriage and family therapist;
- (5) Completed a practicum that includes at least three hundred hours of client contact.

(B) To be accepted by the committee for purposes of division (A)(3)(b) of this section, marriage and family therapist training must include instruction in at least the following: ~~research, professional ethics, marriage and family studies, marriage and family therapy, human development, appraisal of individuals and families, and systems~~

(1) Research and evaluation;

(2) Professional, legal, and ethical responsibilities;

(3) Marriage and family studies;

(4) Marriage and family therapy, including therapeutic theory and techniques for individuals, groups, and families;

(5) Human development;

(6) Appraisal of individuals and families;

(7) Diagnosis of mental and emotional disorders;

(8) Systems theory.

(C) ~~The board~~ marriage and family therapist professional standards committee shall, ~~after reviewing the report submitted to it by the marriage and family therapist professional standards committee,~~ issue a license to practice as an independent marriage and family therapist to a person who ~~meets~~ does both of the following:

(1) Meets all of the requirements of division (A) of this section ~~and, after,~~

(2) After meeting the requirements ~~under of~~ division (A)(3) of this section, completes at least two calendar years of work experience in marriage and family therapy, ~~including.~~

The two calendar years of work experience must include one thousand hours of documented client contact in marriage and family therapy. Two hundred hours of the one thousand hours must ~~be supervised~~ include face-to-face supervision by a supervisor whose training and experience meets standards established by the board in rules adopted under section 4757.10 of the Revised Code and one hundred hours of the two hundred hours of supervision must be individual supervision.

(D) ~~The board shall waive the requirements of divisions (A)(4) and (B) of this section for an applicant seeking licensure under division (A) or (C) of this section for the two years immediately following the effective date of this section if the applicant presents satisfactory evidence of both of the following:~~

~~(1) That the applicant engaged in the practice of marriage and family therapy for a total of not less than five years prior to the effective date of this section;~~

~~(2) That, at the time of application, the applicant is an associate or~~

~~clinical member of the American association of marriage and family therapists.~~

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

~~(F)~~~~(E)~~ A marriage and family therapist may diagnose and treat mental and emotional disorders only under the supervision of a psychologist, psychiatrist, professional clinical counselor, independent social worker, or independent marriage and family therapist. An independent marriage and family therapist may diagnose and treat mental and emotional disorders without supervision.

~~(G)~~~~(F)~~ Nothing in this chapter or rules adopted under it authorizes an independent marriage and family therapist or a marriage and family therapist to admit a patient to a hospital or requires a hospital to allow a marriage and family therapist to admit a patient.

(G) An independent marriage and family therapist or a marriage and family therapist may not diagnose, treat, or advise on conditions outside the recognized boundaries of the marriage and family therapist's competency. An independent marriage and family therapist or a marriage and family therapist shall make appropriate and timely referrals when a client's needs exceed the marriage and family therapist's competence level.

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

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

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

(3) Accepted a commission or rebate for referring persons to any professionals licensed, certified, or registered by any court or board, commission, department, division, or other agency of the state, including,

but not limited to, individuals practicing counseling, social work, or marriage and family therapy or practicing in fields related to counseling, social work, or marriage and family therapy;

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

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

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

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

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

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

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

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

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

SECTION 2. That existing sections 4757.01, 4757.04, 4757.21, 4757.26, 4757.30, and 4757.36 of the Revised Code are hereby repealed.

SECTION 3. That Section 379.10 of Am. Sub. H.B. 119 of the 127th General Assembly, as amended by Am. Sub. H.B. 562 of the 127th General Assembly, be amended to read as follows:

Sec. 379.10. RSC REHABILITATION SERVICES COMMISSION

**General Revenue Fund**

GRF	415-100	Personal Services	\$	8,851,468	\$	8,851,468
GRF	415-402	Independent Living Council	\$	450,000	\$	450,000
GRF	415-406	Assistive Technology	\$	47,531	\$	47,531
GRF	415-431	Office for People with Brain Injury	\$	226,012	\$	226,012
GRF	415-506	Services for People with Disabilities	\$	16,959,541	\$	17,259,541
GRF	415-508	Services for the Deaf	\$	50,000	\$	50,000
TOTAL GRF General Revenue Fund			\$	26,584,552	\$	26,884,552

**General Services Fund Group**

4W5	415-606	Program Management Expenses	\$	18,123,188	\$	18,557,040
467	415-609	Business Enterprise Operating Expenses	\$	1,632,082	\$	1,632,082
TOTAL GSF General Services Fund Group			\$	19,755,270	\$	20,189,122

**Federal Special Revenue Fund Group**

3L1	415-601	Social Security Personal Care Assistance	\$	3,743,740	\$	3,743,740
3L1	415-605	Social Security Community Centers for the Deaf	\$	750,000	\$	750,000
3L1	415-608	Social Security Vocational Rehabilitation	\$	1,506,260	\$	1,506,260
3L4	415-612	Federal Independent Living Centers or Services	\$	648,908	\$	648,908
3L4	415-615	Federal - Supported Employment	\$	884,451	\$	796,006
3L4	415-617	Independent Living/Vocational Rehabilitation Programs	\$	1,490,944	\$	1,490,944
317	415-620	Disability Determination	\$	82,808,006	\$	87,546,215
379	415-616	Federal - Vocational Rehabilitation	\$	122,484,545	\$	123,638,578
TOTAL FED Federal Special Revenue Fund Group			\$	214,316,854	\$	220,120,651

**State Special Revenue Fund Group**

4L1	415-619	Services for Rehabilitation	\$	3,765,337	\$	4,500,000
468	415-618	Third Party Funding	\$	906,910	\$	906,910
TOTAL SSR State Special Revenue Fund Group			\$	4,672,247	\$	5,406,910
TOTAL ALL BUDGET FUND GROUPS			\$	265,328,923	\$	272,601,235

**INDEPENDENT LIVING COUNCIL**

The foregoing appropriation item 415-402, Independent Living Council, shall be used to fund the operations of the State Independent Living Council and shall be used to support state independent living centers and independent living services under Title VII of the Independent Living Services and Centers for Independent Living of the Rehabilitation Act Amendments of 1992, 106 Stat. 4344, 29 U.S.C. 796d.

**OFFICE FOR PEOPLE WITH BRAIN INJURY**

Of the foregoing appropriation item 415-431, Office for People with Brain Injury, up to \$50,000 in each fiscal year shall be used for the state match for a federal grant awarded through the Traumatic Brain Injury Act, Pub. L. No. 104-166, and up to \$50,000 in each fiscal year shall be provided to the Brain Injury Trust Fund. The remaining appropriation shall be used to plan and coordinate head-injury-related services provided by state agencies and other government or private entities, to assess the needs for such services, and to set priorities in this area.

#### VOCATIONAL REHABILITATION SERVICES

The foregoing appropriation item 415-506, Services for People with Disabilities, shall be used as state matching funds to provide vocational rehabilitation services to eligible consumers.

#### SERVICES FOR THE DEAF

The foregoing appropriation item 415-508, Services for the Deaf, shall be used to provide grants to community centers for the deaf. These funds shall not be provided in lieu of Social Security reimbursement funds.

#### PROGRAM MANAGEMENT EXPENSES

The foregoing appropriation item 415-606, Program Management Expenses, shall be used to support the administrative functions of the commission related to the provision of vocational rehabilitation, disability determination services, and ancillary programs.

#### NATIONAL ACCREDITATION COMPLIANCE

Of the foregoing appropriation item 415-616, Federal – Vocational Rehabilitation, \$250,000 over the biennium shall be used to establish and implement a Community Rehabilitation Program national accreditation compliance and monitoring program administered by the Ohio Association of Rehabilitation Facilities.

~~Not later than 30 days after the effective date of this amendment, the Rehabilitation Services Commission shall enter into a contract or other agreement that complies with 34 CRF 361.3(b) and 34 CRF 361.5(b)(2) with the Ohio Association of Rehabilitation Facilities and convey the funds to establish and implement the Community Rehabilitation Program national accreditation compliance and monitoring program.~~

#### CLEVELAND SIGHT CENTER

Of the foregoing appropriation item 415-616, Federal – Vocational Rehabilitation, \$100,000 in each fiscal year shall be provided to the Cleveland Sight Center for Technology Initiative to purchase adaptive technology and software for the employment of Ohioans who are blind or visually impaired.

#### INDEPENDENT LIVING/VOCATIONAL REHABILITATION

**PROGRAMS**

The foregoing appropriation item 415-617, Independent Living/Vocational Rehabilitation Programs, shall be used to support vocational rehabilitation programs.

**SOCIAL SECURITY REIMBURSEMENT FUNDS**

Reimbursement funds received from the Social Security Administration, United States Department of Health and Human Services, for the costs of providing services and training to return disability recipients to gainful employment shall be used in the Social Security Reimbursement Fund (Fund 3L1), to the extent funds are available, as follows:

(A) Appropriation item 415-601, Social Security Personal Care Assistance, to provide personal care services in accordance with section 3304.41 of the Revised Code;

(B) Appropriation item 415-608, Social Security Vocational Rehabilitation, to provide vocational rehabilitation services to individuals with severe disabilities who are Social Security beneficiaries, to enable them to achieve competitive employment. This appropriation item also includes funds to assist the Personal Care Assistance Program to pay its share of indirect costs as mandated by federal OMB Circular A-87.

**PERFORMANCE AUDIT**

The Auditor of State shall complete a performance audit of the Rehabilitation Services Commission. Upon completing the performance audit, the Auditor of State shall submit a report of the findings of the audit to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Board of Rehabilitation Services Commission. Expenses incurred by the Auditor of State to conduct the performance audit shall be reimbursed by the Rehabilitation Services Commission.

**INTERNAL REVIEW**

The Administrator of the Rehabilitation Services Commission shall consult with the Director of Budget and Management and representatives of local rehabilitation services agencies to conduct an internal review of policies and procedures to increase efficiency and identify and eliminate duplicative practices. Any savings identified as a result of the internal review or the performance audit conducted by the Auditor of State shall be used for community-based care.

The Administrator of the Rehabilitation Services Commission shall seek Controlling Board approval before expending any funds identified as a result of the internal review or the performance audit.

SECTION 4. That existing Section 379.10 of Am. Sub. H.B. 119 of the

127th General Assembly, as amended by Am. Sub. H.B. 562 of the 127th General Assembly, is hereby repealed.

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*Speaker* \_\_\_\_\_ *of the House of Representatives.*

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*President* \_\_\_\_\_ *of the Senate.*

Passed \_\_\_\_\_, 20\_\_\_\_

Approved \_\_\_\_\_, 20\_\_\_\_

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*Governor.*

Sub. H. B. No. 427

127th G.A.

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

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*Director, Legislative Service Commission.*

Filed in the office of the Secretary of State at Columbus, Ohio, on the \_\_\_ day of \_\_\_\_\_, A. D. 20\_\_\_\_.

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*Secretary of State.*

File No. \_\_\_\_\_ Effective Date \_\_\_\_\_