

**As Reported by the House Veterans Affairs Committee**

**128th General Assembly**

**Regular Session**

**2009-2010**

**Sub. H. B. No. 62**

**Representative Pryor**

**Cosponsors: Representatives Book, Dodd, Domenick, Fende, Garrison,  
Letson, Luckie, Murray, Newcomb, Pillich, Slesnick, Ujvagi, Winburn, Yuko,  
Combs, Goyal**

—

**A BILL**

To amend sections 3107.014 and 4757.41 and to enact 1  
section 5903.101 of the Revised Code to require 2  
relevant military experience to be considered by 3  
state licensing boards and agencies and by private 4  
state contractors, to permit state licensing 5  
entities to consider relevant military training if 6  
certain criteria are met, to provide a waiver of a 7  
licensure or certification fee if a veteran is 8  
within six months of separation from active 9  
military duty, and to eliminate certain exemptions 10  
to the licensure and certification requirements 11  
for counselors, social workers, and marriage and 12  
family therapists. 13

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

**Section 1.** That sections 3107.014 and 4757.41 be amended and 14  
section 5903.101 of the Revised Code be enacted to read as 15  
follows: 16

**Sec. 3107.014.** (A) Except as provided in division (B) of this 17

section, only an individual who meets all of the following 18  
requirements may perform the duties of an assessor under sections 19  
3107.031, 3107.032, 3107.082, 3107.09, 3107.101, 3107.12, 20  
5103.0324, and 5103.152 of the Revised Code: 21

(1) The individual must be in the employ of, appointed by, or 22  
under contract with a court, public children services agency, 23  
private child placing agency, or private noncustodial agency; 24

(2) The individual must be one of the following: 25

(a) A professional counselor, social worker, or marriage and 26  
family therapist licensed under Chapter 4757. of the Revised Code; 27

(b) A psychologist licensed under Chapter 4732. of the 28  
Revised Code; 29

(c) A student working to earn a four-year, post-secondary 30  
degree, or higher, in a social or behavior science, or both, who 31  
conducts assessor's duties under the supervision of a professional 32  
counselor, social worker, or marriage and family therapist 33  
licensed under Chapter 4757. of the Revised Code or a psychologist 34  
licensed under Chapter 4732. of the Revised Code. Beginning July 35  
1, 2009, a student is eligible under this division only if the 36  
supervising professional counselor, social worker, marriage and 37  
family therapist, or psychologist has completed training in 38  
accordance with rules adopted under section 3107.015 of the 39  
Revised Code. 40

~~(d) A civil service employee engaging in social work without 41  
a license under Chapter 4757. of the Revised Code, as permitted by 42  
division (A)(5) of section 4757.41 of the Revised Code An employee 43  
of a court or public children services agency employed to conduct 44  
the duties of an assessor; 45~~

(e) A former employee of a public children services agency 46  
who, while so employed, conducted the duties of an assessor. 47

(3) The individual must complete training in accordance with 48  
rules adopted under section 3107.015 of the Revised Code. 49

(B) An individual in the employ of, appointed by, or under 50  
contract with a court prior to September 18, 1996, to conduct 51  
adoption investigations of prospective adoptive parents may 52  
perform the duties of an assessor under sections 3107.031, 53  
3107.032, 3107.082, 3107.09, 3107.101, 3107.12, 5103.0324, and 54  
5103.152 of the Revised Code if the individual complies with 55  
division (A)(3) of this section regardless of whether the 56  
individual meets the requirement of division (A)(2) of this 57  
section. 58

(C) A court, public children services agency, private child 59  
placing agency, or private noncustodial agency may employ, 60  
appoint, or contract with an assessor in the county in which a 61  
petition for adoption is filed and in any other county or location 62  
outside this state where information needed to complete or 63  
supplement the assessor's duties may be obtained. More than one 64  
assessor may be utilized for an adoption. 65

(D) Not later than January 1, 2008, the department of job and 66  
family services shall develop and maintain an assessor registry. 67  
The registry shall list all individuals who are employed, 68  
appointed by, or under contract with a court, public children 69  
services agency, private child placing agency, or private 70  
noncustodial agency and meet the requirements of an assessor as 71  
described in this section. A public children services agency, 72  
private child placing agency, private noncustodial agency, court, 73  
or any other person may contact the department to determine if an 74  
individual is listed in the assessor registry. An individual 75  
listed in the assessor registry shall immediately inform the 76  
department when that individual is no longer employed, appointed 77  
by, or under contract with a court, public children services 78  
agency, private child placing agency, or private noncustodial 79

agency to perform the duties of an assessor as described in this 80  
section. The director of job and family services shall adopt rules 81  
in accordance with Chapter 119. of the Revised Code necessary for 82  
the implementation, contents, and maintenance of the registry, and 83  
any sanctions related to the provision of information, or the 84  
failure to provide information, that is needed for the proper 85  
operation of the assessor registry. 86

**Sec. 4757.41.** (A) This chapter shall not apply to the 87  
following: 88

(1) A person certified by the state board of education under 89  
Chapter 3319. of the Revised Code while performing any services 90  
within the person's scope of employment by a board of education or 91  
by a private school meeting the standards prescribed by the state 92  
board of education under division (D) of section 3301.07 of the 93  
Revised Code or in a program operated under Chapter 5126. of the 94  
Revised Code for training individuals with mental retardation or 95  
other developmental disabilities; 96

(2) Psychologists or school psychologists licensed under 97  
Chapter 4732. of the Revised Code; 98

(3) Members of other professions licensed, certified, or 99  
registered by this state while performing services within the 100  
recognized scope, standards, and ethics of their respective 101  
professions; 102

(4) Rabbis, priests, Christian science practitioners, clergy, 103  
or members of religious orders and other individuals participating 104  
with them in pastoral counseling when the counseling activities 105  
are within the scope of the performance of their regular or 106  
specialized ministerial duties and are performed under the 107  
auspices or sponsorship of an established and legally cognizable 108  
church, denomination, or sect or an integrated auxiliary of a 109  
church as defined in federal tax regulations, paragraph (g)(5) of 110

26 C.F.R. 1.6033-2 (1995), and when the individual rendering the  
service remains accountable to the established authority of that  
church, denomination, sect, or integrated auxiliary;

~~(5) Any person employed in the civil service as defined in  
section 124.01 of the Revised Code while engaging in social work  
or professional counseling as a civil service employee;~~

~~(6) A student in an accredited educational institution while  
carrying out activities that are part of the student's prescribed  
course of study if the activities are supervised as required by  
the educational institution and if the student does not hold  
herself or himself out as a person licensed or registered under  
this chapter;~~

~~(7) Until two years after the date the department of alcohol  
and drug addiction services ceases to administer its process for  
the certification or credentialing of chemical dependency  
counselors and alcohol and other drug prevention specialists under  
section 3793.07 of the Revised Code, as specified in division (B)  
of that section, or in the case of an individual who has the  
expiration date of the individual's certificate or credentials  
delayed under section 4758.04 of the Revised Code, until the date  
of the delayed expiration, individuals with certification or  
credentials accepted by the department under that section who are  
acting within the scope of their certification or credentials as  
members of the profession of chemical dependency counseling or as  
alcohol and other drug prevention specialists;~~

~~(8)(6) Individuals who hold a license or certificate under  
Chapter 4758. of the Revised Code who are acting within the scope  
of their license or certificate as members of the profession of  
chemical dependency counseling or alcohol and other drug  
prevention services;~~

~~(9)(7) Any person employed by the American red cross while~~

engaging in activities relating to services for military families 142  
and veterans and disaster relief, as described in the "American 143  
National Red Cross Act," 33 Stat. 599 (1905), 36 U.S.C.A. 1, as 144  
amended; 145

~~(10)~~(8) Members of labor organizations who hold union 146  
counselor certificates while performing services in their official 147  
capacity as union counselors; 148

~~(11)~~(9) Any person employed in a hospital as defined in 149  
section 3727.01 of the Revised Code or in a nursing home as 150  
defined in section 3721.01 of the Revised Code while providing as 151  
a hospital employee or nursing home employee, respectively, social 152  
services other than counseling and the use of psychosocial 153  
interventions and social psychotherapy. 154

(B) Divisions (A)~~(5)~~, ~~(9)~~, (7) and ~~(11)~~(9) of this section do 155  
not prevent a person described in those divisions from obtaining a 156  
license or certificate of registration under this chapter. 157

(C) Nothing in this chapter shall be construed to require 158  
licensure or certification for a caseworker employed by a public 159  
children services agency under section 5153.112 of the Revised 160  
Code. 161

**Sec. 5903.101.** (A) Except as provided in division (B) of this 162  
section, a state department, division, board, commission, agency, 163  
or other state governmental unit, or a private state contractor, 164  
authorized by the Revised Code to grant a licensure or 165  
certification shall, upon presentation of satisfactory evidence, 166  
consider relevant education, training, or service completed by an 167  
individual as a member of the armed forces of the United States or 168  
reserve components thereof, the national guard of any state, the 169  
military reserve of any state, or the naval militia of any state 170  
toward the qualifications required to receive the licensure or 171  
certification. 172

(B)(1) If an individual is required to successfully complete specific training or education authorized by a state or nationally accredited entity as a prerequisite for obtaining a state license or certification and the state or nationally accredited entity accepts relevant military education, service, or training to fulfill part or all of those requirements, the state department, division, board, commission, agency or other state governmental unit, or a private state contractor has met the duty specified in division (A) of this section upon receiving proof by the individual of completion of the specific training or education authorized by a state or nationally accredited entity. 173  
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(2) An education program approved by a state department, division, board, commission, agency or other state governmental unit, or a private state contractor, may grant advanced standing to an individual who served as a member of the armed forces of the United States or reserve components thereof, the national guard of any state, the military reserve of any state, or the naval militia of any state for the individual's prior relevant military experience and coursework, in accordance with specific written policies and procedures of the education program and in accordance with rules promulgated by the appropriate governmental unit or contractor that permit granting advanced standing in those education programs. If applicable, such advanced standing shall be applied to the individual's status toward completion of an education program if the individual satisfies all of the program requirements adopted under the appropriate governmental unit's or contractor's rules. 184  
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(C) If, within six months before or after discharge or separation, an individual otherwise qualified to receive a licensure or certification presents satisfactory evidence of honorable discharge or separation under honorable conditions, the state department, division, board, commission, agency, or other 200  
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state governmental unit, or a private state contractor, issuing 205  
the licensure or certification shall waive any licensure or 206  
certification fee. 207

**Section 2.** That existing sections 3107.014 and 4757.41 of the 208  
Revised Code are hereby repealed. 209

**Section 3.** Within one year after the effective date of this 210  
act, the Office of Collective Bargaining within the Department of 211  
Administrative Services shall implement the change by this act to 212  
division (A)(5) of section 4757.41 of the Revised Code. 213

Within ninety days after the effective date of this act, the 214  
Office of Collective Bargaining shall negotiate with each state 215  
agency and the affected union to reach a mutually agreeable 216  
resolution for employees impacted by this change. 217

Notwithstanding divisions (A) and (D) of section 124.14 of 218  
the Revised Code or any other contrary provision of law, for 219  
employees in the service of the state exempt from Chapter 4117. of 220  
the Revised Code who are impacted by this change, the Director of 221  
Administrative Services may implement any or all of the provisions 222  
of the resolutions described in the preceding paragraph. Nothing 223  
in this Section shall be construed as restricting the Director 224  
from developing new classifications related to this change or from 225  
reassigning impacted employees to appropriate classifications 226  
based on the employee's duties and qualifications. 227