

As Introduced

**128th General Assembly
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H. B. No. 208

Representative Skindell

**Cosponsors: Representatives Ujvagi, Letson, Hagan, Harris, Foley,
Domenick, Yuko, Okey, Oelslager, Murray, Winburn, Boyd**

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A B I L L

To amend sections 125.22, 2151.421, 2317.02, 4757.01, 1
4757.02, 4757.03, 4757.04, 4757.05, 4757.06, 2
4757.07, 4757.10, 4757.101, 4757.11, 4757.12, 3
4757.15, 4757.16, 4757.17, 4757.18, 4757.19, 4
4757.22, 4757.23, 4757.27, 4757.28, 4757.29, 5
4757.30, 4757.301, 4757.31, 4757.32, 4757.33, 6
4757.34, 4757.36, 4757.361, 4757.38, 4757.40, 7
4757.43, and 4757.44 and to enact sections 4757.45 8
to 4757.49 of the Revised Code to regulate the 9
practice of art therapy. 10

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

Section 1. That sections 125.22, 2151.421, 2317.02, 4757.01, 11
4757.02, 4757.03, 4757.04, 4757.05, 4757.06, 4757.07, 4757.10, 12
4757.101, 4757.11, 4757.12, 4757.15, 4757.16, 4757.17, 4757.18, 13
4757.19, 4757.22, 4757.23, 4757.27, 4757.28, 4757.29, 4757.30, 14
4757.301, 4757.31, 4757.32, 4757.33, 4757.34, 4757.36, 4757.361, 15
4757.38, 4757.40, 4757.43, and 4757.44 be amended and sections 16
4757.45, 4757.46, 4757.47, 4757.48, and 4757.49 of the Revised 17
Code be enacted to read as follows: 18

Sec. 125.22. (A) The department of administrative services	19
shall establish the central service agency to perform routine	20
support for the following boards and commissions:	21
(1) Architects board;	22
(2) Barber board;	23
(3) State chiropractic board;	24
(4) State board of cosmetology;	25
(5) Accountancy board;	26
(6) State dental board;	27
(7) State board of optometry;	28
(8) Ohio occupational therapy, physical therapy, and athletic trainers board;	29 30
(9) State board of registration for professional engineers and surveyors;	31 32
(10) State board of sanitarian registration;	33
(11) Board of embalmers and funeral directors;	34
(12) State board of psychology;	35
(13) Ohio optical dispensers board;	36
(14) Board of speech pathology and audiology;	37
(15) Counselor, social worker, and marriage and family therapist, <u>and art therapist</u> board;	38 39
(16) State veterinary medical licensing board;	40
(17) Ohio board of dietetics;	41
(18) Commission on Hispanic-Latino affairs;	42
(19) Ohio respiratory care board;	43
(20) Ohio commission on African-American males;	44

(21) Chemical dependency professionals board.	45
(B)(1) Notwithstanding any other section of the Revised Code, the agency shall perform the following routine support services for the boards and commissions named in division (A) of this section unless the controlling board exempts a board or commission from this requirement on the recommendation of the director of administrative services:	46 47 48 49 50 51
(a) Preparing and processing payroll and other personnel documents;	52 53
(b) Preparing and processing vouchers, purchase orders, encumbrances, and other accounting documents;	54 55
(c) Maintaining ledgers of accounts and balances;	56
(d) Preparing and monitoring budgets and allotment plans in consultation with the boards and commissions;	57 58
(e) Other routine support services that the director of administrative services considers appropriate to achieve efficiency.	59 60 61
(2) The agency may perform other services which a board or commission named in division (A) of this section delegates to the agency and the agency accepts.	62 63 64
(3) The agency may perform any service for any professional or occupational licensing board not named in division (A) of this section or any commission if the board or commission requests such service and the agency accepts.	65 66 67 68
(C) The director of administrative services shall be the appointing authority for the agency.	69 70
(D) The agency shall determine the fees to be charged to the boards and commissions, which shall be in proportion to the services performed for each board or commission.	71 72 73
(E) Each board or commission named in division (A) of this	74

section and any other board or commission requesting services from 75
the agency shall pay these fees to the agency from the general 76
revenue fund maintenance account of the board or commission or 77
from such other fund as the operating expenses of the board or 78
commission are paid. Any amounts set aside for a fiscal year by a 79
board or commission to allow for the payment of fees shall be used 80
only for the services performed by the agency in that fiscal year. 81
All receipts collected by the agency shall be deposited in the 82
state treasury to the credit of the central service agency fund, 83
which is hereby created. All expenses incurred by the agency in 84
performing services for the boards or commissions shall be paid 85
from the fund. 86

(F) Nothing in this section shall be construed as a grant of 87
authority for the central service agency to initiate or deny 88
personnel or fiscal actions for the boards and commissions. 89

Sec. 2151.421. (A)(1)(a) No person described in division 90
(A)(1)(b) of this section who is acting in an official or 91
professional capacity and knows, or has reasonable cause to 92
suspect based on facts that would cause a reasonable person in a 93
similar position to suspect, that a child under eighteen years of 94
age or a mentally retarded, developmentally disabled, or 95
physically impaired child under twenty-one years of age has 96
suffered or faces a threat of suffering any physical or mental 97
wound, injury, disability, or condition of a nature that 98
reasonably indicates abuse or neglect of the child shall fail to 99
immediately report that knowledge or reasonable cause to suspect 100
to the entity or persons specified in this division. Except as 101
provided in section 5120.173 of the Revised Code, the person 102
making the report shall make it to the public children services 103
agency or a municipal or county peace officer in the county in 104
which the child resides or in which the abuse or neglect is 105
occurring or has occurred. In the circumstances described in 106

section 5120.173 of the Revised Code, the person making the report 107
shall make it to the entity specified in that section. 108

(b) Division (A)(1)(a) of this section applies to any person 109
who is an attorney; physician, including a hospital intern or 110
resident; dentist; podiatrist; practitioner of a limited branch of 111
medicine as specified in section 4731.15 of the Revised Code; 112
registered nurse; licensed practical nurse; visiting nurse; other 113
health care professional; licensed psychologist; licensed school 114
psychologist; independent marriage and family therapist or 115
marriage and family therapist; art therapist; speech pathologist 116
or audiologist; coroner; administrator or employee of a child 117
day-care center; administrator or employee of a residential camp 118
or child day camp; administrator or employee of a certified child 119
care agency or other public or private children services agency; 120
school teacher; school employee; school authority; person engaged 121
in social work or the practice of professional counseling; agent 122
of a county humane society; person, other than a cleric, rendering 123
spiritual treatment through prayer in accordance with the tenets 124
of a well-recognized religion; employee of a county department of 125
job and family services who is a professional and who works with 126
children and families; superintendent, board member, or employee 127
of a county board of mental retardation; investigative agent 128
contracted with by a county board of mental retardation; employee 129
of the department of mental retardation and developmental 130
disabilities; employee of a facility or home that provides respite 131
care in accordance with section 5123.171 of the Revised Code; 132
employee of a home health agency; employee of an entity that 133
provides homemaker services; a person performing the duties of an 134
assessor pursuant to Chapter 3107. or 5103. of the Revised Code; 135
or third party employed by a public children services agency to 136
assist in providing child or family related services. 137

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(2) Except as provided in division (A)(3) of this section, an attorney or a physician is not required to make a report pursuant to division (A)(1) of this section concerning any communication the attorney or physician receives from a client or patient in an attorney-client or physician-patient relationship, if, in accordance with division (A) or (B) of section 2317.02 of the Revised Code, the attorney or physician could not testify with respect to that communication in a civil or criminal proceeding.

(3) The client or patient in an attorney-client or physician-patient relationship described in division (A)(2) of this section is deemed to have waived any testimonial privilege under division (A) or (B) of section 2317.02 of the Revised Code with respect to any communication the attorney or physician receives from the client or patient in that attorney-client or physician-patient relationship, and the attorney or physician shall make a report pursuant to division (A)(1) of this section with respect to that communication, if all of the following apply:

(a) The client or patient, at the time of the communication, is either a child under eighteen years of age or a mentally retarded, developmentally disabled, or physically impaired person under twenty-one years of age.

(b) The attorney or physician knows, or has reasonable cause to suspect based on facts that would cause a reasonable person in similar position to suspect, as a result of the communication or any observations made during that communication, that the client or patient has suffered or faces a threat of suffering any physical or mental wound, injury, disability, or condition of a nature that reasonably indicates abuse or neglect of the client or patient.

(c) The abuse or neglect does not arise out of the client's or patient's attempt to have an abortion without the notification of her parents, guardian, or custodian in accordance with section

2151.85 of the Revised Code. 171

(4)(a) No cleric and no person, other than a volunteer, 172
designated by any church, religious society, or faith acting as a 173
leader, official, or delegate on behalf of the church, religious 174
society, or faith who is acting in an official or professional 175
capacity, who knows, or has reasonable cause to believe based on 176
facts that would cause a reasonable person in a similar position 177
to believe, that a child under eighteen years of age or a mentally 178
retarded, developmentally disabled, or physically impaired child 179
under twenty-one years of age has suffered or faces a threat of 180
suffering any physical or mental wound, injury, disability, or 181
condition of a nature that reasonably indicates abuse or neglect 182
of the child, and who knows, or has reasonable cause to believe 183
based on facts that would cause a reasonable person in a similar 184
position to believe, that another cleric or another person, other 185
than a volunteer, designated by a church, religious society, or 186
faith acting as a leader, official, or delegate on behalf of the 187
church, religious society, or faith caused, or poses the threat of 188
causing, the wound, injury, disability, or condition that 189
reasonably indicates abuse or neglect shall fail to immediately 190
report that knowledge or reasonable cause to believe to the entity 191
or persons specified in this division. Except as provided in 192
section 5120.173 of the Revised Code, the person making the report 193
shall make it to the public children services agency or a 194
municipal or county peace officer in the county in which the child 195
resides or in which the abuse or neglect is occurring or has 196
occurred. In the circumstances described in section 5120.173 of 197
the Revised Code, the person making the report shall make it to 198
the entity specified in that section. 199

(b) Except as provided in division (A)(4)(c) of this section, 200
a cleric is not required to make a report pursuant to division 201
(A)(4)(a) of this section concerning any communication the cleric 202

receives from a penitent in a cleric-penitent relationship, if, in 203
accordance with division (C) of section 2317.02 of the Revised 204
Code, the cleric could not testify with respect to that 205
communication in a civil or criminal proceeding. 206

(c) The penitent in a cleric-penitent relationship described 207
in division (A)(4)(b) of this section is deemed to have waived any 208
testimonial privilege under division (C) of section 2317.02 of the 209
Revised Code with respect to any communication the cleric receives 210
from the penitent in that cleric-penitent relationship, and the 211
cleric shall make a report pursuant to division (A)(4)(a) of this 212
section with respect to that communication, if all of the 213
following apply: 214

(i) The penitent, at the time of the communication, is either 215
a child under eighteen years of age or a mentally retarded, 216
developmentally disabled, or physically impaired person under 217
twenty-one years of age. 218

(ii) The cleric knows, or has reasonable cause to believe 219
based on facts that would cause a reasonable person in a similar 220
position to believe, as a result of the communication or any 221
observations made during that communication, the penitent has 222
suffered or faces a threat of suffering any physical or mental 223
wound, injury, disability, or condition of a nature that 224
reasonably indicates abuse or neglect of the penitent. 225

(iii) The abuse or neglect does not arise out of the 226
penitent's attempt to have an abortion performed upon a child 227
under eighteen years of age or upon a mentally retarded, 228
developmentally disabled, or physically impaired person under 229
twenty-one years of age without the notification of her parents, 230
guardian, or custodian in accordance with section 2151.85 of the 231
Revised Code. 232

(d) Divisions (A)(4)(a) and (c) of this section do not apply 233

in a cleric-penitent relationship when the disclosure of any 234
communication the cleric receives from the penitent is in 235
violation of the sacred trust. 236

(e) As used in divisions (A)(1) and (4) of this section, 237
"cleric" and "sacred trust" have the same meanings as in section 238
2317.02 of the Revised Code. 239

(B) Anyone who knows, or has reasonable cause to suspect 240
based on facts that would cause a reasonable person in similar 241
circumstances to suspect, that a child under eighteen years of age 242
or a mentally retarded, developmentally disabled, or physically 243
impaired person under twenty-one years of age has suffered or 244
faces a threat of suffering any physical or mental wound, injury, 245
disability, or other condition of a nature that reasonably 246
indicates abuse or neglect of the child may report or cause 247
reports to be made of that knowledge or reasonable cause to 248
suspect to the entity or persons specified in this division. 249
Except as provided in section 5120.173 of the Revised Code, a 250
person making a report or causing a report to be made under this 251
division shall make it or cause it to be made to the public 252
children services agency or to a municipal or county peace 253
officer. In the circumstances described in section 5120.173 of the 254
Revised Code, a person making a report or causing a report to be 255
made under this division shall make it or cause it to be made to 256
the entity specified in that section. 257

(C) Any report made pursuant to division (A) or (B) of this 258
section shall be made forthwith either by telephone or in person 259
and shall be followed by a written report, if requested by the 260
receiving agency or officer. The written report shall contain: 261

(1) The names and addresses of the child and the child's 262
parents or the person or persons having custody of the child, if 263
known; 264

(2) The child's age and the nature and extent of the child's injuries, abuse, or neglect that is known or reasonably suspected or believed, as applicable, to have occurred or of the threat of injury, abuse, or neglect that is known or reasonably suspected or believed, as applicable, to exist, including any evidence of previous injuries, abuse, or neglect;

(3) Any other information that might be helpful in establishing the cause of the injury, abuse, or neglect that is known or reasonably suspected or believed, as applicable, to have occurred or of the threat of injury, abuse, or neglect that is known or reasonably suspected or believed, as applicable, to exist.

Any person, who is required by division (A) of this section to report child abuse or child neglect that is known or reasonably suspected or believed to have occurred, may take or cause to be taken color photographs of areas of trauma visible on a child and, if medically indicated, cause to be performed radiological examinations of the child.

(D) As used in this division, "children's advocacy center" and "sexual abuse of a child" have the same meanings as in section 2151.425 of the Revised Code.

(1) When a municipal or county peace officer receives a report concerning the possible abuse or neglect of a child or the possible threat of abuse or neglect of a child, upon receipt of the report, the municipal or county peace officer who receives the report shall refer the report to the appropriate public children services agency.

(2) When a public children services agency receives a report pursuant to this division or division (A) or (B) of this section, upon receipt of the report, the public children services agency shall do both of the following:

(a) Comply with section 2151.422 of the Revised Code; 296

(b) If the county served by the agency is also served by a 297
children's advocacy center and the report alleges sexual abuse of 298
a child or another type of abuse of a child that is specified in 299
the memorandum of understanding that creates the center as being 300
within the center's jurisdiction, comply regarding the report with 301
the protocol and procedures for referrals and investigations, with 302
the coordinating activities, and with the authority or 303
responsibility for performing or providing functions, activities, 304
and services stipulated in the interagency agreement entered into 305
under section 2151.428 of the Revised Code relative to that 306
center. 307

(E) No township, municipal, or county peace officer shall 308
remove a child about whom a report is made pursuant to this 309
section from the child's parents, stepparents, or guardian or any 310
other persons having custody of the child without consultation 311
with the public children services agency, unless, in the judgment 312
of the officer, and, if the report was made by physician, the 313
physician, immediate removal is considered essential to protect 314
the child from further abuse or neglect. The agency that must be 315
consulted shall be the agency conducting the investigation of the 316
report as determined pursuant to section 2151.422 of the Revised 317
Code. 318

(F)(1) Except as provided in section 2151.422 of the Revised 319
Code or in an interagency agreement entered into under section 320
2151.428 of the Revised Code that applies to the particular 321
report, the public children services agency shall investigate, 322
within twenty-four hours, each report of child abuse or child 323
neglect that is known or reasonably suspected or believed to have 324
occurred and of a threat of child abuse or child neglect that is 325
known or reasonably suspected or believed to exist that is 326
referred to it under this section to determine the circumstances 327

surrounding the injuries, abuse, or neglect or the threat of 328
injury, abuse, or neglect, the cause of the injuries, abuse, 329
neglect, or threat, and the person or persons responsible. The 330
investigation shall be made in cooperation with the law 331
enforcement agency and in accordance with the memorandum of 332
understanding prepared under division (J) of this section. A 333
representative of the public children services agency shall, at 334
the time of initial contact with the person subject to the 335
investigation, inform the person of the specific complaints or 336
allegations made against the person. The information shall be 337
given in a manner that is consistent with division (H)(1) of this 338
section and protects the rights of the person making the report 339
under this section. 340

A failure to make the investigation in accordance with the 341
memorandum is not grounds for, and shall not result in, the 342
dismissal of any charges or complaint arising from the report or 343
the suppression of any evidence obtained as a result of the report 344
and does not give, and shall not be construed as giving, any 345
rights or any grounds for appeal or post-conviction relief to any 346
person. The public children services agency shall report each case 347
to the uniform statewide automated child welfare information 348
system that the department of job and family services shall 349
maintain in accordance with section 5101.13 of the Revised Code. 350
The public children services agency shall submit a report of its 351
investigation, in writing, to the law enforcement agency. 352

(2) The public children services agency shall make any 353
recommendations to the county prosecuting attorney or city 354
director of law that it considers necessary to protect any 355
children that are brought to its attention. 356

(G)(1)(a) Except as provided in division (H)(3) of this 357
section, anyone or any hospital, institution, school, health 358
department, or agency participating in the making of reports under 359

division (A) of this section, anyone or any hospital, institution, 360
school, health department, or agency participating in good faith 361
in the making of reports under division (B) of this section, and 362
anyone participating in good faith in a judicial proceeding 363
resulting from the reports, shall be immune from any civil or 364
criminal liability for injury, death, or loss to person or 365
property that otherwise might be incurred or imposed as a result 366
of the making of the reports or the participation in the judicial 367
proceeding. 368

(b) Notwithstanding section 4731.22 of the Revised Code, the 369
physician-patient privilege shall not be a ground for excluding 370
evidence regarding a child's injuries, abuse, or neglect, or the 371
cause of the injuries, abuse, or neglect in any judicial 372
proceeding resulting from a report submitted pursuant to this 373
section. 374

(2) In any civil or criminal action or proceeding in which it 375
is alleged and proved that participation in the making of a report 376
under this section was not in good faith or participation in a 377
judicial proceeding resulting from a report made under this 378
section was not in good faith, the court shall award the 379
prevailing party reasonable attorney's fees and costs and, if a 380
civil action or proceeding is voluntarily dismissed, may award 381
reasonable attorney's fees and costs to the party against whom the 382
civil action or proceeding is brought. 383

(H)(1) Except as provided in divisions (H)(4) and (N) of this 384
section, a report made under this section is confidential. The 385
information provided in a report made pursuant to this section and 386
the name of the person who made the report shall not be released 387
for use, and shall not be used, as evidence in any civil action or 388
proceeding brought against the person who made the report. Nothing 389
in this division shall preclude the use of reports of other 390
incidents of known or suspected abuse or neglect in a civil action 391

or proceeding brought pursuant to division (M) of this section 392
against a person who is alleged to have violated division (A)(1) 393
of this section, provided that any information in a report that 394
would identify the child who is the subject of the report or the 395
maker of the report, if the maker of the report is not the 396
defendant or an agent or employee of the defendant, has been 397
redacted. In a criminal proceeding, the report is admissible in 398
evidence in accordance with the Rules of Evidence and is subject 399
to discovery in accordance with the Rules of Criminal Procedure. 400

401

(2) No person shall permit or encourage the unauthorized 402
dissemination of the contents of any report made under this 403
section. 404

(3) A person who knowingly makes or causes another person to 405
make a false report under division (B) of this section that 406
alleges that any person has committed an act or omission that 407
resulted in a child being an abused child or a neglected child is 408
guilty of a violation of section 2921.14 of the Revised Code. 409

(4) If a report is made pursuant to division (A) or (B) of 410
this section and the child who is the subject of the report dies 411
for any reason at any time after the report is made, but before 412
the child attains eighteen years of age, the public children 413
services agency or municipal or county peace officer to which the 414
report was made or referred, on the request of the child fatality 415
review board, shall submit a summary sheet of information 416
providing a summary of the report to the review board of the 417
county in which the deceased child resided at the time of death. 418
On the request of the review board, the agency or peace officer 419
may, at its discretion, make the report available to the review 420
board. If the county served by the public children services agency 421
is also served by a children's advocacy center and the report of 422
alleged sexual abuse of a child or another type of abuse of a 423

child is specified in the memorandum of understanding that creates 424
the center as being within the center's jurisdiction, the agency 425
or center shall perform the duties and functions specified in this 426
division in accordance with the interagency agreement entered into 427
under section 2151.428 of the Revised Code relative to that 428
advocacy center. 429

(5) A public children services agency shall advise a person 430
alleged to have inflicted abuse or neglect on a child who is the 431
subject of a report made pursuant to this section, including a 432
report alleging sexual abuse of a child or another type of abuse 433
of a child referred to a children's advocacy center pursuant to an 434
interagency agreement entered into under section 2151.428 of the 435
Revised Code, in writing of the disposition of the investigation. 436
The agency shall not provide to the person any information that 437
identifies the person who made the report, statements of 438
witnesses, or police or other investigative reports. 439

(I) Any report that is required by this section, other than a 440
report that is made to the state highway patrol as described in 441
section 5120.173 of the Revised Code, shall result in protective 442
services and emergency supportive services being made available by 443
the public children services agency on behalf of the children 444
about whom the report is made, in an effort to prevent further 445
neglect or abuse, to enhance their welfare, and, whenever 446
possible, to preserve the family unit intact. The agency required 447
to provide the services shall be the agency conducting the 448
investigation of the report pursuant to section 2151.422 of the 449
Revised Code. 450

(J)(1) Each public children services agency shall prepare a 451
memorandum of understanding that is signed by all of the 452
following: 453

(a) If there is only one juvenile judge in the county, the 454
juvenile judge of the county or the juvenile judge's 455

representative; 456

(b) If there is more than one juvenile judge in the county, a 457
juvenile judge or the juvenile judges' representative selected by 458
the juvenile judges or, if they are unable to do so for any 459
reason, the juvenile judge who is senior in point of service or 460
the senior juvenile judge's representative; 461

(c) The county peace officer; 462

(d) All chief municipal peace officers within the county; 463

(e) Other law enforcement officers handling child abuse and 464
neglect cases in the county; 465

(f) The prosecuting attorney of the county; 466

(g) If the public children services agency is not the county 467
department of job and family services, the county department of 468
job and family services; 469

(h) The county humane society; 470

(i) If the public children services agency participated in 471
the execution of a memorandum of understanding under section 472
2151.426 of the Revised Code establishing a children's advocacy 473
center, each participating member of the children's advocacy 474
center established by the memorandum. 475

(2) A memorandum of understanding shall set forth the normal 476
operating procedure to be employed by all concerned officials in 477
the execution of their respective responsibilities under this 478
section and division (C) of section 2919.21, division (B)(1) of 479
section 2919.22, division (B) of section 2919.23, and section 480
2919.24 of the Revised Code and shall have as two of its primary 481
goals the elimination of all unnecessary interviews of children 482
who are the subject of reports made pursuant to division (A) or 483
(B) of this section and, when feasible, providing for only one 484
interview of a child who is the subject of any report made 485

pursuant to division (A) or (B) of this section. A failure to 486
follow the procedure set forth in the memorandum by the concerned 487
officials is not grounds for, and shall not result in, the 488
dismissal of any charges or complaint arising from any reported 489
case of abuse or neglect or the suppression of any evidence 490
obtained as a result of any reported child abuse or child neglect 491
and does not give, and shall not be construed as giving, any 492
rights or any grounds for appeal or post-conviction relief to any 493
person. 494

(3) A memorandum of understanding shall include all of the 495
following: 496

(a) The roles and responsibilities for handling emergency and 497
nonemergency cases of abuse and neglect; 498

(b) Standards and procedures to be used in handling and 499
coordinating investigations of reported cases of child abuse and 500
reported cases of child neglect, methods to be used in 501
interviewing the child who is the subject of the report and who 502
allegedly was abused or neglected, and standards and procedures 503
addressing the categories of persons who may interview the child 504
who is the subject of the report and who allegedly was abused or 505
neglected. 506

(4) If a public children services agency participated in the 507
execution of a memorandum of understanding under section 2151.426 508
of the Revised Code establishing a children's advocacy center, the 509
agency shall incorporate the contents of that memorandum in the 510
memorandum prepared pursuant to this section. 511

(5) The clerk of the court of common pleas in the county may 512
sign the memorandum of understanding prepared under division 513
(J)(1) of this section. If the clerk signs the memorandum of 514
understanding, the clerk shall execute all relevant 515
responsibilities as required of officials specified in the 516

memorandum. 517

(K)(1) Except as provided in division (K)(4) of this section, 518
a person who is required to make a report pursuant to division (A) 519
of this section may make a reasonable number of requests of the 520
public children services agency that receives or is referred the 521
report, or of the children's advocacy center that is referred the 522
report if the report is referred to a children's advocacy center 523
pursuant to an interagency agreement entered into under section 524
2151.428 of the Revised Code, to be provided with the following 525
information: 526

(a) Whether the agency or center has initiated an 527
investigation of the report; 528

(b) Whether the agency or center is continuing to investigate 529
the report; 530

(c) Whether the agency or center is otherwise involved with 531
the child who is the subject of the report; 532

(d) The general status of the health and safety of the child 533
who is the subject of the report; 534

(e) Whether the report has resulted in the filing of a 535
complaint in juvenile court or of criminal charges in another 536
court. 537

(2) A person may request the information specified in 538
division (K)(1) of this section only if, at the time the report is 539
made, the person's name, address, and telephone number are 540
provided to the person who receives the report. 541

When a municipal or county peace officer or employee of a 542
public children services agency receives a report pursuant to 543
division (A) or (B) of this section the recipient of the report 544
shall inform the person of the right to request the information 545
described in division (K)(1) of this section. The recipient of the 546

report shall include in the initial child abuse or child neglect 547
report that the person making the report was so informed and, if 548
provided at the time of the making of the report, shall include 549
the person's name, address, and telephone number in the report. 550

Each request is subject to verification of the identity of 551
the person making the report. If that person's identity is 552
verified, the agency shall provide the person with the information 553
described in division (K)(1) of this section a reasonable number 554
of times, except that the agency shall not disclose any 555
confidential information regarding the child who is the subject of 556
the report other than the information described in those 557
divisions. 558

(3) A request made pursuant to division (K)(1) of this 559
section is not a substitute for any report required to be made 560
pursuant to division (A) of this section. 561

(4) If an agency other than the agency that received or was 562
referred the report is conducting the investigation of the report 563
pursuant to section 2151.422 of the Revised Code, the agency 564
conducting the investigation shall comply with the requirements of 565
division (K) of this section. 566

(L) The director of job and family services shall adopt rules 567
in accordance with Chapter 119. of the Revised Code to implement 568
this section. The department of job and family services may enter 569
into a plan of cooperation with any other governmental entity to 570
aid in ensuring that children are protected from abuse and 571
neglect. The department shall make recommendations to the attorney 572
general that the department determines are necessary to protect 573
children from child abuse and child neglect. 574

(M) Whoever violates division (A) of this section is liable 575
for compensatory and exemplary damages to the child who would have 576
been the subject of the report that was not made. A person who 577

brings a civil action or proceeding pursuant to this division 578
against a person who is alleged to have violated division (A)(1) 579
of this section may use in the action or proceeding reports of 580
other incidents of known or suspected abuse or neglect, provided 581
that any information in a report that would identify the child who 582
is the subject of the report or the maker of the report, if the 583
maker is not the defendant or an agent or employee of the 584
defendant, has been redacted. 585

(N)(1) As used in this division: 586

(a) "Out-of-home care" includes a nonchartered nonpublic 587
school if the alleged child abuse or child neglect, or alleged 588
threat of child abuse or child neglect, described in a report 589
received by a public children services agency allegedly occurred 590
in or involved the nonchartered nonpublic school and the alleged 591
perpetrator named in the report holds a certificate, permit, or 592
license issued by the state board of education under section 593
3301.071 or Chapter 3319. of the Revised Code. 594

(b) "Administrator, director, or other chief administrative 595
officer" means the superintendent of the school district if the 596
out-of-home care entity subject to a report made pursuant to this 597
section is a school operated by the district. 598

(2) No later than the end of the day following the day on 599
which a public children services agency receives a report of 600
alleged child abuse or child neglect, or a report of an alleged 601
threat of child abuse or child neglect, that allegedly occurred in 602
or involved an out-of-home care entity, the agency shall provide 603
written notice of the allegations contained in and the person 604
named as the alleged perpetrator in the report to the 605
administrator, director, or other chief administrative officer of 606
the out-of-home care entity that is the subject of the report 607
unless the administrator, director, or other chief administrative 608
officer is named as an alleged perpetrator in the report. If the 609

administrator, director, or other chief administrative officer of 610
an out-of-home care entity is named as an alleged perpetrator in a 611
report of alleged child abuse or child neglect, or a report of an 612
alleged threat of child abuse or child neglect, that allegedly 613
occurred in or involved the out-of-home care entity, the agency 614
shall provide the written notice to the owner or governing board 615
of the out-of-home care entity that is the subject of the report. 616
The agency shall not provide witness statements or police or other 617
investigative reports. 618

(3) No later than three days after the day on which a public 619
children services agency that conducted the investigation as 620
determined pursuant to section 2151.422 of the Revised Code makes 621
a disposition of an investigation involving a report of alleged 622
child abuse or child neglect, or a report of an alleged threat of 623
child abuse or child neglect, that allegedly occurred in or 624
involved an out-of-home care entity, the agency shall send written 625
notice of the disposition of the investigation to the 626
administrator, director, or other chief administrative officer and 627
the owner or governing board of the out-of-home care entity. The 628
agency shall not provide witness statements or police or other 629
investigative reports. 630

Sec. 2317.02. The following persons shall not testify in 631
certain respects: 632

(A)(1) An attorney, concerning a communication made to the 633
attorney by a client in that relation or the attorney's advice to 634
a client, except that the attorney may testify by express consent 635
of the client or, if the client is deceased, by the express 636
consent of the surviving spouse or the executor or administrator 637
of the estate of the deceased client. However, if the client 638
voluntarily testifies or is deemed by section 2151.421 of the 639
Revised Code to have waived any testimonial privilege under this 640

division, the attorney may be compelled to testify on the same 641
subject. 642

The testimonial privilege established under this division 643
does not apply concerning a communication between a client who has 644
since died and the deceased client's attorney if the communication 645
is relevant to a dispute between parties who claim through that 646
deceased client, regardless of whether the claims are by testate 647
or intestate succession or by inter vivos transaction, and the 648
dispute addresses the competency of the deceased client when the 649
deceased client executed a document that is the basis of the 650
dispute or whether the deceased client was a victim of fraud, 651
undue influence, or duress when the deceased client executed a 652
document that is the basis of the dispute. 653

(2) An attorney, concerning a communication made to the 654
attorney by a client in that relationship or the attorney's advice 655
to a client, except that if the client is an insurance company, 656
the attorney may be compelled to testify, subject to an in camera 657
inspection by a court, about communications made by the client to 658
the attorney or by the attorney to the client that are related to 659
the attorney's aiding or furthering an ongoing or future 660
commission of bad faith by the client, if the party seeking 661
disclosure of the communications has made a prima facie showing of 662
bad faith, fraud, or criminal misconduct by the client. 663

(B)(1) A physician or a dentist concerning a communication 664
made to the physician or dentist by a patient in that relation or 665
the physician's or dentist's advice to a patient, except as 666
otherwise provided in this division, division (B)(2), and division 667
(B)(3) of this section, and except that, if the patient is deemed 668
by section 2151.421 of the Revised Code to have waived any 669
testimonial privilege under this division, the physician may be 670
compelled to testify on the same subject. 671

The testimonial privilege established under this division 672

does not apply, and a physician or dentist may testify or may be 673
compelled to testify, in any of the following circumstances: 674

(a) In any civil action, in accordance with the discovery 675
provisions of the Rules of Civil Procedure in connection with a 676
civil action, or in connection with a claim under Chapter 4123. of 677
the Revised Code, under any of the following circumstances: 678

(i) If the patient or the guardian or other legal 679
representative of the patient gives express consent; 680

(ii) If the patient is deceased, the spouse of the patient or 681
the executor or administrator of the patient's estate gives 682
express consent; 683

(iii) If a medical claim, dental claim, chiropractic claim, 684
or optometric claim, as defined in section 2305.113 of the Revised 685
Code, an action for wrongful death, any other type of civil 686
action, or a claim under Chapter 4123. of the Revised Code is 687
filed by the patient, the personal representative of the estate of 688
the patient if deceased, or the patient's guardian or other legal 689
representative. 690

(b) In any civil action concerning court-ordered treatment or 691
services received by a patient, if the court-ordered treatment or 692
services were ordered as part of a case plan journalized under 693
section 2151.412 of the Revised Code or the court-ordered 694
treatment or services are necessary or relevant to dependency, 695
neglect, or abuse or temporary or permanent custody proceedings 696
under Chapter 2151. of the Revised Code. 697

(c) In any criminal action concerning any test or the results 698
of any test that determines the presence or concentration of 699
alcohol, a drug of abuse, a combination of them, a controlled 700
substance, or a metabolite of a controlled substance in the 701
patient's whole blood, blood serum or plasma, breath, urine, or 702
other bodily substance at any time relevant to the criminal 703

offense in question. 704

(d) In any criminal action against a physician or dentist. In 705
such an action, the testimonial privilege established under this 706
division does not prohibit the admission into evidence, in 707
accordance with the Rules of Evidence, of a patient's medical or 708
dental records or other communications between a patient and the 709
physician or dentist that are related to the action and obtained 710
by subpoena, search warrant, or other lawful means. A court that 711
permits or compels a physician or dentist to testify in such an 712
action or permits the introduction into evidence of patient 713
records or other communications in such an action shall require 714
that appropriate measures be taken to ensure that the 715
confidentiality of any patient named or otherwise identified in 716
the records is maintained. Measures to ensure confidentiality that 717
may be taken by the court include sealing its records or deleting 718
specific information from its records. 719

(e)(i) If the communication was between a patient who has 720
since died and the deceased patient's physician or dentist, the 721
communication is relevant to a dispute between parties who claim 722
through that deceased patient, regardless of whether the claims 723
are by testate or intestate succession or by inter vivos 724
transaction, and the dispute addresses the competency of the 725
deceased patient when the deceased patient executed a document 726
that is the basis of the dispute or whether the deceased patient 727
was a victim of fraud, undue influence, or duress when the 728
deceased patient executed a document that is the basis of the 729
dispute. 730

(ii) If neither the spouse of a patient nor the executor or 731
administrator of that patient's estate gives consent under 732
division (B)(1)(a)(ii) of this section, testimony or the 733
disclosure of the patient's medical records by a physician, 734
dentist, or other health care provider under division (B)(1)(e)(i) 735

of this section is a permitted use or disclosure of protected health information, as defined in 45 C.F.R. 160.103, and an authorization or opportunity to be heard shall not be required.

(iii) Division (B)(1)(e)(i) of this section does not require a mental health professional to disclose psychotherapy notes, as defined in 45 C.F.R. 164.501.

(iv) An interested person who objects to testimony or disclosure under division (B)(1)(e)(i) of this section may seek a protective order pursuant to Civil Rule 26.

(v) A person to whom protected health information is disclosed under division (B)(1)(e)(i) of this section shall not use or disclose the protected health information for any purpose other than the litigation or proceeding for which the information was requested and shall return the protected health information to the covered entity or destroy the protected health information, including all copies made, at the conclusion of the litigation or proceeding.

(2)(a) If any law enforcement officer submits a written statement to a health care provider that states that an official criminal investigation has begun regarding a specified person or that a criminal action or proceeding has been commenced against a specified person, that requests the provider to supply to the officer copies of any records the provider possesses that pertain to any test or the results of any test administered to the specified person to determine the presence or concentration of alcohol, a drug of abuse, a combination of them, a controlled substance, or a metabolite of a controlled substance in the person's whole blood, blood serum or plasma, breath, or urine at any time relevant to the criminal offense in question, and that conforms to section 2317.022 of the Revised Code, the provider, except to the extent specifically prohibited by any law of this state or of the United States, shall supply to the officer a copy

of any of the requested records the provider possesses. If the 768
health care provider does not possess any of the requested 769
records, the provider shall give the officer a written statement 770
that indicates that the provider does not possess any of the 771
requested records. 772

(b) If a health care provider possesses any records of the 773
type described in division (B)(2)(a) of this section regarding the 774
person in question at any time relevant to the criminal offense in 775
question, in lieu of personally testifying as to the results of 776
the test in question, the custodian of the records may submit a 777
certified copy of the records, and, upon its submission, the 778
certified copy is qualified as authentic evidence and may be 779
admitted as evidence in accordance with the Rules of Evidence. 780
Division (A) of section 2317.422 of the Revised Code does not 781
apply to any certified copy of records submitted in accordance 782
with this division. Nothing in this division shall be construed to 783
limit the right of any party to call as a witness the person who 784
administered the test to which the records pertain, the person 785
under whose supervision the test was administered, the custodian 786
of the records, the person who made the records, or the person 787
under whose supervision the records were made. 788

(3)(a) If the testimonial privilege described in division 789
(B)(1) of this section does not apply as provided in division 790
(B)(1)(a)(iii) of this section, a physician or dentist may be 791
compelled to testify or to submit to discovery under the Rules of 792
Civil Procedure only as to a communication made to the physician 793
or dentist by the patient in question in that relation, or the 794
physician's or dentist's advice to the patient in question, that 795
related causally or historically to physical or mental injuries 796
that are relevant to issues in the medical claim, dental claim, 797
chiropractic claim, or optometric claim, action for wrongful 798
death, other civil action, or claim under Chapter 4123. of the 799

Revised Code. 800

(b) If the testimonial privilege described in division (B)(1) 801
of this section does not apply to a physician or dentist as 802
provided in division (B)(1)(c) of this section, the physician or 803
dentist, in lieu of personally testifying as to the results of the 804
test in question, may submit a certified copy of those results, 805
and, upon its submission, the certified copy is qualified as 806
authentic evidence and may be admitted as evidence in accordance 807
with the Rules of Evidence. Division (A) of section 2317.422 of 808
the Revised Code does not apply to any certified copy of results 809
submitted in accordance with this division. Nothing in this 810
division shall be construed to limit the right of any party to 811
call as a witness the person who administered the test in 812
question, the person under whose supervision the test was 813
administered, the custodian of the results of the test, the person 814
who compiled the results, or the person under whose supervision 815
the results were compiled. 816

(4) The testimonial privilege described in division (B)(1) of 817
this section is not waived when a communication is made by a 818
physician to a pharmacist or when there is communication between a 819
patient and a pharmacist in furtherance of the physician-patient 820
relation. 821

(5)(a) As used in divisions (B)(1) to (4) of this section, 822
"communication" means acquiring, recording, or transmitting any 823
information, in any manner, concerning any facts, opinions, or 824
statements necessary to enable a physician or dentist to diagnose, 825
treat, prescribe, or act for a patient. A "communication" may 826
include, but is not limited to, any medical or dental, office, or 827
hospital communication such as a record, chart, letter, 828
memorandum, laboratory test and results, x-ray, photograph, 829
financial statement, diagnosis, or prognosis. 830

(b) As used in division (B)(2) of this section, "health care 831

provider" means a hospital, ambulatory care facility, long-term 832
care facility, pharmacy, emergency facility, or health care 833
practitioner. 834

(c) As used in division (B)(5)(b) of this section: 835

(i) "Ambulatory care facility" means a facility that provides 836
medical, diagnostic, or surgical treatment to patients who do not 837
require hospitalization, including a dialysis center, ambulatory 838
surgical facility, cardiac catheterization facility, diagnostic 839
imaging center, extracorporeal shock wave lithotripsy center, home 840
health agency, inpatient hospice, birthing center, radiation 841
therapy center, emergency facility, and an urgent care center. 842
"Ambulatory health care facility" does not include the private 843
office of a physician or dentist, whether the office is for an 844
individual or group practice. 845

(ii) "Emergency facility" means a hospital emergency 846
department or any other facility that provides emergency medical 847
services. 848

(iii) "Health care practitioner" has the same meaning as in 849
section 4769.01 of the Revised Code. 850

(iv) "Hospital" has the same meaning as in section 3727.01 of 851
the Revised Code. 852

(v) "Long-term care facility" means a nursing home, 853
residential care facility, or home for the aging, as those terms 854
are defined in section 3721.01 of the Revised Code; an adult care 855
facility, as defined in section 3722.01 of the Revised Code; a 856
nursing facility or intermediate care facility for the mentally 857
retarded, as those terms are defined in section 5111.20 of the 858
Revised Code; a facility or portion of a facility certified as a 859
skilled nursing facility under Title XVIII of the "Social Security 860
Act," 49 Stat. 286 (1965), 42 U.S.C.A. 1395, as amended. 861

(vi) "Pharmacy" has the same meaning as in section 4729.01 of 862

the Revised Code. 863

(d) As used in divisions (B)(1) and (2) of this section, 864
"drug of abuse" has the same meaning as in section 4506.01 of the 865
Revised Code. 866

(6) Divisions (B)(1), (2), (3), (4), and (5) of this section 867
apply to doctors of medicine, doctors of osteopathic medicine, 868
doctors of podiatry, and dentists. 869

(7) Nothing in divisions (B)(1) to (6) of this section 870
affects, or shall be construed as affecting, the immunity from 871
civil liability conferred by section 307.628 of the Revised Code 872
or the immunity from civil liability conferred by section 2305.33 873
of the Revised Code upon physicians who report an employee's use 874
of a drug of abuse, or a condition of an employee other than one 875
involving the use of a drug of abuse, to the employer of the 876
employee in accordance with division (B) of that section. As used 877
in division (B)(7) of this section, "employee," "employer," and 878
"physician" have the same meanings as in section 2305.33 of the 879
Revised Code. 880

(C)(1) A cleric, when the cleric remains accountable to the 881
authority of that cleric's church, denomination, or sect, 882
concerning a confession made, or any information confidentially 883
communicated, to the cleric for a religious counseling purpose in 884
the cleric's professional character. The cleric may testify by 885
express consent of the person making the communication, except 886
when the disclosure of the information is in violation of a sacred 887
trust and except that, if the person voluntarily testifies or is 888
deemed by division (A)(4)(c) of section 2151.421 of the Revised 889
Code to have waived any testimonial privilege under this division, 890
the cleric may be compelled to testify on the same subject except 891
when disclosure of the information is in violation of a sacred 892
trust. 893

(2) As used in division (C) of this section:	894
(a) "Cleric" means a member of the clergy, rabbi, priest, Christian Science practitioner, or regularly ordained, accredited, or licensed minister of an established and legally cognizable church, denomination, or sect.	895 896 897 898
(b) "Sacred trust" means a confession or confidential communication made to a cleric in the cleric's ecclesiastical capacity in the course of discipline enjoined by the church to which the cleric belongs, including, but not limited to, the Catholic Church, if both of the following apply:	899 900 901 902 903
(i) The confession or confidential communication was made directly to the cleric.	904 905
(ii) The confession or confidential communication was made in the manner and context that places the cleric specifically and strictly under a level of confidentiality that is considered inviolate by canon law or church doctrine.	906 907 908 909
(D) Husband or wife, concerning any communication made by one to the other, or an act done by either in the presence of the other, during coverture, unless the communication was made, or act done, in the known presence or hearing of a third person competent to be a witness; and such rule is the same if the marital relation has ceased to exist;	910 911 912 913 914 915
(E) A person who assigns a claim or interest, concerning any matter in respect to which the person would not, if a party, be permitted to testify;	916 917 918
(F) A person who, if a party, would be restricted under section 2317.03 of the Revised Code, when the property or thing is sold or transferred by an executor, administrator, guardian, trustee, heir, devisee, or legatee, shall be restricted in the same manner in any action or proceeding concerning the property or thing.	919 920 921 922 923 924

(G)(1) A school guidance counselor who holds a valid educator license from the state board of education as provided for in section 3319.22 of the Revised Code, or a person licensed or registered under Chapter 4757. of the Revised Code ~~as a professional clinical counselor, professional counselor, social worker, independent social worker, marriage and family therapist or independent marriage and family therapist, or registered under Chapter 4757. of the Revised Code as a social work assistant~~ concerning a confidential communication received from a client in that relation or the person's advice to a client unless any of the following applies:

(a) The communication or advice indicates clear and present danger to the client or other persons. For the purposes of this division, cases in which there are indications of present or past child abuse or neglect of the client constitute a clear and present danger.

(b) The client gives express consent to the testimony.

(c) If the client is deceased, the surviving spouse or the executor or administrator of the estate of the deceased client gives express consent.

(d) The client voluntarily testifies, in which case the school guidance counselor or person licensed or registered under Chapter 4757. of the Revised Code may be compelled to testify on the same subject.

(e) The court in camera determines that the information communicated by the client is not germane to the counselor-client, marriage and family therapist-client, art therapist-client, or social worker-client relationship.

(f) A court, in an action brought against a school, its administration, or any of its personnel by the client, rules after an in-camera inspection that the testimony of the school guidance

counselor is relevant to that action. 956

(g) The testimony is sought in a civil action and concerns 957
court-ordered treatment or services received by a patient as part 958
of a case plan journalized under section 2151.412 of the Revised 959
Code or the court-ordered treatment or services are necessary or 960
relevant to dependency, neglect, or abuse or temporary or 961
permanent custody proceedings under Chapter 2151. of the Revised 962
Code. 963

(2) Nothing in division (G)(1) of this section shall relieve 964
a school guidance counselor or a person licensed or registered 965
under Chapter 4757. of the Revised Code from the requirement to 966
report information concerning child abuse or neglect under section 967
2151.421 of the Revised Code. 968

(H) A mediator acting under a mediation order issued under 969
division (A) of section 3109.052 of the Revised Code or otherwise 970
issued in any proceeding for divorce, dissolution, legal 971
separation, annulment, or the allocation of parental rights and 972
responsibilities for the care of children, in any action or 973
proceeding, other than a criminal, delinquency, child abuse, child 974
neglect, or dependent child action or proceeding, that is brought 975
by or against either parent who takes part in mediation in 976
accordance with the order and that pertains to the mediation 977
process, to any information discussed or presented in the 978
mediation process, to the allocation of parental rights and 979
responsibilities for the care of the parents' children, or to the 980
awarding of parenting time rights in relation to their children; 981

(I) A communications assistant, acting within the scope of 982
the communication assistant's authority, when providing 983
telecommunications relay service pursuant to section 4931.35 of 984
the Revised Code or Title II of the "Communications Act of 1934," 985
104 Stat. 366 (1990), 47 U.S.C. 225, concerning a communication 986
made through a telecommunications relay service. Nothing in this 987

section shall limit the obligation of a communications assistant 988
to divulge information or testify when mandated by federal law or 989
regulation or pursuant to subpoena in a criminal proceeding. 990

Nothing in this section shall limit any immunity or privilege 991
granted under federal law or regulation. 992

(J)(1) A chiropractor in a civil proceeding concerning a 993
communication made to the chiropractor by a patient in that 994
relation or the chiropractor's advice to a patient, except as 995
otherwise provided in this division. The testimonial privilege 996
established under this division does not apply, and a chiropractor 997
may testify or may be compelled to testify, in any civil action, 998
in accordance with the discovery provisions of the Rules of Civil 999
Procedure in connection with a civil action, or in connection with 1000
a claim under Chapter 4123. of the Revised Code, under any of the 1001
following circumstances: 1002

(a) If the patient or the guardian or other legal 1003
representative of the patient gives express consent. 1004

(b) If the patient is deceased, the spouse of the patient or 1005
the executor or administrator of the patient's estate gives 1006
express consent. 1007

(c) If a medical claim, dental claim, chiropractic claim, or 1008
optometric claim, as defined in section 2305.113 of the Revised 1009
Code, an action for wrongful death, any other type of civil 1010
action, or a claim under Chapter 4123. of the Revised Code is 1011
filed by the patient, the personal representative of the estate of 1012
the patient if deceased, or the patient's guardian or other legal 1013
representative. 1014

(2) If the testimonial privilege described in division (J)(1) 1015
of this section does not apply as provided in division (J)(1)(c) 1016
of this section, a chiropractor may be compelled to testify or to 1017
submit to discovery under the Rules of Civil Procedure only as to 1018

a communication made to the chiropractor by the patient in 1019
question in that relation, or the chiropractor's advice to the 1020
patient in question, that related causally or historically to 1021
physical or mental injuries that are relevant to issues in the 1022
medical claim, dental claim, chiropractic claim, or optometric 1023
claim, action for wrongful death, other civil action, or claim 1024
under Chapter 4123. of the Revised Code. 1025

(3) The testimonial privilege established under this division 1026
does not apply, and a chiropractor may testify or be compelled to 1027
testify, in any criminal action or administrative proceeding. 1028

(4) As used in this division, "communication" means 1029
acquiring, recording, or transmitting any information, in any 1030
manner, concerning any facts, opinions, or statements necessary to 1031
enable a chiropractor to diagnose, treat, or act for a patient. A 1032
communication may include, but is not limited to, any 1033
chiropractic, office, or hospital communication such as a record, 1034
chart, letter, memorandum, laboratory test and results, x-ray, 1035
photograph, financial statement, diagnosis, or prognosis. 1036

(K)(1) Except as provided under division (K)(2) of this 1037
section, a critical incident stress management team member 1038
concerning a communication received from an individual who 1039
receives crisis response services from the team member, or the 1040
team member's advice to the individual, during a debriefing 1041
session. 1042

(2) The testimonial privilege established under division 1043
(K)(1) of this section does not apply if any of the following are 1044
true: 1045

(a) The communication or advice indicates clear and present 1046
danger to the individual who receives crisis response services or 1047
to other persons. For purposes of this division, cases in which 1048
there are indications of present or past child abuse or neglect of 1049

the individual constitute a clear and present danger. 1050

(b) The individual who received crisis response services 1051
gives express consent to the testimony. 1052

(c) If the individual who received crisis response services 1053
is deceased, the surviving spouse or the executor or administrator 1054
of the estate of the deceased individual gives express consent. 1055

(d) The individual who received crisis response services 1056
voluntarily testifies, in which case the team member may be 1057
compelled to testify on the same subject. 1058

(e) The court in camera determines that the information 1059
communicated by the individual who received crisis response 1060
services is not germane to the relationship between the individual 1061
and the team member. 1062

(f) The communication or advice pertains or is related to any 1063
criminal act. 1064

(3) As used in division (K) of this section: 1065

(a) "Crisis response services" means consultation, risk 1066
assessment, referral, and on-site crisis intervention services 1067
provided by a critical incident stress management team to 1068
individuals affected by crisis or disaster. 1069

(b) "Critical incident stress management team member" or 1070
"team member" means an individual specially trained to provide 1071
crisis response services as a member of an organized community or 1072
local crisis response team that holds membership in the Ohio 1073
critical incident stress management network. 1074

(c) "Debriefing session" means a session at which crisis 1075
response services are rendered by a critical incident stress 1076
management team member during or after a crisis or disaster. 1077

(L)(1) Subject to division (L)(2) of this section and except 1078
as provided in division (L)(3) of this section, an employee 1079

assistance professional, concerning a communication made to the 1080
employee assistance professional by a client in the employee 1081
assistance professional's official capacity as an employee 1082
assistance professional. 1083

(2) Division (L)(1) of this section applies to an employee 1084
assistance professional who meets either or both of the following 1085
requirements: 1086

(a) Is certified by the employee assistance certification 1087
commission to engage in the employee assistance profession; 1088

(b) Has education, training, and experience in all of the 1089
following: 1090

(i) Providing workplace-based services designed to address 1091
employer and employee productivity issues; 1092

(ii) Providing assistance to employees and employees' 1093
dependents in identifying and finding the means to resolve 1094
personal problems that affect the employees or the employees' 1095
performance; 1096

(iii) Identifying and resolving productivity problems 1097
associated with an employee's concerns about any of the following 1098
matters: health, marriage, family, finances, substance abuse or 1099
other addiction, workplace, law, and emotional issues; 1100

(iv) Selecting and evaluating available community resources; 1101

(v) Making appropriate referrals; 1102

(vi) Local and national employee assistance agreements; 1103

(vii) Client confidentiality. 1104

(3) Division (L)(1) of this section does not apply to any of 1105
the following: 1106

(a) A criminal action or proceeding involving an offense 1107
under sections 2903.01 to 2903.06 of the Revised Code if the 1108

employee assistance professional's disclosure or testimony relates	1109
directly to the facts or immediate circumstances of the offense;	1110
(b) A communication made by a client to an employee	1111
assistance professional that reveals the contemplation or	1112
commission of a crime or serious, harmful act;	1113
(c) A communication that is made by a client who is an	1114
unemancipated minor or an adult adjudicated to be incompetent and	1115
indicates that the client was the victim of a crime or abuse;	1116
(d) A civil proceeding to determine an individual's mental	1117
competency or a criminal action in which a plea of not guilty by	1118
reason of insanity is entered;	1119
(e) A civil or criminal malpractice action brought against	1120
the employee assistance professional;	1121
(f) When the employee assistance professional has the express	1122
consent of the client or, if the client is deceased or disabled,	1123
the client's legal representative;	1124
(g) When the testimonial privilege otherwise provided by	1125
division (L)(1) of this section is abrogated under law.	1126
Sec. 4757.01. As used in this chapter:	1127
(A) "Practice of professional counseling" means rendering or	1128
offering to render to individuals, groups, organizations, or the	1129
general public a counseling service involving the application of	1130
clinical counseling principles, methods, or procedures to assist	1131
individuals in achieving more effective personal, social,	1132
educational, or career development and adjustment, including the	1133
diagnosis and treatment of mental and emotional disorders.	1134
(B) "Clinical counseling principles, methods, or procedures"	1135
means an approach to counseling that emphasizes the counselor's	1136
role in systematically assisting clients through all of the	1137
following: assessing and analyzing background and current	1138

information, diagnosing mental and emotional disorders, exploring 1139
possible solutions, and developing and providing a treatment plan 1140
for mental and emotional adjustment or development. "Clinical 1141
counseling principles, methods, or procedures" includes at least 1142
counseling, appraisal, consulting, and referral. 1143

(C) "Practice of social work" means the application of 1144
specialized knowledge of human development and behavior and 1145
social, economic, and cultural systems in directly assisting 1146
individuals, families, and groups in a clinical setting to improve 1147
or restore their capacity for social functioning, including 1148
counseling, the use of psychosocial interventions, and the use of 1149
social psychotherapy, which includes the diagnosis and treatment 1150
of mental and emotional disorders. 1151

(D) "Accredited educational institution" means an institution 1152
accredited by a national or regional accrediting agency accepted 1153
by the board of regents. 1154

(E) "Scope of practice" means the services, methods, and 1155
techniques in which and the areas for which a person licensed or 1156
registered under this chapter is trained and qualified. 1157

(F) "Mental and emotional disorders" means those disorders 1158
that are classified in accepted nosologies such as the 1159
international classification of diseases and the diagnostic and 1160
statistical manual of mental disorders and in future editions of 1161
those nosologies. 1162

(G) "Marriage and family therapy" means the diagnosis, 1163
evaluation, assessment, counseling, management and treatment of 1164
mental and emotional disorders, whether cognitive, affective, or 1165
behavioral, within the context of marriage and family systems, 1166
through the professional application of marriage and family 1167
therapies and techniques. 1168

(H) "Practice of marriage and family therapy" means the 1169

diagnosis, treatment, evaluation, assessment, counseling, and 1170
management, of mental and emotional disorders, whether cognitive, 1171
affective or behavioral, within the context of marriage and family 1172
systems, to individuals, couples, and families, singly or in 1173
groups, whether those services are offered directly to the general 1174
public or through public or private organizations, for a fee, 1175
salary or other consideration through the professional application 1176
of marriage and family theories, therapies, and techniques, 1177
including, but not limited to psychotherapeutic theories, 1178
therapies and techniques that marriage and family therapists are 1179
educated and trained to perform. 1180

(I) "Art therapy" means the use of art media, images, and the 1181
creative art processes, and an individual's responses to the 1182
media, images, and processes, to help evaluate the individual's 1183
development, abilities, personality, interests, concerns, and 1184
conflicts for the purpose of reconciling emotional conflicts, 1185
fostering self-awareness, developing social skills, managing 1186
behavior, solving problems, reducing anxiety, aiding in reality 1187
orientation, or increasing self-esteem. 1188

Sec. 4757.02. (A) Except as provided in division (C) of this 1189
section and section 4757.41 of the Revised Code: 1190

(1) No person shall engage in or claim to the public to be 1191
engaging in the practice of professional counseling for a fee, 1192
salary, or other consideration unless the person is currently 1193
licensed under this chapter as a professional clinical counselor 1194
or professional counselor. 1195

(2) No person shall practice or claim to the public to be 1196
practicing social work for a fee, salary, or other consideration 1197
unless the person is currently licensed under this chapter as an 1198
independent social worker or a social worker. 1199

(3) No person shall claim to the public to be a social work 1200

assistant unless the person is currently registered under this 1201
chapter as a social work assistant. 1202

(4) No person shall engage in the practice of marriage and 1203
family therapy or claim to the public to be engaging in the 1204
practice of marriage and family therapy unless the person is 1205
currently licensed under this chapter as a marriage and family 1206
therapist. 1207

(5) Beginning one year after the effective date of this 1208
amendment, no person shall engage in or claim to the public to be 1209
engaging in art therapy for a fee, salary, or other consideration 1210
unless the person is currently licensed under this chapter as an 1211
art therapist. 1212

(B)(1) No person shall use the title "professional clinical 1213
counselor," "professional counselor," or any other title or 1214
description incorporating the word "counselor" or any initials 1215
used to identify persons acting in those capacities unless 1216
currently authorized under this chapter by licensure to act in the 1217
capacity indicated by the title or initials. 1218

(2) No person shall use the title "social worker," 1219
"independent social worker," "social work assistant," or any other 1220
title or description incorporating the words "social worker" or 1221
any initials used to identify persons acting in those capacities 1222
unless the person is currently authorized by licensure or 1223
registration under this chapter to act in the capacity indicated 1224
by the title or initials. 1225

(3) No person shall use the title "marriage and family 1226
therapist" or any initials used to identify persons acting in that 1227
capacity unless the person is currently authorized by licensure 1228
under this chapter to act in the capacity indicated by the title 1229
or initials. 1230

(4) Beginning one year after the effective date of this 1231

amendment, no person shall use the title "art therapist" or any 1232
other title or description that incorporates the phrase "art 1233
therapist"; otherwise hold the person out to be an art therapist; 1234
or use any initials commonly used to identify art therapists, 1235
unless the person is currently licensed under this chapter. 1236

(C)(1) Divisions (A)(1) to (3) of this section do not apply 1237
to the practice of marriage and family therapy by a person holding 1238
a valid license or temporary license as a marriage and family 1239
therapist or independent marriage and family therapist under this 1240
chapter. 1241

(2) Division (A)(4) of this section does not apply to the 1242
following persons licensed or registered under this chapter: 1243
professional clinical counselors, professional counselors, 1244
independent social workers, social workers, and social work 1245
assistants. 1246

(3) Division (A)(5) of this section does not apply to 1247
professional clinical counselors, independent social workers, or 1248
independent marriage and family therapists, licensed under this 1249
chapter, or to psychologists or psychiatrists. 1250

Sec. 4757.03. There is hereby created the counselor, social 1251
worker, ~~and~~ marriage and family therapist, and art therapist 1252
board, consisting of ~~fifteen~~ eighteen members. The governor shall 1253
appoint the members with the advice and consent of the senate. 1254

Four of the members shall be individuals licensed under this 1255
chapter as professional clinical counselors or professional 1256
counselors. At all times, the counselor membership shall include 1257
at least two licensed professional clinical counselors, at least 1258
one individual who has received a doctoral degree in counseling 1259
from an accredited educational institution recognized by the board 1260
and holds a graduate level teaching position in a counselor 1261
education program, and at least two individuals who have received 1262

at least a master's degree in counseling from an accredited 1263
educational institution recognized by the board. 1264

Two of the members shall be individuals licensed under this 1265
chapter as independent marriage and family therapists and two 1266
shall be individuals licensed under this chapter as marriage and 1267
family therapists or, if the board has not yet licensed 1268
independent marriage and family therapists or marriage and family 1269
therapists, eligible for licensure as independent marriage and 1270
family therapists or marriage and family therapists. They shall 1271
have, during the five years preceding appointment, actively 1272
engaged in the practice of marriage and family therapy, in 1273
educating and training master's, doctoral, or postdoctoral 1274
students of marriage and family therapy, or in marriage and family 1275
therapy research and, during the two years immediately preceding 1276
appointment, shall have devoted the majority of their professional 1277
time to the activity while residing in this state. 1278

Two members shall be individuals licensed under this chapter 1279
as independent social workers. Two members shall be individuals 1280
licensed under this chapter as social workers, at least one of 1281
whom must hold a bachelor's or master's degree in social work from 1282
an accredited educational institution recognized by the board. At 1283
all times, the social worker membership shall include one educator 1284
who holds a teaching position in a baccalaureate or master's 1285
degree social work program at an accredited educational 1286
institution recognized by the board. 1287

~~Three~~ Two members shall be individuals licensed under this 1288
chapter as art therapists. 1289

Four members shall be representatives of the general public 1290
who have not practiced art therapy, professional counseling, 1291
marriage and family therapy, psychology or psychiatry, or social 1292
work and have not been involved in the delivery of art therapy, 1293
professional counseling, marriage and family therapy, psychology 1294

or psychiatry, or social work services. At least one of the 1295
members representing the general public shall be at least sixty 1296
years of age. During their terms the public members shall not 1297
practice art therapy, professional counseling, marriage and family 1298
therapy, psychology or psychiatry, or social work or be involved 1299
in the delivery of art therapy, professional counseling, marriage 1300
and family therapy, or social work services. 1301

Not more than ~~eight~~ ten members of the board may be members 1302
of the same political party or sex. At least one member of the 1303
board shall be of African, Native American, Hispanic, or Asian 1304
descent. 1305

Of the initial appointees, three shall be appointed for terms 1306
ending October 10, 1985, four shall be appointed for terms ending 1307
October 10, 1986, and four shall be appointed for terms ending 1308
October 10, 1987. Of the two initial independent marriage and 1309
family therapists appointed to the board, one shall be appointed 1310
for a term ending two years after ~~the effective date of this~~ 1311
~~amendment~~ April 7, 2003, and one for a term ending three years 1312
after that date. Of the two initial marriage and family therapists 1313
appointed to the board, one shall be appointed for a term ending 1314
two years after ~~the effective date of this amendment~~ April 7, 1315
2003, and one for a term ending three years after that date. Of 1316
the two initial art therapists appointed to the board, one shall 1317
be appointed for a term ending one year after the effective date 1318
of this amendment and one for a term ending three years after that 1319
date. The additional public member appointed to the board shall be 1320
appointed for a term ending three years after the effective date 1321
of this amendment. After the initial appointments, terms of office 1322
shall be three years, each term ending on the same day of the same 1323
month of the year as did the term that it succeeds. 1324

A member shall hold office from the date of appointment until 1325
the end of the term for which the member was appointed. A member 1326

appointed to fill a vacancy occurring prior to the expiration of 1327
the term for which the member's predecessor was appointed shall 1328
hold office for the remainder of that term. A member shall 1329
continue in office after the expiration date of the member's term 1330
until a successor takes office or until a period of sixty days has 1331
elapsed, whichever occurs first. Members may be reappointed, 1332
except that if a person has held office for two consecutive full 1333
terms, the person shall not be reappointed to the board sooner 1334
than one year after the expiration of the second full term as a 1335
member of the board. 1336

Sec. 4757.04. Within the counselor, social worker, ~~and~~ 1337
marriage and family therapist, and art therapist board, there is 1338
hereby created the counselors professional standards committee, 1339
the social workers professional standards committee, ~~and~~ the 1340
marriage and family therapist professional standards committee, 1341
and the art therapist professional standards committee. 1342

The counselors professional standards committee ~~consists~~ 1343
shall consist of the board's professional clinical counselor and 1344
professional counselor members ~~and one of the members representing~~ 1345
~~the public who is not the member representing the public on the~~ 1346
~~marriage and family therapist professional standards committee or~~ 1347
~~the social workers professional standards committee.~~ The committee 1348
has full authority to act on behalf of the board on all matters 1349
concerning professional clinical counselors and professional 1350
counselors. 1351

The social workers professional standards committee ~~consists~~ 1352
shall consist of the board's independent social worker and social 1353
worker members ~~and one of the members representing the public who~~ 1354
~~is not the member representing the public on the counselors~~ 1355
~~professional standards committee or the marriage and family~~ 1356
~~therapist professional standards committee.~~ The committee has full 1357

authority to act on behalf of the board on all matters concerning 1358
independent social workers, social workers, and social work 1359
assistants. 1360

The marriage and family therapist professional standards 1361
committee ~~consists~~ shall consist of the board's marriage and 1362
family therapists ~~and one of the members representing the public~~ 1363
~~who is not the member representing the public on the counselors~~ 1364
~~professional standards committee or the social workers~~ 1365
~~professional standards committee.~~ The committee has full authority 1366
to act on behalf of the board on all matters concerning 1367
independent marriage and family therapists and marriage and family 1368
therapists. 1369

The art therapist professional standards committee shall 1370
consist of the board's art therapist members. The committee has 1371
full authority to act on behalf of the board on all matters 1372
concerning art therapists. 1373

Each of the board's committees shall also include one of the 1374
board's members representing the public. A public member shall not 1375
serve on more than one of the committees. 1376

Sec. 4757.05. (A) The counselor, social worker, ~~and~~ marriage 1377
and family therapist, and art therapist board shall meet as a 1378
whole to discuss and review issues regarding personnel, budgetary 1379
matters, administration, and any other matter pertaining to the 1380
operation of the entire board. The board shall hold at least one 1381
regular meeting every three months. Additional meetings may be 1382
held at such times as the board determines, upon call of the 1383
chairperson, or upon the written request of ~~four~~ seven or more 1384
members of the board to the executive director. If ~~four~~ seven or 1385
more members so request a meeting, the executive director shall 1386
call a meeting to commence in not more than seven days. ~~Eight~~ Ten 1387
members of the board constitute a quorum to conduct business. 1388

Except as provided in section 4757.39 of the Revised Code, no 1389
action shall be taken without the concurrence of at least a 1390
quorum. 1391

The counselors professional standards committee, the social 1392
workers professional standards committee, ~~and~~ the marriage and 1393
family therapist professional standards committee, and the art 1394
therapist professional standards committee, shall meet as 1395
necessary to fulfill their duties established by this chapter and 1396
the rules adopted under it. Three members of ~~a committee~~ the 1397
counselors, social workers, and marriage and family therapists 1398
committees constitute a quorum for ~~that~~ each committee to conduct 1399
business. Two members of the art therapists committee constitute a 1400
quorum to conduct business. No action shall be taken without the 1401
concurrence of at least a quorum. 1402

(B) At its first meeting each year, the board shall elect a 1403
chairperson from among its members. At the first meeting held each 1404
year by the board's professional standards committees, each 1405
committee shall elect from among its members a chairperson. The 1406
chairpersons of the committees shall serve as co-vice-chairpersons 1407
of the board. Neither the board nor its committees shall elect a 1408
member to serve more than two consecutive terms in the same 1409
office. 1410

(C) The board shall employ an executive director. The board 1411
may employ and prescribe the powers and duties of such employees 1412
and consultants as are necessary for it and its professional 1413
standards committees to carry out this chapter and rules adopted 1414
under it. 1415

(D) The members of the board shall receive an amount fixed 1416
under division (J) of section 124.15 of the Revised Code for each 1417
day employed in the discharge of their official duties as board or 1418
committee members and shall be reimbursed for their necessary and 1419

actual expenses incurred in the performance of their official 1420
duties. 1421

(E) The board and each of its professional standards 1422
committees shall keep any records and minutes necessary to fulfill 1423
the duties established by this chapter and the rules adopted under 1424
it. 1425

Sec. 4757.06. The counselor, social worker, ~~and~~ marriage and 1426
family therapist, and art therapist board shall adopt a seal to 1427
authenticate its records and proceedings. Each of the board's 1428
professional standards committees shall use the seal to 1429
authenticate its records and proceedings. 1430

A statement, signed by the executive director of the board to 1431
which is affixed the official seal of the board, to the effect 1432
that a person specified in the statement is not currently licensed 1433
or registered under this chapter or that a license or certificate 1434
of registration has been revoked or suspended, shall be received 1435
as prima-facie evidence of a record of the board in any court or 1436
before any officer of the state. 1437

Sec. 4757.07. The counselor, social worker, ~~and~~ marriage and 1438
family therapist, and art therapist board and its professional 1439
standards committees shall not discriminate against any licensee, 1440
registrant, or applicant for a license or certificate of 1441
registration under this chapter because of the person's race, 1442
color, religion, sex, national origin, disability as defined in 1443
section 4112.01 of the Revised Code, or age. The board or 1444
committee, as appropriate, shall afford a hearing to any person 1445
who files with the board or committee a statement alleging 1446
discrimination based on any of those reasons. 1447

Sec. 4757.10. The counselor, social worker, ~~and~~ marriage and 1448
family therapist, and art therapist board may adopt any rules 1449

necessary to carry out this chapter. 1450

The board shall adopt rules that do all of the following: 1451

(A) Concern intervention for and treatment of any impaired 1452
person holding a license or certificate of registration issued 1453
under this chapter; 1454

(B) Establish standards for training and experience of 1455
supervisors described in division (C) of section 4757.30 of the 1456
Revised Code; 1457

(C) Define the requirement that an applicant be of good moral 1458
character in order to be licensed or registered under this 1459
chapter; 1460

(D) Establish requirements for criminal records checks of 1461
applicants under section 4776.03 of the Revised Code. 1462

All rules adopted under this section shall be adopted in 1463
accordance with Chapter 119. of the Revised Code. When it adopts 1464
rules under this section or any other section of this chapter, the 1465
board may consider standards established by any national 1466
association or other organization representing the interests of 1467
~~those involved in professional counseling, social work, or~~ 1468
~~marriage and family therapy~~ the professions governed by the board 1469
under this chapter. 1470

Sec. 4757.101. (A) As used in this section, "license" and 1471
"applicant for an initial license" have the same meanings as in 1472
section 4776.01 of the Revised Code, except that "license" as used 1473
in both of those terms refers to the types of authorizations 1474
otherwise issued or conferred under this chapter. 1475

(B) In addition to any other eligibility requirement set 1476
forth in this chapter, each applicant for an initial license shall 1477
comply with sections 4776.01 to 4776.04 of the Revised Code. The 1478
counselor, social worker, ~~and~~ marriage and family therapist, and 1479

art therapist board shall not grant a license to an applicant for 1480
an initial license unless the applicant complies with sections 1481
4776.01 to 4776.04 of the Revised Code and the board, in its 1482
discretion, decides that the results of the criminal records check 1483
do not make the applicant ineligible for a license issued pursuant 1484
~~to section 4757.22, 4757.23, 4757.27, 4757.28, 4757.29, 4757.30,~~ 1485
~~or 4757.301 of the Revised Code~~ under this chapter. 1486

Sec. 4757.11. The counselor, social worker, ~~and~~ marriage and 1487
family therapist, and art therapist board shall establish a code 1488
of ethical practice for persons licensed or registered under this 1489
chapter ~~as professional clinical counselors or professional~~ 1490
~~counselors. The board shall establish a code of ethical practice~~ 1491
~~for persons licensed under this chapter as independent social~~ 1492
~~workers or social workers, persons registered under this chapter~~ 1493
~~as social work assistants, and persons licensed as independent~~ 1494
~~marriage and family therapists or marriage and family therapists.~~ 1495
The codes of ethical practice shall be established by adopting 1496
rules in accordance with Chapter 119. of the Revised Code. The 1497
codes of ethical practice shall define unprofessional conduct, 1498
which shall include engaging in a dual relationship with a client 1499
or former client, committing an act of sexual abuse, misconduct, 1500
or exploitation of a client or former client, and, except as 1501
permitted by law, violating client confidentiality. The codes of 1502
ethical practice may be based on any codes of ethical practice 1503
developed by national organizations representing the interests of 1504
~~those involved in professional counseling, social work, or~~ 1505
~~marriage and family therapy~~ the professions governed by the board 1506
under this chapter. The board may establish standards in its codes 1507
of ethical practice that are more stringent than those established 1508
by national organizations. 1509

Sec. 4757.12. (A) A person who is licensed or registered 1510

under this chapter, and a person or agency that employs a person 1511
licensed or registered under this chapter, may charge a client or 1512
receive remuneration for professional ~~counseling, social work, or~~ 1513
~~marriage and family therapy~~ services only if one of the following 1514
applies: 1515

(1) Prior to the performance of services, the client is 1516
furnished a copy of a professional disclosure statement containing 1517
the information described in division (B) of this section; 1518

(2) A professional disclosure statement containing the 1519
information described in division (B) of this section is displayed 1520
in a conspicuous location at the place where the services are 1521
performed and a copy of the statement is provided to the client 1522
upon request. 1523

(B) The professional disclosure statement required by 1524
division (A) of this section shall contain the following: 1525

(1) The name, title, business address, and business telephone 1526
number of the ~~professional clinical counselor, professional~~ 1527
~~counselor, social work assistant, social worker, independent~~ 1528
~~social worker, independent marriage and family therapist, or~~ 1529
~~marriage and family therapist~~ person performing the services; 1530

(2) The formal professional education of the person 1531
performing the services, including the institutions the person 1532
attended, the dates attended, and the degrees received from them; 1533

(3) The areas of competence in the field in which the person 1534
is licensed or registered and the services the person provides; 1535

(4) In the case of a person who is engaged in a private 1536
individual practice, partnership, or group practice, the person's 1537
fee schedule, listed by type of service or hourly rate; 1538

(5) At the bottom of the first page of the disclosure 1539
statement, the words, "This information is required by the 1540

counselor, social worker, ~~and~~ marriage and family therapist, and 1541
art therapist board, which regulates the practices of professional 1542
counseling, social work, ~~and~~ marriage and family therapy, and art 1543
therapy in this state." and, immediately beneath those words, the 1544
name, address, and telephone number of the board. 1545

Sec. 4757.15. The counselor, social worker, ~~and~~ marriage and 1546
family therapist, and art therapist board shall prepare, cause to 1547
be prepared, or procure the use of, and grade, have graded, or 1548
procure the grading of, counseling, social work, and marriage and 1549
family therapist examinations to determine the competence of 1550
applicants for such licensure under this chapter. The board may 1551
administer separate examinations to reflect differences in 1552
educational degrees earned by applicants. The board may develop 1553
the examinations or use examinations prepared by state or national 1554
organizations that represent the interests of those involved in 1555
professional counseling, social work, or marriage and family 1556
therapy. The board shall conduct examinations at least twice each 1557
year and shall determine the level of competence necessary for a 1558
passing score. 1559

Sec. 4757.16. (A) A person seeking to be licensed under this 1560
chapter as a professional clinical counselor ~~or~~, professional 1561
counselor, independent social worker, social worker, independent 1562
marriage and family therapist, marriage and family therapist, or 1563
art therapist, or seeking to be registered under this chapter as a 1564
social work assistant, shall file with the ~~counselors~~ appropriate 1565
professional standards committee ~~of the counselor, social worker,~~ 1566
~~and marriage and family therapist~~ board a written application on a 1567
form prescribed by the counselor, social worker, marriage and 1568
family therapist, and art therapist board. ~~A person seeking to be~~ 1569
~~licensed under this chapter as an independent social worker or~~ 1570
~~social worker or registered under this chapter as a social work~~ 1571

~~assistant shall file with the social workers professional 1572
standards committee of the board a written application on a form 1573
prescribed by the board. A person seeking to be licensed under 1574
this chapter as an independent marriage and family therapist or a 1575
marriage and family therapist shall file with the marriage and 1576
family therapist professional standards committee of the board a 1577
written application on a form prescribed by the board. 1578~~

Each form prescribed by the board shall contain a statement 1579
informing the applicant that a person who knowingly makes a false 1580
statement on the form is guilty of falsification under section 1581
2921.13 of the Revised Code, a misdemeanor of the first degree. 1582

(B) The professional standards committees shall review each 1583
application received and shall determine whether the applicant 1584
meets the requirements to receive the license or certificate of 1585
registration for which application has been made. 1586

Sec. 4757.17. The professional standards committees of the 1587
counselor, social worker, ~~and~~ marriage and family therapist, and 1588
art therapist board shall review the applications of applicants 1589
for licensure or registration under this chapter who have received 1590
a post-secondary degree from an educational institution outside 1591
the United States. The committee reviewing the application shall 1592
determine whether the applicant's experience, command of the 1593
English language, and completed academic program meet the 1594
standards of an academic program of an accredited educational 1595
institution. If they do, the applicant shall be considered to have 1596
received the education from an accredited educational institution 1597
as required by this chapter and rules adopted under it. 1598

Sec. 4757.18. The counselor, social worker, ~~and~~ marriage and 1599
family therapist, and art therapist board may enter into a 1600
reciprocal agreement with any state that regulates individuals 1601

practicing in the same capacities as those regulated under this 1602
chapter if the board finds that the state has requirements 1603
substantially equivalent to the requirements this state has for 1604
receipt of a license or certificate of registration under this 1605
chapter. In a reciprocal agreement, the board agrees to issue the 1606
appropriate license or certificate of registration to any resident 1607
of the other state whose practice is currently authorized by that 1608
state if that state's regulatory body agrees to authorize the 1609
appropriate practice of any resident of this state who holds a 1610
valid license or certificate of registration issued under this 1611
chapter. 1612

The professional standards committees of the board may, by 1613
endorsement, issue the appropriate license or certificate of 1614
registration to a resident of a state with which the board does 1615
not have a reciprocal agreement, if the person submits proof 1616
satisfactory to the committee of currently being licensed, 1617
certified, registered, or otherwise authorized to practice by that 1618
state. 1619

Sec. 4757.19. On receipt of a notice pursuant to section 1620
3123.43 of the Revised Code, the counselor, social worker, ~~and~~ 1621
marriage and family therapist, and art therapist board shall 1622
comply with sections 3123.41 to 3123.50 of the Revised Code and 1623
any applicable rules adopted under section 3123.63 of the Revised 1624
Code with respect to a license or certificate of registration 1625
issued pursuant to this chapter. 1626

Sec. 4757.22. (A) The counselors professional standards 1627
committee of the counselor, social worker, ~~and~~ marriage and family 1628
therapist, and art therapist board shall issue a license to 1629
practice as a professional clinical counselor to each applicant 1630
who submits a properly completed application, pays the fee 1631

established under section 4757.31 of the Revised Code, and meets 1632
the requirements specified in division (B) of this section. 1633

(B) To be eligible for a professional clinical counselor 1634
license, an individual must meet the following requirements: 1635

(1) The individual must be of good moral character. 1636

(2) The individual must hold from an accredited educational 1637
institution a graduate degree in counseling. 1638

(3) The individual must complete a minimum of ninety quarter 1639
hours of graduate credit in counselor training acceptable to the 1640
committee, including a minimum of thirty quarter hours of 1641
instruction in the following areas: 1642

(a) Clinical psychopathology, personality, and abnormal 1643
behavior; 1644

(b) Evaluation of mental and emotional disorders; 1645

(c) Diagnosis of mental and emotional disorders; 1646

(d) Methods of prevention, intervention, and treatment of 1647
mental and emotional disorders. 1648

(4) The individual must complete, in either a private or 1649
clinical counseling setting, supervised experience in counseling 1650
that is of a type approved by the committee, is supervised by a 1651
professional clinical counselor or other qualified professional 1652
approved by the committee, and is in the following amounts: 1653

(a) In the case of an individual holding only a master's 1654
degree, not less than two years of experience, which must be 1655
completed after the award of the master's degree; 1656

(b) In the case of an individual holding a doctorate, not 1657
less than one year of experience, which must be completed after 1658
the award of the doctorate. 1659

(5) The individual must pass a field evaluation that meets 1660

the following requirements: 1661

(a) Has been completed by the applicant's instructors, 1662
employers, supervisors, or other persons determined by the 1663
committee to be competent to evaluate an individual's professional 1664
competence; 1665

(b) Includes documented evidence of the quality, scope, and 1666
nature of the applicant's experience and competence in diagnosing 1667
and treating mental and emotional disorders. 1668

(6) The individual must pass an examination administered by 1669
the board for the purpose of determining ability to practice as a 1670
professional clinical counselor. 1671

(C) To be accepted by the committee for purposes of division 1672
(B) of this section, counselor training must include at least the 1673
following: 1674

(1) Instruction in human growth and development; counseling 1675
theory; counseling techniques; group dynamics, processing, and 1676
counseling; appraisal of individuals; research and evaluation; 1677
professional, legal, and ethical responsibilities; social and 1678
cultural foundations; and lifestyle and career development; 1679

(2) Participation in a supervised practicum and internship in 1680
counseling. 1681

(D) The committee may issue a provisional license to an 1682
applicant who meets all of the requirements to be licensed under 1683
this section, pending the receipt of transcripts or action by the 1684
committee to issue a license to practice as a professional 1685
clinical counselor. 1686

(E) An individual may not sit for the licensing examination 1687
unless the individual meets the educational requirements to be 1688
licensed under this section. An individual who is denied admission 1689
to the licensing examination may appeal the denial in accordance 1690

with Chapter 119. of the Revised Code. 1691

(F) The board shall adopt any rules necessary for the 1692
committee to implement this section, including criteria for the 1693
committee to use in determining whether an applicant's training 1694
should be accepted and supervised experience approved. Rules 1695
adopted under this division shall be adopted in accordance with 1696
Chapter 119. of the Revised Code. 1697

Sec. 4757.23. (A) The counselors professional standards 1698
committee of the counselor, social worker, ~~and~~ marriage and family 1699
therapist, and art therapist board shall issue a license as a 1700
professional counselor to each applicant who submits a properly 1701
completed application, pays the fee established under section 1702
4757.31 of the Revised Code, and meets the requirements 1703
established under division (B) of this section. 1704

(B) To be eligible for a license as a professional counselor, 1705
an individual must meet the following requirements: 1706

(1) The individual must be of good moral character. 1707

(2) The individual must hold from an accredited educational 1708
institution a graduate degree in counseling. 1709

(3) The individual must complete a minimum of ninety quarter 1710
hours of graduate credit in counselor training acceptable to the 1711
committee, which the individual may complete while working toward 1712
receiving a graduate degree in counseling or subsequent to 1713
receiving the degree. 1714

(4) The individual must pass an examination administered by 1715
the board for the purpose of determining ability to practice as a 1716
professional counselor. 1717

(C) To be accepted by the committee for purposes of division 1718
(B) of this section, counselor training must include at least the 1719
following: 1720

(1) Instruction in human growth and development; counseling theory; counseling techniques; group dynamics, processing, and counseling; appraisal of individuals; research and evaluation; professional, legal, and ethical responsibilities; social and cultural foundations; and lifestyle and career development;

(2) Participation in a supervised practicum and internship in counseling.

(D) The committee may issue a provisional license to an applicant who meets all of the requirements to be licensed under this section, pending the receipt of transcripts or action by the committee to issue a license as a professional counselor.

(E) An individual may not sit for the licensing examination unless the individual meets the educational requirements to be licensed under this section. An individual who is denied admission to the licensing examination may appeal the denial in accordance with Chapter 119. of the Revised Code.

(F) The board shall adopt any rules necessary for the committee to implement this section, including criteria for the committee to use in determining whether an applicant's training should be accepted. Rules adopted under this division shall be adopted in accordance with Chapter 119. of the Revised Code.

Sec. 4757.27. (A) The social workers professional standards committee of the counselor, social worker, ~~and~~ marriage and family therapist, and art therapist board shall issue a license as an independent social worker to each applicant who submits a properly completed application, pays the fee established under section 4757.31 of the Revised Code, and meets the requirements specified in division (B) of this section. An independent social worker license shall clearly indicate each academic degree earned by the person to whom it has been issued.

(B) To be eligible for a license as an independent social worker, an individual must meet the following requirements: 1751
1752

(1) The individual must be of good moral character. 1753

(2) The individual must hold from an accredited educational institution a master's degree or a doctorate in social work. 1754
1755

(3) The individual must complete at least two years of post-master's degree social work experience supervised by an independent social worker. 1756
1757
1758

(4) The individual must pass an examination administered by the board for the purpose of determining ability to practice as an independent social worker. 1759
1760
1761

(C) The committee may issue a temporary license to an applicant who meets all of the requirements to be licensed under this section, pending the receipt of transcripts or action by the committee to issue a license as an independent social worker. 1762
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(D) The board shall adopt any rules necessary for the committee to implement this section, including criteria for the committee to use in determining whether an applicant's training should be accepted and supervised experience approved. Rules adopted under this division shall be adopted in accordance with Chapter 119. of the Revised Code. 1766
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Sec. 4757.28. (A) The social workers professional standards committee of the counselor, social worker, ~~and~~ marriage and family therapist, and art therapist board shall issue a license as a social worker to each applicant who submits a properly completed application, pays the fee established under section 4757.31 of the Revised Code, and meets the requirements specified in division (B) of this section. A social worker license shall clearly indicate each academic degree earned by the person to whom it is issued. 1772
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(B) To be eligible for a license as a social worker, an 1780

individual must meet the following requirements:	1781
(1) The individual must be of good moral character.	1782
(2) The individual must hold from an accredited educational institution one of the following:	1783 1784
(a) A baccalaureate degree in social work or, prior to October 10, 1992, a baccalaureate degree in a program closely related to social work and approved by the committee;	1785 1786 1787
(b) A master's degree in social work;	1788
(c) A doctorate in social work.	1789
(3) The individual must pass an examination administered by the board for the purpose of determining ability to practice as a social worker.	1790 1791 1792
(C) The committee may issue a temporary license to an applicant who meets all of the requirements to be licensed under this section, pending the receipt of transcripts or action by the committee to issue a license as a social worker. However, the committee may issue a temporary license to an applicant who provides the board with a statement from the applicant's academic institution indicating that the applicant is in good standing with the institution, that the applicant has met the academic requirements for the applicant's degree, and the date the applicant will receive the applicant's degree.	1793 1794 1795 1796 1797 1798 1799 1800 1801 1802
(D) The board shall adopt any rules necessary for the committee to implement this section, including criteria for the committee to use in determining whether an applicant's training should be accepted and supervised experience approved. Rules adopted under this division shall be adopted in accordance with Chapter 119. of the Revised Code.	1803 1804 1805 1806 1807 1808
Sec. 4757.29. (A) The social workers professional standards committee of the counselor, social worker, and marriage and family	1809 1810

therapist, and art therapist board shall issue a certificate of 1811
registration as a social work assistant to each applicant who 1812
submits a properly completed application, pays the fee established 1813
under section 4757.31 of the Revised Code, is of good moral 1814
character, and holds from an accredited educational institution an 1815
associate degree in social service technology or a bachelor's 1816
degree that is equivalent to an associate degree in social service 1817
technology or a related bachelor's or higher degree that is 1818
approved by the committee. 1819

(B) On and after March 18, 1997, a counselor assistant 1820
certificate of registration issued under former section 4757.08 of 1821
the Revised Code shall be considered a certificate of registration 1822
as a social work assistant. The holder of the certificate is 1823
subject to the supervision requirements specified in section 1824
4757.26 of the Revised Code, the continuing education requirements 1825
specified in section 4757.33 of the Revised Code, and regulation 1826
by the social workers professional standards committee. On the 1827
first renewal occurring after March 18, 1997, the committee shall 1828
issue a certificate of registration as a social work assistant to 1829
each former counselor assistant who qualifies for renewal. 1830

(C) The social workers professional standards committee shall 1831
issue a certificate of registration as a social work assistant to 1832
any person who, on or before March 18, 1998, meets the 1833
requirements for a certificate of registration as a counselor 1834
assistant pursuant to division (A)(3) of former section 4757.08 of 1835
the Revised Code, submits a properly completed application, pays 1836
the fee established under section 4757.31 of the Revised Code, and 1837
is of good moral character. 1838

Sec. 4757.30. (A) The marriage and family therapist 1839
professional standards committee of the counselor, social worker, 1840
~~and~~ marriage and family therapist, and art therapist board shall 1841

issue a license to practice as a marriage and family therapist to	1842
a person who has done all of the following:	1843
(1) Properly completed an application for the license;	1844
(2) Paid the required fee established by the board under	1845
section 4757.31 of the Revised Code;	1846
(3) Achieved one of the following:	1847
(a) Received from an educational institution accredited at	1848
the time the degree was granted by a regional accrediting	1849
organization recognized by the board a master's degree or a	1850
doctorate in marriage and family therapy;	1851
(b) Completed a graduate degree that includes a minimum of	1852
ninety quarter hours of graduate level course work in marriage and	1853
family therapy training that is acceptable to the committee;	1854
(4) Passed an examination administered by the board for the	1855
purpose of determining the person's ability to be a marriage and	1856
family therapist;	1857
(5) Completed a practicum that includes at least three	1858
hundred hours of client contact.	1859
(B) To be accepted by the committee for purposes of division	1860
(A)(3)(b) of this section, marriage and family therapist training	1861
must include instruction in at least the following:	1862
(1) Research and evaluation;	1863
(2) Professional, legal, and ethical responsibilities;	1864
(3) Marriage and family studies;	1865
(4) Marriage and family therapy, including therapeutic theory	1866
and techniques for individuals, groups, and families;	1867
(5) Human development;	1868
(6) Appraisal of individuals and families;	1869

(7) Diagnosis of mental and emotional disorders;	1870
(8) Systems theory.	1871
(C) The marriage and family therapist professional standards committee shall issue a license to practice as an independent marriage and family therapist to a person who does both of the following:	1872 1873 1874 1875
(1) Meets all of the requirements of division (A) of this section;	1876 1877
(2) After meeting the requirements of division (A)(3) of this section, completes at least two calendar years of work experience in marriage and family therapy.	1878 1879 1880
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 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.	1881 1882 1883 1884 1885 1886 1887 1888
(D) 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.	1889 1890 1891 1892
(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.	1893 1894 1895 1896 1897 1898 1899

(F) Nothing in this chapter or rules adopted under it 1900
authorizes an independent marriage and family therapist or a 1901
marriage and family therapist to admit a patient to a hospital or 1902
requires a hospital to allow a marriage and family therapist to 1903
admit a patient. 1904

(G) An independent marriage and family therapist or a 1905
marriage and family therapist may not diagnose, treat, or advise 1906
on conditions outside the recognized boundaries of the marriage 1907
and family therapist's competency. An independent marriage and 1908
family therapist or a marriage and family therapist shall make 1909
appropriate and timely referrals when a client's needs exceed the 1910
marriage and family therapist's competence level. 1911

Sec. 4757.301. On receipt of an application for a license as 1912
a marriage and family therapist, the counselor, social worker, ~~and~~ 1913
marriage and family therapist, and art therapist board may issue a 1914
temporary license to an individual who qualifies under division 1915
(A) of section 4757.30 of the Revised Code for licensure as a 1916
marriage and family therapist or divisions (A) and (C) of section 1917
4757.30 of the Revised Code for licensure as an independent 1918
marriage and family therapist, except that the individual is 1919
awaiting the next opportunity to take an examination required by 1920
the board under that division. The temporary license allows the 1921
holder to engage in the practice of independent marriage and 1922
family therapy or marriage and family therapy as appropriate and 1923
is valid from the date of issuance until the earlier of one year 1924
from that date, the date the applicant withdraws from taking the 1925
examination, the date the applicant is notified that the applicant 1926
failed the examination, or the date the applicant's license is 1927
issued under section 4757.30 of the Revised Code. A temporary 1928
license may not be renewed. 1929

Sec. 4757.31. (A) Subject to division (B) of this section, 1930

the counselor, social worker, ~~and~~ marriage and family therapist, 1931
and art therapist board shall establish, and may from time to time 1932
adjust, fees to be charged for the following: 1933

(1) Examination for licensure as a professional clinical 1934
counselor, professional counselor, marriage and family therapist, 1935
independent marriage and family therapist, social worker, or 1936
independent social worker; 1937

(2) Initial licenses of professional clinical counselors, 1938
professional counselors, marriage and family therapists, 1939
independent marriage and family therapists, social workers, ~~and~~ 1940
independent social workers, and art therapists except that the 1941
board shall charge only one fee to a person who fulfills all 1942
requirements for more than one of the following initial licenses: 1943
an initial license as a social worker or independent social 1944
worker, an initial license as a professional counselor or 1945
professional clinical counselor, ~~and~~ an initial license as a 1946
marriage and family therapist or independent marriage and family 1947
therapist, and an initial license as an art therapist; 1948

(3) Initial certificates of registration of social work 1949
assistants; 1950

(4) Renewal of licenses of professional clinical counselors, 1951
professional counselors, marriage and family therapists, 1952
independent marriage and family therapists, art therapists, social 1953
workers, and independent social workers and renewal of 1954
certificates of registration of social work assistants. 1955

(B) The fees charged under division (A)(1) of this section 1956
shall be established in amounts sufficient to cover the direct 1957
expenses incurred in examining applicants for licensure. The fees 1958
charged under divisions (A)(2), (3), and (4) of this section shall 1959
be nonrefundable and shall be established in amounts sufficient to 1960
cover the necessary expenses in administering this chapter and 1961

rules adopted under it that are not covered by fees charged under 1962
division (A)(1) or (C) of this section. The renewal fee for a 1963
license or certificate of registration shall not be less than the 1964
initial fee for that license or certificate. The fees charged for 1965
licensure and registration and the renewal of licensure and 1966
registration may differ for the various types of licensure and 1967
registration, but shall not exceed one hundred twenty-five dollars 1968
each, unless the board determines that amounts in excess of one 1969
hundred twenty-five dollars are needed to cover its necessary 1970
expenses in administering this chapter and rules adopted under it 1971
and the amounts in excess of one hundred twenty-five dollars are 1972
approved by the controlling board. 1973

(C) All receipts of the board shall be deposited in the state 1974
treasury to the credit of the occupational licensing and 1975
regulatory fund. All vouchers of the board shall be approved by 1976
the chairperson or executive director of the board, or both, as 1977
authorized by the board. 1978

Sec. 4757.32. A license or certificate of registration issued 1979
under this chapter expires two years after it is issued and may be 1980
renewed in accordance with the standard renewal procedure 1981
established under Chapter 4745. of the Revised Code. 1982

Subject to section 4757.36 of the Revised Code, the staff of 1983
the appropriate professional standards committee of the counselor, 1984
social worker, ~~and~~ marriage and family therapist, and art 1985
therapist board shall, on behalf of each committee, issue a 1986
renewed license or certificate of registration to each applicant 1987
who has paid the renewal fee established by the board under 1988
section 4757.31 of the Revised Code ~~and~~, satisfied the continuing 1989
education requirements established by the board under section 1990
4757.33 of the Revised Code, and in the case of an art therapist, 1991
maintained the appropriate certification or registration from the 1992

art therapy credentials board, inc. 1993

A license or certificate of registration that is not renewed 1994
lapses on its expiration date. A license or certificate of 1995
registration that has lapsed may be restored if the individual, 1996
not later than two years after the license or certificate expired, 1997
applies for restoration of the license or certificate. The staff 1998
of the appropriate professional standards committee shall issue a 1999
restored license or certificate of registration to the applicant 2000
if the applicant pays the renewal fee established under section 2001
4757.31 of the Revised Code and satisfies the continuing education 2002
requirements established under section 4757.33 of the Revised Code 2003
for restoring the license or certificate of registration. The 2004
board and its professional standards committees shall not require 2005
a person to take an examination as a condition of having a lapsed 2006
license or certificate of registration restored. 2007

Sec. 4757.33. (A) Except as provided in division (B) of this 2008
section, each person who holds a license or certificate of 2009
registration issued under this chapter shall complete during the 2010
period that the license or certificate is in effect not less than 2011
thirty clock hours of continuing professional education as a 2012
condition of receiving a renewed license or certificate. To have a 2013
lapsed license or certificate of registration restored, a person 2014
shall complete the number of hours of continuing education 2015
specified by the counselor, social worker, ~~and~~ marriage and family 2016
therapist, and art therapist board in rules it shall adopt in 2017
accordance with Chapter 119. of the Revised Code. 2018

The professional standards committees of the ~~counselor,~~ 2019
~~social worker, and marriage and family therapist~~ board shall adopt 2020
rules in accordance with Chapter 119. of the Revised Code 2021
establishing standards and procedures to be followed by the 2022
committees in conducting the continuing education approval 2023

process. 2024

(B) The board may waive the continuing education requirements 2025
established under this section for persons who are unable to 2026
fulfill them because of military service, illness, residence 2027
abroad, or any other reason the committee considers acceptable. 2028

In the case of a social worker licensed by virtue of 2029
receiving, prior to October 10, 1992, a baccalaureate degree in a 2030
program closely related to social work, as a condition of the 2031
first renewal of the license, the social worker must complete at 2032
an accredited educational institution a minimum of five semester 2033
hours of social work graduate or undergraduate credit, or their 2034
equivalent, that is acceptable to the committee and includes a 2035
course in social work theory and a course in social work methods. 2036

Sec. 4757.34. Not later than ninety days after December 9, 2037
1994, the counselor, social worker, ~~and~~ marriage and family 2038
therapist, and art therapist board shall approve one or more 2039
continuing education courses of study that assist social workers, 2040
independent social workers, social work assistants, independent 2041
marriage and family therapists, marriage and family therapists, 2042
professional clinical counselors, ~~and~~ professional counselors, and 2043
art therapists in recognizing the signs of domestic violence and 2044
its relationship to child abuse. Social workers, independent 2045
social workers, social work assistants, independent marriage and 2046
family therapists, marriage and family therapists, professional 2047
clinical counselors, ~~and~~ professional counselors, and art 2048
therapists are not required to take the courses. 2049

Sec. 4757.36. (A) The professional standards committees of 2050
the counselor, social worker, ~~and~~ marriage and family therapist, 2051
and art therapist board, in accordance with Chapter 119. of the 2052
Revised Code, may refuse to issue a license or certificate of 2053

registration applied for under this chapter; refuse to renew a 2054
license or certificate of registration issued under this chapter; 2055
suspend, revoke, or otherwise restrict a license or certificate of 2056
registration issued under this chapter; or reprimand a person 2057
holding a license or certificate of registration issued under this 2058
chapter. Such actions may be taken by the appropriate committee if 2059
the applicant for a license or certificate of registration or the 2060
person holding a license or certificate of registration has: 2061

2062

(1) Committed a violation of any provision of this chapter or 2063
rules adopted under it; 2064

(2) Knowingly made a false statement on an application for 2065
licensure or registration, or for renewal of a license or 2066
certificate of registration; 2067

(3) Accepted a commission or rebate for referring persons to 2068
any professionals licensed, certified, or registered by any court 2069
or board, commission, department, division, or other agency of the 2070
state, including, but not limited to, individuals practicing 2071
counseling, social work, ~~or~~ marriage and family therapy, or art 2072
therapy or practicing in fields related to counseling, social 2073
work, ~~or~~ marriage and family therapy, or art therapy; 2074

(4) Failed to comply with section 4757.12 of the Revised 2075
Code; 2076

(5) Been convicted in this or any other state of any crime 2077
that is a felony in this state; 2078

(6) Had the ability to perform properly as a professional 2079
clinical counselor, professional counselor, independent marriage 2080
and family therapist, marriage and family therapist, art 2081
therapist, social work assistant, social worker, or independent 2082
social worker impaired due to the use of alcohol or other drugs or 2083

any other physical or mental condition; 2084

(7) Been convicted in this state or in any other state of a 2085
misdemeanor committed in the course of practice as a professional 2086
clinical counselor, professional counselor, independent marriage 2087
and family therapist, marriage and family therapist, art 2088
therapist, social work assistant, social worker, or independent 2089
social worker; 2090

(8) Practiced outside the scope of practice applicable to 2091
that person; 2092

(9) Practiced without complying with the supervision 2093
requirements specified under sections 4757.21 and 4757.26, and 2094
division (E) of section 4757.30, of the Revised Code; 2095

(10) Violated the person's code of ethical practice adopted 2096
by rule of the board pursuant to section 4757.11 of the Revised 2097
Code; 2098

(11) Had a license or certificate of registration revoked or 2099
suspended, or voluntarily surrendered a license or certificate of 2100
registration in another state or jurisdiction for an offense that 2101
would be a violation of this chapter. 2102

(B) One year or more after the date of suspension or 2103
revocation of a license or certificate of registration under this 2104
section, application may be made to the appropriate professional 2105
standards committee for reinstatement. The committee may accept or 2106
refuse an application for reinstatement. If a license has been 2107
suspended or revoked, the committee may require an examination for 2108
reinstatement. 2109

Sec. 4757.361. (A) As used in this section, with regard to 2110
offenses committed in Ohio, "aggravated murder," "murder," 2111
"voluntary manslaughter," "felonious assault," "kidnapping," 2112
"rape," "sexual battery," "gross sexual imposition," "aggravated 2113

arson," "aggravated robbery," and "aggravated burglary" mean such 2114
offenses as defined in Title XXIX of the Revised Code; with regard 2115
to offenses committed in other jurisdictions, the terms mean 2116
offenses comparable to offenses defined in Title XXIX of the 2117
Revised Code. 2118

(B) When there is clear and convincing evidence that 2119
continued practice by an individual licensed under this chapter 2120
presents a danger of immediate and serious harm to the public, as 2121
determined on consideration of the evidence by the professional 2122
standards committees of the counselor, social worker, ~~and~~ marriage 2123
and family therapist, and art therapist board, the appropriate 2124
committee shall impose on the individual a summary suspension 2125
without a hearing. 2126

Immediately following the decision to impose a summary 2127
suspension, the appropriate committee shall issue a written order 2128
of suspension and cause it to be delivered by certified mail or in 2129
person in accordance with section 119.07 of the Revised Code. The 2130
order shall not be subject to suspension by the court during the 2131
pendency of any appeal filed under section 119.12 of the Revised 2132
Code. If the individual subject to the suspension requests an 2133
adjudication, the date set for the adjudication shall be within 2134
fifteen days but not earlier than seven days after the individual 2135
makes the request, unless another date is agreed to by both the 2136
individual and the committee imposing the suspension. The summary 2137
suspension shall remain in effect, unless reversed by the 2138
committee, until a final adjudication order issued by the 2139
committee pursuant to this section and Chapter 119. of the Revised 2140
Code becomes effective. 2141

The committee shall issue its final adjudication order within 2142
ninety days after completion of the adjudication. If the committee 2143
does not issue a final order within the ninety-day period, the 2144

summary suspension shall be void, but any final adjudication order 2145
issued subsequent to the ninety-day period shall not be affected. 2146

(C) The license issued to an individual under this chapter is 2147
automatically suspended on that individual's conviction of, plea 2148
of guilty to, or judicial finding with regard to any of the 2149
following: aggravated murder, murder, voluntary manslaughter, 2150
felonious assault, kidnapping, rape, sexual battery, gross sexual 2151
imposition, aggravated arson, aggravated robbery, or aggravated 2152
burglary. The suspension shall remain in effect from the date of 2153
the conviction, plea, or finding until an adjudication is held 2154
under Chapter 119. of the Revised Code. If the appropriate 2155
committee has knowledge that an automatic suspension has occurred, 2156
it shall notify the individual subject to the suspension. If the 2157
individual is notified and either fails to request an adjudication 2158
within the time periods established by Chapter 119. of the Revised 2159
Code or fails to participate in the adjudication, the committee 2160
shall enter a final order permanently revoking the person's 2161
license or certificate. 2162

Sec. 4757.38. The counselor, social worker, ~~and~~ marriage and 2163
family therapist, and art therapist board shall investigate 2164
alleged violations of this chapter or the rules adopted under it 2165
and alleged irregularities in the delivery of services ~~related to~~ 2166
~~professional counseling, social work, or marriage and family~~ 2167
~~therapy~~ by persons licensed or registered under this chapter. As 2168
part of its conduct of an investigation, the board may issue 2169
subpoenas, examine witnesses, and administer oaths. 2170

The board may receive any information necessary to conduct an 2171
investigation under this section. If the board is investigating 2172
the provision of services to a couple or group, it is not 2173
necessary for both members of the couple or all members of the 2174
group to consent to the release of information relevant to the 2175

investigation. 2176

The board shall ensure that all records it holds pertaining 2177
to an investigation remain confidential. The board shall adopt 2178
rules establishing procedures to be followed in maintaining the 2179
confidentiality of its investigative records. The rules shall be 2180
adopted in accordance with Chapter 119. of the Revised Code. 2181

Sec. 4757.40. In addition to any other remedies provided by 2182
law, the counselor ~~and~~, social worker, marriage and family 2183
therapist, and art therapist board may apply to an appropriate 2184
court for an order enjoining the violation of any provision of 2185
this chapter, and on a showing that any person has violated or is 2186
about to violate any provision of this chapter, the court shall 2187
grant an order enjoining the violation. 2188

Sec. 4757.43. Nothing in this chapter or the rules adopted 2189
under it shall be construed as authorizing a ~~professional clinical~~ 2190
~~counselor~~ ~~professional counselor, independent marriage and family~~ 2191
~~therapist, , marriage and family therapist, independent social~~ 2192
~~worker, social worker, or social work assistant~~ a person licensed 2193
or registered under this chapter to admit a patient to a hospital 2194
or as requiring a hospital to allow any of those individuals to 2195
admit a patient. 2196

Sec. 4757.44. For the purposes of section 2305.51 of the 2197
Revised Code, a person who holds a license issued under this 2198
chapter is a mental health professional. 2199

A license holder is not liable in damages in a civil action, 2200
and shall not be subject to disciplinary action by the counselor, 2201
social worker, ~~and~~ marriage and family therapist, and art 2202
therapist board, for disclosing any confidential information about 2203
a client that is disclosed for the purposes of section 2305.51 of 2204
the Revised Code. 2205

Sec. 4757.45. (A) An individual seeking a license to practice as an art therapist shall submit an application to the art therapist professional standards committee of the counselor, social worker, marriage and family therapist, and art therapist board. The application shall be accompanied by the fee established under section 4757.31 of the Revised Code. 2206
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(B) The committee shall review all applications received. If an applicant submits a properly completed application and meets the requirements specified in section 4757.46 of the Revised Code, the committee shall issue to the applicant a license to practice as an art therapist. 2212
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(C) A license is valid for the period specified in rules adopted under section 4757.49 of the Revised Code and may be renewed in accordance with procedures specified in the rules. 2217
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Sec. 4757.46. To be eligible to receive a license to practice as an art therapist, an individual shall meet all of the following requirements: 2220
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(A) Be of good moral character; 2223

(B) Be at least twenty-one years of age; 2224

(C) Hold current certification from the art therapy credentials board, inc., and submit evidence of that certification with the application submitted under section 4757.45 of the Revised Code; 2225
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(D) Obtain three letters of recommendation from professional sources, one of which shall be from an art therapist, and submit the letters in accordance with procedures established in rules adopted under section 4757.49 of the Revised Code. 2229
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Sec. 4757.47. (A) The art therapist professional standards committee of the counselor, social worker, marriage and family 2233
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therapist, and art therapist board may issue a temporary license 2235
to an applicant who meets any of the following requirements: 2236

(1) Provides evidence to the committee that the applicant is 2237
currently board certified by the art therapy credentials board, 2238
inc., and further action by the committee to issue an art 2239
therapist license is pending; 2240

(2) Provides evidence to the committee that the applicant is 2241
a registered art therapist with the art therapy credentials board, 2242
inc.; 2243

(3) Provides evidence to the committee that the applicant 2244
holds a degree from an art therapy program approved by the 2245
American art therapy association or the equivalent of such a 2246
degree as determined by the committee. 2247

(B) A temporary license issued under this section shall be 2248
valid for two years and may be renewed upon expiration of the 2249
initial temporary license. A temporary license may be renewed up 2250
to three times. 2251

(C) An applicant holding a temporary license issued under 2252
this section shall practice art therapy under the supervision of a 2253
licensed art therapist and in accordance with guidelines 2254
established by the art therapy credentials board, inc. 2255

Sec. 4757.48. A person licensed under this chapter as an art 2256
therapist may practice art therapy through the integrated use of 2257
psychotherapeutic principles and visual art media in the 2258
assessment, evaluation, treatment, amelioration, and remediation 2259
of emotional, cognitive, neurological, psychosocial, physical, and 2260
developmental discords. A licensed art therapist may provide 2261
training and supervision to art therapy students or prospective 2262
applicants for licensure. 2263

Sec. 4757.49. The counselor, social worker, marriage and 2264

family therapist, and art therapist board shall adopt any rules 2265
necessary for implementation of sections 4757.45 to 4757.48 of the 2266
Revised Code. The rules shall be adopted in accordance with 2267
Chapter 119. of the Revised Code. 2268

Section 2. That existing sections 125.22, 2151.421, 2317.02, 2269
4757.01, 4757.02, 4757.03, 4757.04, 4757.05, 4757.06, 4757.07, 2270
4757.10, 4757.101, 4757.11, 4757.12, 4757.15, 4757.16, 4757.17, 2271
4757.18, 4757.19, 4757.22, 4757.23, 4757.27, 4757.28, 4757.29, 2272
4757.30, 4757.301, 4757.31, 4757.32, 4757.33, 4757.34, 4757.36, 2273
4757.361, 4757.38, 4757.40, 4757.43, and 4757.44 of the Revised 2274
Code are hereby repealed. 2275

Section 3. Within ninety days after the effective date of 2276
this section, the Governor shall appoint the initial art therapist 2277
members and the additional public member of the Counselor, Social 2278
Worker, Marriage and Family Therapist, and Art Therapist Board, in 2279
accordance with section 4757.03 of the Revised Code, as amended by 2280
this act. The art therapist appointees are not required, at the 2281
time of appointment, to be licensed as art therapists. However, 2282
the appointees may remain members only if the appointees become 2283
licensed as art therapists within one year after the effective 2284
date of this section. 2285

Section 4. Until one year after the effective date of this 2286
section, the Board shall issue an art therapist license to an 2287
applicant who is of good moral character, submits a properly 2288
completed application, pays the fee for art therapist licensure 2289
established under section 4757.31 of the Revised Code, and meets 2290
the following requirements on the effective date of this section: 2291

(A) The applicant is licensed under Chapter 4757. of the 2292
Revised Code as a professional clinical counselor, independent 2293
marriage and family therapist, or independent social worker; 2294

licensed under Chapter 4732. of the Revised Code as a 2295
psychologist; or licensed under Chapter 4731. of the Revised Code 2296
and is board-certified to practice as a psychiatrist. 2297

(B) The person holds a degree in art therapy or the 2298
equivalent of such a degree as determined by the Board. 2299

(C) Provides evidence to the Board's Art Therapist 2300
Professional Standards Committee that the applicant has practiced 2301
art therapy for at least five years within the ten years 2302
immediately preceding the effective date of this act. 2303