

As Passed by the Senate

127th General Assembly

Regular Session

2007-2008

Sub. H. B. No. 427

Representatives Webster, Letson

Cosponsors: Representatives Stebelton, Harwood, Evans, McGregor, J.,

Hagan, R., Brady, Coley, Dyer, Foley, Gerberry, Hughes, Luckie, Setzer,

Skindell, Stewart, D., Williams, B., Yuko

Senator Harris

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A B I L L

To amend sections 4757.01, 4757.04, 4757.21, 4757.26, 1
4757.30, and 4757.36 of the Revised Code and to 2
amend Section 379.10 of Am. Sub. H.B. 119 of the 3
127th General Assembly, as subsequently amended, 4
regarding the practice of marriage and family 5
therapy and the membership of the professional 6
standards committees of the Counselor, Social 7
Worker, and Marriage and Family Therapist Board. 8

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

Section 1. That sections 4757.01, 4757.04, 4757.21, 4757.26, 9
4757.30, and 4757.36 of the Revised Code be amended to read as 10
follows: 11

Sec. 4757.01. As used in this chapter: 12

(A) "Practice of professional counseling" means rendering or 13
offering to render to individuals, groups, organizations, or the 14
general public a counseling service involving the application of 15
clinical counseling principles, methods, or procedures to assist 16

individuals in achieving more effective personal, social, 17
educational, or career development and adjustment, including the 18
diagnosis and treatment of mental and emotional disorders. 19

(B) "Clinical counseling principles, methods, or procedures" 20
means an approach to counseling that emphasizes the counselor's 21
role in systematically assisting clients through all of the 22
following: assessing and analyzing background and current 23
information, diagnosing mental and emotional disorders, exploring 24
possible solutions, and developing and providing a treatment plan 25
for mental and emotional adjustment or development. "Clinical 26
counseling principles, methods, or procedures" includes at least 27
counseling, appraisal, consulting, and referral. 28

(C) "Practice of social work" means the application of 29
specialized knowledge of human development and behavior and 30
social, economic, and cultural systems in directly assisting 31
individuals, families, and groups in a clinical setting to improve 32
or restore their capacity for social functioning, including 33
counseling, the use of psychosocial interventions, and the use of 34
social psychotherapy, which includes the diagnosis and treatment 35
of mental and emotional disorders. 36

(D) "Accredited educational institution" means an institution 37
accredited by a national or regional accrediting agency accepted 38
by the board of regents. 39

(E) "Scope of practice" means the services, methods, and 40
techniques in which and the areas for which a person licensed or 41
registered under this chapter is trained and qualified. 42

(F) "Mental and emotional disorders" means those disorders 43
that are classified in accepted nosologies such as the 44
international classification of diseases and the diagnostic and 45
statistical manual of mental disorders and in future editions of 46
those nosologies. 47

(G) "Marriage and family therapy" means the diagnosis, 48
evaluation, assessment, counseling, management and treatment of 49
mental and emotional disorders, whether cognitive, affective, or 50
behavioral, within the context of marriage and family systems, 51
through the professional application of marriage and family 52
therapies and techniques. 53

(H) "Practice of marriage and family therapy" means the 54
diagnosis, treatment, evaluation, assessment, counseling, and 55
management, of mental and emotional disorders, whether cognitive, 56
affective or behavioral, within the context of marriage and family 57
systems, to individuals, couples, and families, singly or in 58
groups, whether those services are offered directly to the general 59
public or through public or private organizations, for a fee, 60
salary or other consideration through the professional application 61
of marriage and family theories, therapies, and techniques, 62
including, but not limited to psychotherapeutic theories, 63
therapies and techniques that marriage and family therapists are 64
educated and trained to perform. ~~The practice of marriage and~~ 65
~~family therapy does not mean any of the following:~~ 66

~~(1) The treatment of biologically based psychiatric 67
conditions without consultation with an appropriate medical doctor 68
or psychiatrist;~~ 69

~~(2) The use of psychotherapeutic techniques that are 70
exclusive to the scope of practice of a licensed psychologist or 71
psychiatrist;~~ 72

~~(3) Any act that marriage and family therapists are not 73
educated to perform.~~ 74

Sec. 4757.04. Within the counselor, social worker, and 75
marriage and family therapist board, there is hereby created the 76
counselors professional standards committee, the social workers 77
professional standards committee, and the marriage and family 78

therapist professional standards committee. 79

The counselors professional standards committee consists of 80
the board's professional clinical counselor and professional 81
counselor members and one of the members representing the public 82
who is not the member representing the public on the marriage and 83
family therapist professional standards committee or the social 84
workers professional standards committee. The committee has full 85
authority to act on behalf of the board on all matters concerning 86
professional clinical counselors and professional counselors. 87

The social workers professional standards committee consists 88
of the board's independent social worker and social worker members 89
and one of the members representing the public who is not the 90
member representing the public on the counselors professional 91
standards committee or the marriage and family therapist 92
professional standards committee. The committee has full authority 93
to act on behalf of the board on all matters concerning 94
independent social workers, social workers, and social work 95
assistants. 96

The marriage and family therapist professional standards 97
committee consists of the board's marriage and family therapists 98
and one of the members representing the public who is not the 99
member representing the public on the counselors professional 100
standards committee or the social workers professional standards 101
committee. The committee has full authority to act on behalf of 102
the board on all matters concerning independent marriage and 103
family therapists and marriage and family therapists. 104

Sec. 4757.21. A person licensed under this chapter to 105
practice as a professional clinical counselor or a professional 106
counselor may diagnose and treat mental and emotional disorders, 107
except that a professional counselor may do so only under the 108

supervision of a psychologist, psychiatrist, professional clinical 109
counselor, independent marriage and family therapist, or 110
independent social worker. A professional clinical counselor or 111
professional counselor may engage in the private practice of 112
professional counseling as an individual practitioner or as a 113
member of a partnership or group practice. 114

Sec. 4757.26. (A) A person licensed under this chapter to 115
practice as an independent social worker or a social worker may 116
diagnose and treat mental and emotional disorders, except that a 117
social worker may do so only under the supervision of a 118
psychologist, psychiatrist, professional clinical counselor, 119
independent marriage and family therapist, independent social 120
worker, or registered nurse who holds a master's degree in 121
psychiatric nursing. 122

(B) A person licensed under this chapter to practice as an 123
independent social worker may engage in the private practice of 124
social work as an individual practitioner or as a member of a 125
partnership or group practice. 126

(C) A person licensed under this chapter to practice as a 127
social worker shall not engage in the private practice of social 128
work as an individual practitioner or as a member of a partnership 129
or group practice. A social worker shall not engage in the 130
practice of social work as an employee of a private individual, 131
partnership, or group practitioner of social work unless the 132
social worker is supervised by a psychologist, psychiatrist, 133
professional clinical counselor, independent marriage and family 134
therapist, independent social worker, or registered nurse who 135
holds a master's degree in psychiatric nursing. 136

(D) A person who receives a certificate of registration to 137
practice as a social work assistant is not authorized to engage in 138
the practice of social work. A social work assistant, under the 139

direct supervision of a psychologist, psychiatrist, professional 140
clinical counselor, professional counselor, independent marriage 141
and family therapist, independent social worker, social worker, or 142
registered nurse who holds a master's degree in psychiatric 143
nursing, may provide human, social, and community services that 144
include intake assessment and referral, screening, crisis 145
intervention and resolution, community support, case management 146
and outreach, record keeping, social assessment, visual 147
observation of an individual in the individual's environment, 148
assistance in facilitation with groups and families, advocacy, and 149
orientation, education, and prevention services. 150

Sec. 4757.30. (A) The marriage and family therapist 151
professional standards committee of the counselor, social worker, 152
and marriage and family therapist board shall, ~~after reviewing the~~ 153
~~report submitted to it by the marriage and family therapist~~ 154
~~professional standards committee~~, issue a license to practice as a 155
marriage and family therapist to a person who has done all of the 156
following: 157

(1) Properly completed an application for the license; 158

(2) Paid the required fee established by the board under 159
section 4757.31 of the Revised Code; 160

(3) Achieved one of the following: 161

(a) Received from an educational institution accredited at 162
the time the degree was granted by a regional accrediting 163
organization recognized by the board a master's degree or a 164
doctorate in marriage and family therapy; 165

(b) Completed a graduate degree that includes a minimum of 166
ninety quarter hours of graduate level course work in marriage and 167
family therapy training that is acceptable to the committee; 168

(4) Passed an examination administered by the board for the 169

purpose of determining the person's ability to be a marriage and family therapist;	170 171
(5) Completed a practicum that includes at least three hundred hours of client contact.	172 173
(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	174 175 176 177 178 179
<u>(1) Research and evaluation;</u>	180
<u>(2) Professional, legal, and ethical responsibilities;</u>	181
<u>(3) Marriage and family studies;</u>	182
<u>(4) Marriage and family therapy, including therapeutic theory and techniques for individuals, groups, and families;</u>	183 184
<u>(5) Human development;</u>	185
<u>(6) Appraisal of individuals and families;</u>	186
<u>(7) Diagnosis of mental and emotional disorders;</u>	187
<u>(8) Systems theory.</u>	188
(C) The board <u>marriage and family therapist professional standards committee</u> shall, after reviewing the report submitted to it by the marriage and family therapist professional standards committee, issue a license <u>to practice</u> as an independent marriage and family therapist to a person who meets <u>does both of the following:</u>	189 190 191 192 193 194
<u>(1) Meets</u> all of the requirements of division (A) of this section and, after;	195 196
<u>(2) After</u> meeting the requirements under <u>of</u> division (A)(3) of this section, completes at least two calendar years of work	197 198

experience in marriage and family therapy, ~~including,~~ 199

The two calendar years of work experience must include one 200
thousand hours of documented client contact in marriage and family 201
therapy. Two hundred hours of the one thousand hours must ~~be~~ 202
~~supervised~~ include face-to-face supervision by a supervisor whose 203
training and experience meets standards established by the board 204
in rules adopted under section 4757.10 of the Revised Code and one 205
hundred hours of the two hundred hours of supervision must be 206
individual supervision. 207

~~(D) The board shall waive the requirements of divisions~~ 208
~~(A)(4) and (B) of this section for an applicant seeking licensure~~ 209
~~under division (A) or (C) of this section for the two years~~ 210
~~immediately following the effective date of this section if the~~ 211
~~applicant presents satisfactory evidence of both of the following:~~ 212

~~(1) That the applicant engaged in the practice of marriage~~ 213
~~and family therapy for a total of not less than five years prior~~ 214
~~to the effective date of this section;~~ 215

~~(2) That, at the time of application, the applicant is an~~ 216
~~associate or clinical member of the American association of~~ 217
~~marriage and family therapists.~~ 218

~~(E)~~ An independent marriage and family therapist or a 219
marriage and family therapist may engage in the private practice 220
of marriage and family therapy as an individual practitioner or as 221
a member of a partnership or group practice. 222

~~(F)~~(E) A marriage and family therapist may diagnose and treat 223
mental and emotional disorders only under the supervision of a 224
psychologist, psychiatrist, professional clinical counselor, 225
independent social worker, or independent marriage and family 226
therapist. An independent marriage and family therapist may 227
diagnose and treat mental and emotional disorders without 228
supervision. 229

~~(G)~~(F) Nothing in this chapter or rules adopted under it 230
authorizes an independent marriage and family therapist or a 231
marriage and family therapist to admit a patient to a hospital or 232
requires a hospital to allow a marriage and family therapist to 233
admit a patient. 234

(G) An independent marriage and family therapist or a 235
marriage and family therapist may not diagnose, treat, or advise 236
on conditions outside the recognized boundaries of the marriage 237
and family therapist's competency. An independent marriage and 238
family therapist or a marriage and family therapist shall make 239
appropriate and timely referrals when a client's needs exceed the 240
marriage and family therapist's competence level. 241

Sec. 4757.36. (A) The professional standards committees of 242
the counselor, social worker, and marriage and family therapist 243
board, in accordance with Chapter 119. of the Revised Code, may 244
refuse to issue a license or certificate of registration applied 245
for under this chapter; refuse to renew a license or certificate 246
of registration issued under this chapter; suspend, revoke, or 247
otherwise restrict a license or certificate of registration issued 248
under this chapter; or reprimand a person holding a license or 249
certificate of registration issued under this chapter. Such 250
actions may be taken by the appropriate committee if the applicant 251
for a license or certificate of registration or the person holding 252
a license or certificate of registration has: 253

(1) Committed a violation of any provision of this chapter or 254
rules adopted under it; 255

(2) Knowingly made a false statement on an application for 256
licensure or registration, or for renewal of a license or 257
certificate of registration; 258

(3) Accepted a commission or rebate for referring persons to 259
any professionals licensed, certified, or registered by any court 260

or board, commission, department, division, or other agency of the	261
state, including, but not limited to, individuals practicing	262
counseling, social work, or marriage and family therapy or	263
practicing in fields related to counseling, social work, or	264
marriage and family therapy;	265
(4) Failed to comply with section 4757.12 of the Revised	266
Code;	267
(5) Been convicted in this or any other state of any crime	268
that is a felony in this state;	269
(6) Had the ability to perform properly as a professional	270
clinical counselor, professional counselor, independent marriage	271
and family therapist, marriage and family therapist, social work	272
assistant, social worker, or independent social worker impaired	273
due to the use of alcohol or other drugs or any other physical or	274
mental condition;	275
(7) Been convicted in this state or in any other state of a	276
misdemeanor committed in the course of practice as a professional	277
clinical counselor, professional counselor, independent marriage	278
and family therapist, marriage and family therapist, social work	279
assistant, social worker, or independent social worker;	280
(8) Practiced outside the scope of practice applicable to	281
that person;	282
(9) Practiced without complying with the supervision	283
requirements specified under sections 4757.21 and 4757.26, and	284
division (F) <u>(E)</u> of section 4757.30, of the Revised Code;	285
(10) Violated the person's code of ethical practice adopted	286
by rule of the board pursuant to section 4757.11 of the Revised	287
Code;	288
(11) Had a license or certificate of registration revoked or	289
suspended, or voluntarily surrendered a license or certificate of	290

registration in another state or jurisdiction for an offense that 291
would be a violation of this chapter. 292

(B) One year or more after the date of suspension or 293
revocation of a license or certificate of registration under this 294
section, application may be made to the appropriate professional 295
standards committee for reinstatement. The committee may accept or 296
refuse an application for reinstatement. If a license has been 297
suspended or revoked, the committee may require an examination for 298
reinstatement. 299

Section 2. That existing sections 4757.01, 4757.04, 4757.21, 300
4757.26, 4757.30, and 4757.36 of the Revised Code are hereby 301
repealed. 302

Section 3. That Section 379.10 of Am. Sub. H.B. 119 of the 303
127th General Assembly, as amended by Am. Sub. H.B. 562 of the 304
127th General Assembly, be amended to read as follows: 305

Sec. 379.10. RSC REHABILITATION SERVICES COMMISSION 306

General Revenue Fund 307

GRF	415-100	Personal Services	\$	8,851,468	\$	8,851,468	308
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GRF	415-402	Independent Living	\$	450,000	\$	450,000	309
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Council

GRF	415-406	Assistive Technology	\$	47,531	\$	47,531	310
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GRF	415-431	Office for People	\$	226,012	\$	226,012	311
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with Brain Injury

GRF	415-506	Services for People	\$	16,959,541	\$	17,259,541	312
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with Disabilities

GRF	415-508	Services for the Deaf	\$	50,000	\$	50,000	313
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TOTAL GRF	General Revenue Fund	\$	26,584,552	\$	26,884,552	314
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General Services Fund Group 315

4W5	415-606	Program Management	\$	18,123,188	\$	18,557,040	316
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		Expenses				
467	415-609	Business Enterprise	\$	1,632,082	\$	1,632,082 317
		Operating Expenses				
		TOTAL GSF General Services				318
		Fund Group	\$	19,755,270	\$	20,189,122 319
		Federal Special Revenue Fund Group				320
3L1	415-601	Social Security	\$	3,743,740	\$	3,743,740 321
		Personal Care				
		Assistance				
3L1	415-605	Social Security	\$	750,000	\$	750,000 322
		Community Centers for				
		the Deaf				
3L1	415-608	Social Security	\$	1,506,260	\$	1,506,260 323
		Vocational				
		Rehabilitation				
3L4	415-612	Federal Independent	\$	648,908	\$	648,908 324
		Living Centers or				
		Services				
3L4	415-615	Federal - Supported	\$	884,451	\$	796,006 325
		Employment				
3L4	415-617	Independent	\$	1,490,944	\$	1,490,944 326
		Living/Vocational				
		Rehabilitation				
		Programs				
317	415-620	Disability	\$	82,808,006	\$	87,546,215 327
		Determination				
379	415-616	Federal - Vocational	\$	122,484,545	\$	123,638,578 328
		Rehabilitation				
		TOTAL FED Federal Special				329
		Revenue Fund Group	\$	214,316,854	\$	220,120,651 330
		State Special Revenue Fund Group				331
4L1	415-619	Services for	\$	3,765,337	\$	4,500,000 332

Rehabilitation				
468	415-618	Third Party Funding	\$ 906,910 \$ 906,910	333
TOTAL SSR State Special				334
		Revenue Fund Group	\$ 4,672,247 \$ 5,406,910	335
TOTAL ALL BUDGET FUND GROUPS				336
INDEPENDENT LIVING COUNCIL				337
The foregoing appropriation item 415-402, Independent Living				338
Council, shall be used to fund the operations of the State				339
Independent Living Council and shall be used to support state				340
independent living centers and independent living services under				341
Title VII of the Independent Living Services and Centers for				342
Independent Living of the Rehabilitation Act Amendments of 1992,				343
106 Stat. 4344, 29 U.S.C. 796d.				344
OFFICE FOR PEOPLE WITH BRAIN INJURY				345
Of the foregoing appropriation item 415-431, Office for				346
People with Brain Injury, up to \$50,000 in each fiscal year shall				347
be used for the state match for a federal grant awarded through				348
the Traumatic Brain Injury Act, Pub. L. No. 104-166, and up to				349
\$50,000 in each fiscal year shall be provided to the Brain Injury				350
Trust Fund. The remaining appropriation shall be used to plan and				351
coordinate head-injury-related services provided by state agencies				352
and other government or private entities, to assess the needs for				353
such services, and to set priorities in this area.				354
VOCATIONAL REHABILITATION SERVICES				355
The foregoing appropriation item 415-506, Services for People				356
with Disabilities, shall be used as state matching funds to				357
provide vocational rehabilitation services to eligible consumers.				358
SERVICES FOR THE DEAF				359
The foregoing appropriation item 415-508, Services for the				360
Deaf, shall be used to provide grants to community centers for the				361
deaf. These funds shall not be provided in lieu of Social Security				362

reimbursement funds. 363

PROGRAM MANAGEMENT EXPENSES 364

The foregoing appropriation item 415-606, Program Management 365
Expenses, shall be used to support the administrative functions of 366
the commission related to the provision of vocational 367
rehabilitation, disability determination services, and ancillary 368
programs. 369

NATIONAL ACCREDITATION COMPLIANCE 370

Of the foregoing appropriation item 415-616, Federal - 371
Vocational Rehabilitation, \$250,000 over the biennium shall be 372
used to establish and implement a Community Rehabilitation Program 373
national accreditation compliance and monitoring program 374
administered by the Ohio Association of Rehabilitation Facilities. 375
376

~~Not later than 30 days after the effective date of this 377
amendment, the Rehabilitation Services Commission shall enter into 378
a contract or other agreement that complies with 34 CRF 361.3(b) 379
and 34 CRF 361.5(b)(2) with the Ohio Association of Rehabilitation 380
Facilities and convey the funds to establish and implement the 381
Community Rehabilitation Program national accreditation compliance 382
and monitoring program. 383~~

CLEVELAND SIGHT CENTER 384

Of the foregoing appropriation item 415-616, Federal - 385
Vocational Rehabilitation, \$100,000 in each fiscal year shall be 386
provided to the Cleveland Sight Center for Technology Initiative 387
to purchase adaptive technology and software for the employment of 388
Ohioans who are blind or visually impaired. 389

INDEPENDENT LIVING/VOCATIONAL REHABILITATION PROGRAMS 390

The foregoing appropriation item 415-617, Independent 391
Living/Vocational Rehabilitation Programs, shall be used to 392

support vocational rehabilitation programs.	393
SOCIAL SECURITY REIMBURSEMENT FUNDS	394
Reimbursement funds received from the Social Security	395
Administration, United States Department of Health and Human	396
Services, for the costs of providing services and training to	397
return disability recipients to gainful employment shall be used	398
in the Social Security Reimbursement Fund (Fund 3L1), to the	399
extent funds are available, as follows:	400
(A) Appropriation item 415-601, Social Security Personal Care	401
Assistance, to provide personal care services in accordance with	402
section 3304.41 of the Revised Code;	403
(B) Appropriation item 415-608, Social Security Vocational	404
Rehabilitation, to provide vocational rehabilitation services to	405
individuals with severe disabilities who are Social Security	406
beneficiaries, to enable them to achieve competitive employment.	407
This appropriation item also includes funds to assist the Personal	408
Care Assistance Program to pay its share of indirect costs as	409
mandated by federal OMB Circular A-87.	410
PERFORMANCE AUDIT	411
The Auditor of State shall complete a performance audit of	412
the Rehabilitation Services Commission. Upon completing the	413
performance audit, the Auditor of State shall submit a report of	414
the findings of the audit to the Governor, the President of the	415
Senate, the Speaker of the House of Representatives, and the Board	416
of Rehabilitation Services Commission. Expenses incurred by the	417
Auditor of State to conduct the performance audit shall be	418
reimbursed by the Rehabilitation Services Commission.	419
INTERNAL REVIEW	420
The Administrator of the Rehabilitation Services Commission	421
shall consult with the Director of Budget and Management and	422

representatives of local rehabilitation services agencies to 423
conduct an internal review of policies and procedures to increase 424
efficiency and identify and eliminate duplicative practices. Any 425
savings identified as a result of the internal review or the 426
performance audit conducted by the Auditor of State shall be used 427
for community-based care. 428

The Administrator of the Rehabilitation Services Commission 429
shall seek Controlling Board approval before expending any funds 430
identified as a result of the internal review or the performance 431
audit. 432

Section 4. That existing Section 379.10 of Am. Sub. H.B. 119 433
of the 127th General Assembly, as amended by Am. Sub. H.B. 562 of 434
the 127th General Assembly, is hereby repealed. 435