

As Reported by the House Health Committee

**127th General Assembly
Regular Session
2007-2008**

H. B. No. 427

Representatives Webster, Letson

**Cosponsors: Representatives Stebelton, Harwood, Evans, McGregor, J.,
Hagan, R.**

—

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 regarding 2
the practice of marriage and family therapy and 3
the membership of the professional standards 4
committees of the Counselor, Social Worker, and 5
Marriage and Family Therapist Board. 6

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

Section 1. That sections 4757.01, 4757.04, 4757.21, 4757.26, 7
4757.30, and 4757.36 of the Revised Code be amended to read as 8
follows: 9

Sec. 4757.01. As used in this chapter: 10

(A) "Practice of professional counseling" means rendering or 11
offering to render to individuals, groups, organizations, or the 12
general public a counseling service involving the application of 13
clinical counseling principles, methods, or procedures to assist 14
individuals in achieving more effective personal, social, 15
educational, or career development and adjustment, including the 16
diagnosis and treatment of mental and emotional disorders. 17

(B) "Clinical counseling principles, methods, or procedures" 18

means an approach to counseling that emphasizes the counselor's 19
role in systematically assisting clients through all of the 20
following: assessing and analyzing background and current 21
information, diagnosing mental and emotional disorders, exploring 22
possible solutions, and developing and providing a treatment plan 23
for mental and emotional adjustment or development. "Clinical 24
counseling principles, methods, or procedures" includes at least 25
counseling, appraisal, consulting, and referral. 26

(C) "Practice of social work" means the application of 27
specialized knowledge of human development and behavior and 28
social, economic, and cultural systems in directly assisting 29
individuals, families, and groups in a clinical setting to improve 30
or restore their capacity for social functioning, including 31
counseling, the use of psychosocial interventions, and the use of 32
social psychotherapy, which includes the diagnosis and treatment 33
of mental and emotional disorders. 34

(D) "Accredited educational institution" means an institution 35
accredited by a national or regional accrediting agency accepted 36
by the board of regents. 37

(E) "Scope of practice" means the services, methods, and 38
techniques in which and the areas for which a person licensed or 39
registered under this chapter is trained and qualified. 40

(F) "Mental and emotional disorders" means those disorders 41
that are classified in accepted nosologies such as the 42
international classification of diseases and the diagnostic and 43
statistical manual of mental disorders and in future editions of 44
those nosologies. 45

(G) "Marriage and family therapy" means the diagnosis, 46
evaluation, assessment, counseling, management and treatment of 47
mental and emotional disorders, whether cognitive, affective, or 48
behavioral, within the context of marriage and family systems, 49

through the professional application of marriage and family 50
therapies and techniques. 51

(H) "Practice of marriage and family therapy" means the 52
diagnosis, treatment, evaluation, assessment, counseling, and 53
management, of mental and emotional disorders, whether cognitive, 54
affective or behavioral, within the context of marriage and family 55
systems, to individuals, couples, and families, singly or in 56
groups, whether those services are offered directly to the general 57
public or through public or private organizations, for a fee, 58
salary or other consideration through the professional application 59
of marriage and family theories, therapies, and techniques, 60
including, but not limited to psychotherapeutic theories, 61
therapies and techniques that marriage and family therapists are 62
educated and trained to perform. ~~The practice of marriage and~~ 63
~~family therapy does not mean any of the following:~~ 64

~~(1) The treatment of biologically based psychiatric 65
conditions without consultation with an appropriate medical doctor 66
or psychiatrist;~~ 67

~~(2) The use of psychotherapeutic techniques that are 68
exclusive to the scope of practice of a licensed psychologist or 69
psychiatrist;~~ 70

~~(3) Any act that marriage and family therapists are not 71
educated to perform.~~ 72

Sec. 4757.04. Within the counselor, social worker, and 73
marriage and family therapist board, there is hereby created the 74
counselors professional standards committee, the social workers 75
professional standards committee, and the marriage and family 76
therapist professional standards committee. 77

The counselors professional standards committee consists of 78
the board's professional clinical counselor and professional 79

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

The social workers professional standards committee consists 86
of the board's independent social worker and social worker members 87
and one of the members representing the public who is not the 88
member representing the public on the counselors professional 89
standards committee or the marriage and family therapist 90
professional standards committee. The committee has full authority 91
to act on behalf of the board on all matters concerning 92
independent social workers, social workers, and social work 93
assistants. 94

The marriage and family therapist professional standards 95
committee consists of the board's marriage and family therapists 96
and one of the members representing the public who is not the 97
member representing the public on the counselors professional 98
standards committee or the social workers professional standards 99
committee. The committee has full authority to act on behalf of 100
the board on all matters concerning independent marriage and 101
family therapists and marriage and family therapists. 102

Sec. 4757.21. A person licensed under this chapter to 103
practice as a professional clinical counselor or a professional 104
counselor may diagnose and treat mental and emotional disorders, 105
except that a professional counselor may do so only under the 106
supervision of a psychologist, psychiatrist, professional clinical 107
counselor, independent marriage and family therapist, or 108
independent social worker. A professional clinical counselor or 109
professional counselor may engage in the private practice of 110

professional counseling as an individual practitioner or as a 111
member of a partnership or group practice. 112

Sec. 4757.26. (A) A person licensed under this chapter to 113
practice as an independent social worker or a social worker may 114
diagnose and treat mental and emotional disorders, except that a 115
social worker may do so only under the supervision of a 116
psychologist, psychiatrist, professional clinical counselor, 117
independent marriage and family therapist, independent social 118
worker, or registered nurse who holds a master's degree in 119
psychiatric nursing. 120

(B) A person licensed under this chapter to practice as an 121
independent social worker may engage in the private practice of 122
social work as an individual practitioner or as a member of a 123
partnership or group practice. 124

(C) A person licensed under this chapter to practice as a 125
social worker shall not engage in the private practice of social 126
work as an individual practitioner or as a member of a partnership 127
or group practice. A social worker shall not engage in the 128
practice of social work as an employee of a private individual, 129
partnership, or group practitioner of social work unless the 130
social worker is supervised by a psychologist, psychiatrist, 131
professional clinical counselor, independent marriage and family 132
therapist, independent social worker, or registered nurse who 133
holds a master's degree in psychiatric nursing. 134

(D) A person who receives a certificate of registration to 135
practice as a social work assistant is not authorized to engage in 136
the practice of social work. A social work assistant, under the 137
direct supervision of a psychologist, psychiatrist, professional 138
clinical counselor, professional counselor, independent marriage 139
and family therapist, independent social worker, social worker, or 140
registered nurse who holds a master's degree in psychiatric 141

nursing, may provide human, social, and community services that 142
include intake assessment and referral, screening, crisis 143
intervention and resolution, community support, case management 144
and outreach, record keeping, social assessment, visual 145
observation of an individual in the individual's environment, 146
assistance in facilitation with groups and families, advocacy, and 147
orientation, education, and prevention services. 148

Sec. 4757.30. (A) The marriage and family therapist 149
professional standards committee of the counselor, social worker, 150
and marriage and family therapist board shall, ~~after reviewing the~~ 151
~~report submitted to it by the marriage and family therapist~~ 152
~~professional standards committee,~~ issue a license to practice as a 153
marriage and family therapist to a person who has done all of the 154
following: 155

(1) Properly completed an application for the license; 156

(2) Paid the required fee established by the board under 157
section 4757.31 of the Revised Code; 158

(3) Achieved one of the following: 159

(a) Received from an educational institution accredited at 160
the time the degree was granted by a regional accrediting 161
organization recognized by the board a master's degree or a 162
doctorate in marriage and family therapy; 163

(b) Completed a graduate degree that includes a minimum of 164
ninety quarter hours of graduate level course work in marriage and 165
family therapy training that is acceptable to the committee; 166

(4) Passed an examination administered by the board for the 167
purpose of determining the person's ability to be a marriage and 168
family therapist; 169

(5) Completed a practicum that includes at least three 170
hundred hours of client contact. 171

(B) To be accepted by the committee for purposes of division 172
(A)(3)(b) of this section, marriage and family therapist training 173
must include instruction in at least the following: ~~research,~~ 174
~~professional ethics, marriage and family studies, marriage and~~ 175
~~family therapy, human development, appraisal of individuals and~~ 176
~~families, and systems~~ 177

(1) Research and evaluation; 178

(2) Professional, legal, and ethical responsibilities; 179

(3) Marriage and family studies; 180

(4) Marriage and family therapy, including therapeutic theory 181
and techniques for individuals, groups, and families; 182

(5) Human development; 183

(6) Appraisal of individuals and families; 184

(7) Systems theory. 185

(C) The ~~board~~ marriage and family therapist professional 186
standards committee shall, ~~after reviewing the report submitted to~~ 187
~~it by the marriage and family therapist professional standards~~ 188
~~committee,~~ issue a license to practice as an independent marriage 189
and family therapist to a person who ~~meets~~ does both of the 190
following: 191

(1) Meets all of the requirements of division (A) of this 192
section ~~and, after;~~ 193

(2) After meeting the requirements ~~under~~ of division (A)(3) 194
of this section, completes at least two calendar years of work 195
experience in marriage and family therapy, ~~including.~~ 196

The two calendar years of work experience must include one 197
thousand hours of documented client contact in marriage and family 198
therapy. Two hundred hours of the one thousand hours must ~~be~~ 199
~~supervised~~ include face-to-face supervision by a supervisor whose 200
training and experience meets standards established by the board 201

in rules adopted under section 4757.10 of the Revised Code and one 202
hundred hours of the two hundred hours of supervision must be 203
individual supervision. 204

~~(D) The board shall waive the requirements of divisions 205
(A)(4) and (B) of this section for an applicant seeking licensure 206
under division (A) or (C) of this section for the two years 207
immediately following the effective date of this section if the 208
applicant presents satisfactory evidence of both of the following: 209~~

~~(1) That the applicant engaged in the practice of marriage 210
and family therapy for a total of not less than five years prior 211
to the effective date of this section; 212~~

~~(2) That, at the time of application, the applicant is an 213
associate or clinical member of the American association of 214
marriage and family therapists. 215~~

~~(E)~~ An independent marriage and family therapist or a 216
marriage and family therapist may engage in the private practice 217
of marriage and family therapy as an individual practitioner or as 218
a member of a partnership or group practice. 219

~~(F)~~(E) A marriage and family therapist may diagnose and treat 220
mental and emotional disorders only under the supervision of a 221
psychologist, psychiatrist, professional clinical counselor, 222
independent social worker, or independent marriage and family 223
therapist. An independent marriage and family therapist may 224
diagnose and treat mental and emotional disorders without 225
supervision. 226

~~(G)~~(F) Nothing in this chapter or rules adopted under it 227
authorizes an independent marriage and family therapist or a 228
marriage and family therapist to admit a patient to a hospital or 229
requires a hospital to allow a marriage and family therapist to 230
admit a patient. 231

Sec. 4757.36. (A) The professional standards committees of	232
the counselor, social worker, and marriage and family therapist	233
board, in accordance with Chapter 119. of the Revised Code, may	234
refuse to issue a license or certificate of registration applied	235
for under this chapter; refuse to renew a license or certificate	236
of registration issued under this chapter; suspend, revoke, or	237
otherwise restrict a license or certificate of registration issued	238
under this chapter; or reprimand a person holding a license or	239
certificate of registration issued under this chapter. Such	240
actions may be taken by the appropriate committee if the applicant	241
for a license or certificate of registration or the person holding	242
a license or certificate of registration has:	243
(1) Committed a violation of any provision of this chapter or	244
rules adopted under it;	245
(2) Knowingly made a false statement on an application for	246
licensure or registration, or for renewal of a license or	247
certificate of registration;	248
(3) Accepted a commission or rebate for referring persons to	249
any professionals licensed, certified, or registered by any court	250
or board, commission, department, division, or other agency of the	251
state, including, but not limited to, individuals practicing	252
counseling, social work, or marriage and family therapy or	253
practicing in fields related to counseling, social work, or	254
marriage and family therapy;	255
(4) Failed to comply with section 4757.12 of the Revised	256
Code;	257
(5) Been convicted in this or any other state of any crime	258
that is a felony in this state;	259
(6) Had the ability to perform properly as a professional	260
clinical counselor, professional counselor, independent marriage	261

and family therapist, marriage and family therapist, social work 262
assistant, social worker, or independent social worker impaired 263
due to the use of alcohol or other drugs or any other physical or 264
mental condition; 265

(7) Been convicted in this state or in any other state of a 266
misdemeanor committed in the course of practice as a professional 267
clinical counselor, professional counselor, independent marriage 268
and family therapist, marriage and family therapist, social work 269
assistant, social worker, or independent social worker; 270

(8) Practiced outside the scope of practice applicable to 271
that person; 272

(9) Practiced without complying with the supervision 273
requirements specified under sections 4757.21 and 4757.26, and 274
division ~~(F)~~(E) of section 4757.30, of the Revised Code; 275

(10) Violated the person's code of ethical practice adopted 276
by rule of the board pursuant to section 4757.11 of the Revised 277
Code; 278

(11) Had a license or certificate of registration revoked or 279
suspended, or voluntarily surrendered a license or certificate of 280
registration in another state or jurisdiction for an offense that 281
would be a violation of this chapter. 282

(B) One year or more after the date of suspension or 283
revocation of a license or certificate of registration under this 284
section, application may be made to the appropriate professional 285
standards committee for reinstatement. The committee may accept or 286
refuse an application for reinstatement. If a license has been 287
suspended or revoked, the committee may require an examination for 288
reinstatement. 289

Section 2. That existing sections 4757.01, 4757.04, 4757.21, 290
4757.26, 4757.30, and 4757.36 of the Revised Code are hereby 291
repealed. 292