

**As Introduced**

**129th General Assembly  
Regular Session  
2011-2012**

**H. B. No. 496**

**Representatives Hackett, Garland**

**Cosponsors: Representatives Hagan, R., Stebelton**

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**A B I L L**

To amend sections 102.02, 102.022, 102.03, 2152.54, 1  
2919.271, 2945.37, 4732.01, 4732.02, 4732.03, 2  
4732.05, 4732.06, 4732.07, 4732.09, 4732.10, 3  
4732.11, 4732.12, 4732.13, 4732.14, 4732.141, 4  
4732.16, 4732.17, 4732.172, 4732.173, 4732.18, 5  
4732.21, 4732.22, 4732.31, 4755.13, 4757.42, 6  
5120.55, and 5122.01, to amend, for the purpose of 7  
adopting new section numbers as indicated in 8  
parentheses, sections 4732.16 (4732.15), 4732.172 9  
(4732.171), and 4732.173 (4732.172), to enact new 10  
sections 4732.16 and 4732.173 and sections 11  
4732.142, 4732.151, 4732.221, and 4732.32, and to 12  
repeal sections 4732.15, 4732.171, and 4732.23 of 13  
the Revised Code to revise the laws governing the 14  
practice of psychology; and to amend the version 15  
of section 5122.01 of the Revised Code that is 16  
scheduled to take effect on October 1, 2012, to 17  
continue amendments made by this act to that 18  
section. 19

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

**Section 1.** That sections 102.02, 102.022, 102.03, 2152.54, 20

2919.271, 2945.37, 4732.01, 4732.02, 4732.03, 4732.05, 4732.06, 21  
4732.07, 4732.09, 4732.10, 4732.11, 4732.12, 4732.13, 4732.14, 22  
4732.141, 4732.16, 4732.17, 4732.172, 4732.173, 4732.18, 4732.21, 23  
4732.22, 4732.31, 4755.13, 4757.42, 5120.55, and 5122.01 be 24  
amended; sections 4732.16 (4732.15), 4732.172 (4732.171), and 25  
4732.173 (4732.172) be amended for the purpose of adopting new 26  
section numbers as indicated in parentheses; and that new sections 27  
4732.16 and 4732.173 and sections 4732.142, 4732.151, 4732.221, 28  
and 4732.32 of the Revised Code be enacted to read as follows: 29

**Sec. 102.02.** (A) Except as otherwise provided in division (H) 30  
of this section, all of the following shall file with the 31  
appropriate ethics commission the disclosure statement described 32  
in this division on a form prescribed by the appropriate 33  
commission: every person who is elected to or is a candidate for a 34  
state, county, or city office and every person who is appointed to 35  
fill a vacancy for an unexpired term in such an elective office; 36  
all members of the state board of education; the director, 37  
assistant directors, deputy directors, division chiefs, or persons 38  
of equivalent rank of any administrative department of the state; 39  
the president or other chief administrative officer of every state 40  
institution of higher education as defined in section 3345.011 of 41  
the Revised Code; the executive director and the members of the 42  
capitol square review and advisory board appointed or employed 43  
pursuant to section 105.41 of the Revised Code; all members of the 44  
Ohio casino control commission, the executive director of the 45  
commission, all professional employees of the commission, and all 46  
technical employees of the commission who perform an internal 47  
audit function; the individuals set forth in division (B)(2) of 48  
section 187.03 of the Revised Code; the chief executive officer 49  
and the members of the board of each state retirement system; each 50  
employee of a state retirement board who is a state retirement 51

system investment officer licensed pursuant to section 1707.163 of 52  
the Revised Code; the members of the Ohio retirement study council 53  
appointed pursuant to division (C) of section 171.01 of the 54  
Revised Code; employees of the Ohio retirement study council, 55  
other than employees who perform purely administrative or clerical 56  
functions; the administrator of workers' compensation and each 57  
member of the bureau of workers' compensation board of directors; 58  
the bureau of workers' compensation director of investments; the 59  
chief investment officer of the bureau of workers' compensation; 60  
all members of the board of commissioners on grievances and 61  
discipline of the supreme court and the ethics commission created 62  
under section 102.05 of the Revised Code; every business manager, 63  
treasurer, or superintendent of a city, local, exempted village, 64  
joint vocational, or cooperative education school district or an 65  
educational service center; every person who is elected to or is a 66  
candidate for the office of member of a board of education of a 67  
city, local, exempted village, joint vocational, or cooperative 68  
education school district or of a governing board of an 69  
educational service center that has a total student count of 70  
twelve thousand or more as most recently determined by the 71  
department of education pursuant to section 3317.03 of the Revised 72  
Code; every person who is appointed to the board of education of a 73  
municipal school district pursuant to division (B) or (F) of 74  
section 3311.71 of the Revised Code; all members of the board of 75  
directors of a sanitary district that is established under Chapter 76  
6115. of the Revised Code and organized wholly for the purpose of 77  
providing a water supply for domestic, municipal, and public use, 78  
and that includes two municipal corporations in two counties; 79  
every public official or employee who is paid a salary or wage in 80  
accordance with schedule C of section 124.15 or schedule E-2 of 81  
section 124.152 of the Revised Code; members of the board of 82  
trustees and the executive director of the southern Ohio 83  
agricultural and community development foundation; all members 84

appointed to the Ohio livestock care standards board under section 85  
904.02 of the Revised Code; and every other public official or 86  
employee who is designated by the appropriate ethics commission 87  
pursuant to division (B) of this section. 88

The disclosure statement shall include all of the following: 89

(1) The name of the person filing the statement and each 90  
member of the person's immediate family and all names under which 91  
the person or members of the person's immediate family do 92  
business; 93

(2)(a) Subject to divisions (A)(2)(b) and (c) of this section 94  
and except as otherwise provided in section 102.022 of the Revised 95  
Code, identification of every source of income, other than income 96  
from a legislative agent identified in division (A)(2)(b) of this 97  
section, received during the preceding calendar year, in the 98  
person's own name or by any other person for the person's use or 99  
benefit, by the person filing the statement, and a brief 100  
description of the nature of the services for which the income was 101  
received. If the person filing the statement is a member of the 102  
general assembly, the statement shall identify the amount of every 103  
source of income received in accordance with the following ranges 104  
of amounts: zero or more, but less than one thousand dollars; one 105  
thousand dollars or more, but less than ten thousand dollars; ten 106  
thousand dollars or more, but less than twenty-five thousand 107  
dollars; twenty-five thousand dollars or more, but less than fifty 108  
thousand dollars; fifty thousand dollars or more, but less than 109  
one hundred thousand dollars; and one hundred thousand dollars or 110  
more. Division (A)(2)(a) of this section shall not be construed to 111  
require a person filing the statement who derives income from a 112  
business or profession to disclose the individual items of income 113  
that constitute the gross income of that business or profession, 114  
except for those individual items of income that are attributable 115  
to the person's or, if the income is shared with the person, the 116

partner's, solicitation of services or goods or performance, 117  
arrangement, or facilitation of services or provision of goods on 118  
behalf of the business or profession of clients, including 119  
corporate clients, who are legislative agents. A person who files 120  
the statement under this section shall disclose the identity of 121  
and the amount of income received from a person who the public 122  
official or employee knows or has reason to know is doing or 123  
seeking to do business of any kind with the public official's or 124  
employee's agency. 125

(b) If the person filing the statement is a member of the 126  
general assembly, the statement shall identify every source of 127  
income and the amount of that income that was received from a 128  
legislative agent during the preceding calendar year, in the 129  
person's own name or by any other person for the person's use or 130  
benefit, by the person filing the statement, and a brief 131  
description of the nature of the services for which the income was 132  
received. Division (A)(2)(b) of this section requires the 133  
disclosure of clients of attorneys or persons licensed under 134  
section 4732.12 of the Revised Code, or patients of persons 135  
certified under section 4731.14 of the Revised Code, if those 136  
clients or patients are legislative agents. Division (A)(2)(b) of 137  
this section requires a person filing the statement who derives 138  
income from a business or profession to disclose those individual 139  
items of income that constitute the gross income of that business 140  
or profession that are received from legislative agents. 141

(c) Except as otherwise provided in division (A)(2)(c) of 142  
this section, division (A)(2)(a) of this section applies to 143  
attorneys, physicians, and other persons who engage in the 144  
practice of a profession and who, pursuant to a section of the 145  
Revised Code, the common law of this state, a code of ethics 146  
applicable to the profession, or otherwise, generally are required 147  
not to reveal, disclose, or use confidences of clients, patients, 148

or other recipients of professional services except under 149  
specified circumstances or generally are required to maintain 150  
those types of confidences as privileged communications except 151  
under specified circumstances. Division (A)(2)(a) of this section 152  
does not require an attorney, physician, or other professional 153  
subject to a confidentiality requirement as described in division 154  
(A)(2)(c) of this section to disclose the name, other identity, or 155  
address of a client, patient, or other recipient of professional 156  
services if the disclosure would threaten the client, patient, or 157  
other recipient of professional services, would reveal details of 158  
the subject matter for which legal, medical, or professional 159  
advice or other services were sought, or would reveal an otherwise 160  
privileged communication involving the client, patient, or other 161  
recipient of professional services. Division (A)(2)(a) of this 162  
section does not require an attorney, physician, or other 163  
professional subject to a confidentiality requirement as described 164  
in division (A)(2)(c) of this section to disclose in the brief 165  
description of the nature of services required by division 166  
(A)(2)(a) of this section any information pertaining to specific 167  
professional services rendered for a client, patient, or other 168  
recipient of professional services that would reveal details of 169  
the subject matter for which legal, medical, or professional 170  
advice was sought or would reveal an otherwise privileged 171  
communication involving the client, patient, or other recipient of 172  
professional services. 173

(3) The name of every corporation on file with the secretary 174  
of state that is incorporated in this state or holds a certificate 175  
of compliance authorizing it to do business in this state, trust, 176  
business trust, partnership, or association that transacts 177  
business in this state in which the person filing the statement or 178  
any other person for the person's use and benefit had during the 179  
preceding calendar year an investment of over one thousand dollars 180  
at fair market value as of the thirty-first day of December of the 181

preceding calendar year, or the date of disposition, whichever is 182  
earlier, or in which the person holds any office or has a 183  
fiduciary relationship, and a description of the nature of the 184  
investment, office, or relationship. Division (A)(3) of this 185  
section does not require disclosure of the name of any bank, 186  
savings and loan association, credit union, or building and loan 187  
association with which the person filing the statement has a 188  
deposit or a withdrawable share account. 189

(4) All fee simple and leasehold interests to which the 190  
person filing the statement holds legal title to or a beneficial 191  
interest in real property located within the state, excluding the 192  
person's residence and property used primarily for personal 193  
recreation; 194

(5) The names of all persons residing or transacting business 195  
in the state to whom the person filing the statement owes, in the 196  
person's own name or in the name of any other person, more than 197  
one thousand dollars. Division (A)(5) of this section shall not be 198  
construed to require the disclosure of debts owed by the person 199  
resulting from the ordinary conduct of a business or profession or 200  
debts on the person's residence or real property used primarily 201  
for personal recreation, except that the superintendent of 202  
financial institutions shall disclose the names of all 203  
state-chartered savings and loan associations and of all service 204  
corporations subject to regulation under division (E)(2) of 205  
section 1151.34 of the Revised Code to whom the superintendent in 206  
the superintendent's own name or in the name of any other person 207  
owes any money, and that the superintendent and any deputy 208  
superintendent of banks shall disclose the names of all 209  
state-chartered banks and all bank subsidiary corporations subject 210  
to regulation under section 1109.44 of the Revised Code to whom 211  
the superintendent or deputy superintendent owes any money. 212

(6) The names of all persons residing or transacting business 213

in the state, other than a depository excluded under division 214  
(A)(3) of this section, who owe more than one thousand dollars to 215  
the person filing the statement, either in the person's own name 216  
or to any person for the person's use or benefit. Division (A)(6) 217  
of this section shall not be construed to require the disclosure 218  
of clients of attorneys or persons licensed under section 4732.12 219  
~~or 4732.15~~ of the Revised Code, or patients of persons certified 220  
under section 4731.14 of the Revised Code, nor the disclosure of 221  
debts owed to the person resulting from the ordinary conduct of a 222  
business or profession. 223

(7) Except as otherwise provided in section 102.022 of the 224  
Revised Code, the source of each gift of over seventy-five 225  
dollars, or of each gift of over twenty-five dollars received by a 226  
member of the general assembly from a legislative agent, received 227  
by the person in the person's own name or by any other person for 228  
the person's use or benefit during the preceding calendar year, 229  
except gifts received by will or by virtue of section 2105.06 of 230  
the Revised Code, or received from spouses, parents, grandparents, 231  
children, grandchildren, siblings, nephews, nieces, uncles, aunts, 232  
brothers-in-law, sisters-in-law, sons-in-law, daughters-in-law, 233  
fathers-in-law, mothers-in-law, or any person to whom the person 234  
filing the statement stands in loco parentis, or received by way 235  
of distribution from any inter vivos or testamentary trust 236  
established by a spouse or by an ancestor; 237

(8) Except as otherwise provided in section 102.022 of the 238  
Revised Code, identification of the source and amount of every 239  
payment of expenses incurred for travel to destinations inside or 240  
outside this state that is received by the person in the person's 241  
own name or by any other person for the person's use or benefit 242  
and that is incurred in connection with the person's official 243  
duties, except for expenses for travel to meetings or conventions 244  
of a national or state organization to which any state agency, 245



including, but not limited to, any legislative agency or state 246  
institution of higher education as defined in section 3345.011 of 247  
the Revised Code, pays membership dues, or any political 248  
subdivision or any office or agency of a political subdivision 249  
pays membership dues; 250

(9) Except as otherwise provided in section 102.022 of the 251  
Revised Code, identification of the source of payment of expenses 252  
for meals and other food and beverages, other than for meals and 253  
other food and beverages provided at a meeting at which the person 254  
participated in a panel, seminar, or speaking engagement or at a 255  
meeting or convention of a national or state organization to which 256  
any state agency, including, but not limited to, any legislative 257  
agency or state institution of higher education as defined in 258  
section 3345.011 of the Revised Code, pays membership dues, or any 259  
political subdivision or any office or agency of a political 260  
subdivision pays membership dues, that are incurred in connection 261  
with the person's official duties and that exceed one hundred 262  
dollars aggregated per calendar year; 263

(10) If the disclosure statement is filed by a public 264  
official or employee described in division (B)(2) of section 265  
101.73 of the Revised Code or division (B)(2) of section 121.63 of 266  
the Revised Code who receives a statement from a legislative 267  
agent, executive agency lobbyist, or employer that contains the 268  
information described in division (F)(2) of section 101.73 of the 269  
Revised Code or division (G)(2) of section 121.63 of the Revised 270  
Code, all of the nondisputed information contained in the 271  
statement delivered to that public official or employee by the 272  
legislative agent, executive agency lobbyist, or employer under 273  
division (F)(2) of section 101.73 or (G)(2) of section 121.63 of 274  
the Revised Code. 275

A person may file a statement required by this section in 276  
person or by mail. A person who is a candidate for elective office 277

shall file the statement no later than the thirtieth day before 278  
the primary, special, or general election at which the candidacy 279  
is to be voted on, whichever election occurs soonest, except that 280  
a person who is a write-in candidate shall file the statement no 281  
later than the twentieth day before the earliest election at which 282  
the person's candidacy is to be voted on. A person who holds 283  
elective office shall file the statement on or before the 284  
fifteenth day of April of each year unless the person is a 285  
candidate for office. A person who is appointed to fill a vacancy 286  
for an unexpired term in an elective office shall file the 287  
statement within fifteen days after the person qualifies for 288  
office. Other persons shall file an annual statement on or before 289  
the fifteenth day of April or, if appointed or employed after that 290  
date, within ninety days after appointment or employment. No 291  
person shall be required to file with the appropriate ethics 292  
commission more than one statement or pay more than one filing fee 293  
for any one calendar year. 294

The appropriate ethics commission, for good cause, may extend 295  
for a reasonable time the deadline for filing a statement under 296  
this section. 297

A statement filed under this section is subject to public 298  
inspection at locations designated by the appropriate ethics 299  
commission except as otherwise provided in this section. 300

(B) The Ohio ethics commission, the joint legislative ethics 301  
committee, and the board of commissioners on grievances and 302  
discipline of the supreme court, using the rule-making procedures 303  
of Chapter 119. of the Revised Code, may require any class of 304  
public officials or employees under its jurisdiction and not 305  
specifically excluded by this section whose positions involve a 306  
substantial and material exercise of administrative discretion in 307  
the formulation of public policy, expenditure of public funds, 308  
enforcement of laws and rules of the state or a county or city, or 309

the execution of other public trusts, to file an annual statement 310  
on or before the fifteenth day of April under division (A) of this 311  
section. The appropriate ethics commission shall send the public 312  
officials or employees written notice of the requirement by the 313  
fifteenth day of February of each year the filing is required 314  
unless the public official or employee is appointed after that 315  
date, in which case the notice shall be sent within thirty days 316  
after appointment, and the filing shall be made not later than 317  
ninety days after appointment. 318

Except for disclosure statements filed by members of the 319  
board of trustees and the executive director of the southern Ohio 320  
agricultural and community development foundation, disclosure 321  
statements filed under this division with the Ohio ethics 322  
commission by members of boards, commissions, or bureaus of the 323  
state for which no compensation is received other than reasonable 324  
and necessary expenses shall be kept confidential. Disclosure 325  
statements filed with the Ohio ethics commission under division 326  
(A) of this section by business managers, treasurers, and 327  
superintendents of city, local, exempted village, joint 328  
vocational, or cooperative education school districts or 329  
educational service centers shall be kept confidential, except 330  
that any person conducting an audit of any such school district or 331  
educational service center pursuant to section 115.56 or Chapter 332  
117. of the Revised Code may examine the disclosure statement of 333  
any business manager, treasurer, or superintendent of that school 334  
district or educational service center. Disclosure statements 335  
filed with the Ohio ethics commission under division (A) of this 336  
section by the individuals set forth in division (B)(2) of section 337  
187.03 of the Revised Code shall be kept confidential. The Ohio 338  
ethics commission shall examine each disclosure statement required 339  
to be kept confidential to determine whether a potential conflict 340  
of interest exists for the person who filed the disclosure 341  
statement. A potential conflict of interest exists if the private 342

interests of the person, as indicated by the person's disclosure 343  
statement, might interfere with the public interests the person is 344  
required to serve in the exercise of the person's authority and 345  
duties in the person's office or position of employment. If the 346  
commission determines that a potential conflict of interest 347  
exists, it shall notify the person who filed the disclosure 348  
statement and shall make the portions of the disclosure statement 349  
that indicate a potential conflict of interest subject to public 350  
inspection in the same manner as is provided for other disclosure 351  
statements. Any portion of the disclosure statement that the 352  
commission determines does not indicate a potential conflict of 353  
interest shall be kept confidential by the commission and shall 354  
not be made subject to public inspection, except as is necessary 355  
for the enforcement of Chapters 102. and 2921. of the Revised Code 356  
and except as otherwise provided in this division. 357

(C) No person shall knowingly fail to file, on or before the 358  
applicable filing deadline established under this section, a 359  
statement that is required by this section. 360

(D) No person shall knowingly file a false statement that is 361  
required to be filed under this section. 362

(E)(1) Except as provided in divisions (E)(2) and (3) of this 363  
section, the statement required by division (A) or (B) of this 364  
section shall be accompanied by a filing fee of forty dollars. 365

(2) The statement required by division (A) of this section 366  
shall be accompanied by the following filing fee to be paid by the 367  
person who is elected or appointed to, or is a candidate for, any 368  
of the following offices: 369

For state office, except member of the		370
state board of education	\$95	371
For office of member of general assembly	\$40	372
For county office	\$60	373

For city office	\$35	374
For office of member of the state board of education	\$25	375 376
For office of member of the Ohio livestock care standards board	\$.....	377 378
For office of member of a city, local, exempted village, or cooperative education board of education or educational service center governing board	\$30	379 380 381 382 383
For position of business manager, treasurer, or superintendent of a city, local, exempted village, joint vocational, or cooperative education school district or educational service center	\$30	384 385 386 387 388 389

(3) No judge of a court of record or candidate for judge of a court of record, and no referee or magistrate serving a court of record, shall be required to pay the fee required under division (E)(1) or (2) or (F) of this section.

(4) For any public official who is appointed to a nonelective office of the state and for any employee who holds a nonelective position in a public agency of the state, the state agency that is the primary employer of the state official or employee shall pay the fee required under division (E)(1) or (F) of this section.

(F) If a statement required to be filed under this section is not filed by the date on which it is required to be filed, the appropriate ethics commission shall assess the person required to file the statement a late filing fee of ten dollars for each day the statement is not filed, except that the total amount of the late filing fee shall not exceed two hundred fifty dollars.

(G)(1) The appropriate ethics commission other than the Ohio

ethics commission and the joint legislative ethics committee shall 406  
deposit all fees it receives under divisions (E) and (F) of this 407  
section into the general revenue fund of the state. 408

(2) The Ohio ethics commission shall deposit all receipts, 409  
including, but not limited to, fees it receives under divisions 410  
(E) and (F) of this section, investigative or other fees, costs, 411  
or other funds it receives as a result of court orders, and all 412  
moneys it receives from settlements under division (G) of section 413  
102.06 of the Revised Code, into the Ohio ethics commission fund, 414  
which is hereby created in the state treasury. All moneys credited 415  
to the fund shall be used solely for expenses related to the 416  
operation and statutory functions of the commission. 417

(3) The joint legislative ethics committee shall deposit all 418  
receipts it receives from the payment of financial disclosure 419  
statement filing fees under divisions (E) and (F) of this section 420  
into the joint legislative ethics committee investigative fund. 421

(H) Division (A) of this section does not apply to a person 422  
elected or appointed to the office of precinct, ward, or district 423  
committee member under Chapter 3517. of the Revised Code; a 424  
presidential elector; a delegate to a national convention; village 425  
or township officials and employees; any physician or psychiatrist 426  
who is paid a salary or wage in accordance with schedule C of 427  
section 124.15 or schedule E-2 of section 124.152 of the Revised 428  
Code and whose primary duties do not require the exercise of 429  
administrative discretion; or any member of a board, commission, 430  
or bureau of any county or city who receives less than one 431  
thousand dollars per year for serving in that position. 432

**Sec. 102.022.** Each person who is an officer or employee of a 433  
political subdivision, who receives compensation of less than 434  
sixteen thousand dollars a year for holding an office or position 435  
of employment with that political subdivision, and who is required 436

to file a statement under section 102.02 of the Revised Code; each 437  
member of the board of trustees of a state institution of higher 438  
education as defined in section 3345.011 of the Revised Code who 439  
is required to file a statement under section 102.02 of the 440  
Revised Code; and each individual set forth in division (B)(2) of 441  
section 187.03 of the Revised Code who is required to file a 442  
statement under section 102.02 of the Revised Code, shall include 443  
in that statement, in place of the information required by 444  
divisions (A)(2), (7), (8), and (9) of that section, the following 445  
information: 446

(A) Exclusive of reasonable expenses, identification of every 447  
source of income over five hundred dollars received during the 448  
preceding calendar year, in the officer's or employee's own name 449  
or by any other person for the officer's or employee's use or 450  
benefit, by the person filing the statement, and a brief 451  
description of the nature of the services for which the income was 452  
received. This division shall not be construed to require the 453  
disclosure of clients of attorneys or persons licensed under 454  
section 4732.12 ~~or 4732.15~~ of the Revised Code or patients of 455  
persons certified under section 4731.14 of the Revised Code. This 456  
division shall not be construed to require a person filing the 457  
statement who derives income from a business or profession to 458  
disclose the individual items of income that constitute the gross 459  
income of the business or profession. 460

(B) The source of each gift of over five hundred dollars 461  
received by the person in the officer's or employee's own name or 462  
by any other person for the officer's or employee's use or benefit 463  
during the preceding calendar year, except gifts received by will 464  
or by virtue of section 2105.06 of the Revised Code, received from 465  
parents, grandparents, children, grandchildren, siblings, nephews, 466  
nieces, uncles, aunts, brothers-in-law, sisters-in-law, 467  
sons-in-law, daughters-in-law, fathers-in-law, mothers-in-law, or 468

any person to whom the person filing the statement stands in loco 469  
parentis, or received by way of distribution from any inter vivos 470  
or testamentary trust established by a spouse or by an ancestor. 471

**Sec. 102.03.** (A)(1) No present or former public official or 472  
employee shall, during public employment or service or for twelve 473  
months thereafter, represent a client or act in a representative 474  
capacity for any person on any matter in which the public official 475  
or employee personally participated as a public official or 476  
employee through decision, approval, disapproval, recommendation, 477  
the rendering of advice, investigation, or other substantial 478  
exercise of administrative discretion. 479

(2) For twenty-four months after the conclusion of service, 480  
no former commissioner or attorney examiner of the public 481  
utilities commission shall represent a public utility, as defined 482  
in section 4905.02 of the Revised Code, or act in a representative 483  
capacity on behalf of such a utility before any state board, 484  
commission, or agency. 485

(3) For twenty-four months after the conclusion of employment 486  
or service, no former public official or employee who personally 487  
participated as a public official or employee through decision, 488  
approval, disapproval, recommendation, the rendering of advice, 489  
the development or adoption of solid waste management plans, 490  
investigation, inspection, or other substantial exercise of 491  
administrative discretion under Chapter 343. or 3734. of the 492  
Revised Code shall represent a person who is the owner or operator 493  
of a facility, as defined in section 3734.01 of the Revised Code, 494  
or who is an applicant for a permit or license for a facility 495  
under that chapter, on any matter in which the public official or 496  
employee personally participated as a public official or employee. 497

(4) For a period of one year after the conclusion of 498  
employment or service as a member or employee of the general 499



assembly, no former member or employee of the general assembly 500  
shall represent, or act in a representative capacity for, any 501  
person on any matter before the general assembly, any committee of 502  
the general assembly, or the controlling board. Division (A)(4) of 503  
this section does not apply to or affect a person who separates 504  
from service with the general assembly on or before December 31, 505  
1995. As used in division (A)(4) of this section "person" does not 506  
include any state agency or political subdivision of the state. 507

(5) As used in divisions (A)(1), (2), and (3) of this 508  
section, "matter" includes any case, proceeding, application, 509  
determination, issue, or question, but does not include the 510  
proposal, consideration, or enactment of statutes, rules, 511  
ordinances, resolutions, or charter or constitutional amendments. 512  
As used in division (A)(4) of this section, "matter" includes the 513  
proposal, consideration, or enactment of statutes, resolutions, or 514  
constitutional amendments. As used in division (A) of this 515  
section, "represent" includes any formal or informal appearance 516  
before, or any written or oral communication with, any public 517  
agency on behalf of any person. 518

(6) Nothing contained in division (A) of this section shall 519  
prohibit, during such period, a former public official or employee 520  
from being retained or employed to represent, assist, or act in a 521  
representative capacity for the public agency by which the public 522  
official or employee was employed or on which the public official 523  
or employee served. 524

(7) Division (A) of this section shall not be construed to 525  
prohibit the performance of ministerial functions, including, but 526  
not limited to, the filing or amendment of tax returns, 527  
applications for permits and licenses, incorporation papers, and 528  
other similar documents. 529

(8) No present or former Ohio casino control commission 530  
official shall, during public service or for two years thereafter, 531

represent a client, be employed or compensated by a person 532  
regulated by the commission, or act in a representative capacity 533  
for any person on any matter before or concerning the commission. 534

No present or former commission employee shall, during public 535  
employment or for two years thereafter, represent a client or act 536  
in a representative capacity on any matter in which the employee 537  
personally participated as a commission employee through decision, 538  
approval, disapproval, recommendation, the rendering of advice, 539  
investigation, or other substantial exercise of administrative 540  
discretion. 541

(B) No present or former public official or employee shall 542  
disclose or use, without appropriate authorization, any 543  
information acquired by the public official or employee in the 544  
course of the public official's or employee's official duties that 545  
is confidential because of statutory provisions, or that has been 546  
clearly designated to the public official or employee as 547  
confidential when that confidential designation is warranted 548  
because of the status of the proceedings or the circumstances 549  
under which the information was received and preserving its 550  
confidentiality is necessary to the proper conduct of government 551  
business. 552

(C) No public official or employee shall participate within 553  
the scope of duties as a public official or employee, except 554  
through ministerial functions as defined in division (A) of this 555  
section, in any license or rate-making proceeding that directly 556  
affects the license or rates of any person, partnership, trust, 557  
business trust, corporation, or association in which the public 558  
official or employee or immediate family owns or controls more 559  
than five per cent. No public official or employee shall 560  
participate within the scope of duties as a public official or 561  
employee, except through ministerial functions as defined in 562  
division (A) of this section, in any license or rate-making 563

proceeding that directly affects the license or rates of any 564  
person to whom the public official or employee or immediate 565  
family, or a partnership, trust, business trust, corporation, or 566  
association of which the public official or employee or the public 567  
official's or employee's immediate family owns or controls more 568  
than five per cent, has sold goods or services totaling more than 569  
one thousand dollars during the preceding year, unless the public 570  
official or employee has filed a written statement acknowledging 571  
that sale with the clerk or secretary of the public agency and the 572  
statement is entered in any public record of the agency's 573  
proceedings. This division shall not be construed to require the 574  
disclosure of clients of attorneys or persons licensed under 575  
section 4732.12 ~~or 4732.15~~ of the Revised Code, or patients of 576  
persons certified under section 4731.14 of the Revised Code. 577

(D) No public official or employee shall use or authorize the 578  
use of the authority or influence of office or employment to 579  
secure anything of value or the promise or offer of anything of 580  
value that is of such a character as to manifest a substantial and 581  
improper influence upon the public official or employee with 582  
respect to that person's duties. 583

(E) No public official or employee shall solicit or accept 584  
anything of value that is of such a character as to manifest a 585  
substantial and improper influence upon the public official or 586  
employee with respect to that person's duties. 587

(F) No person shall promise or give to a public official or 588  
employee anything of value that is of such a character as to 589  
manifest a substantial and improper influence upon the public 590  
official or employee with respect to that person's duties. 591

(G) In the absence of bribery or another offense under the 592  
Revised Code or a purpose to defraud, contributions made to a 593  
campaign committee, political party, legislative campaign fund, 594  
political action committee, or political contributing entity on 595

behalf of an elected public officer or other public official or 596  
employee who seeks elective office shall be considered to accrue 597  
ordinarily to the public official or employee for the purposes of 598  
divisions (D), (E), and (F) of this section. 599

As used in this division, "contributions," "campaign 600  
committee," "political party," "legislative campaign fund," 601  
"political action committee," and "political contributing entity" 602  
have the same meanings as in section 3517.01 of the Revised Code. 603

(H)(1) No public official or employee, except for the 604  
president or other chief administrative officer of or a member of 605  
a board of trustees of a state institution of higher education as 606  
defined in section 3345.011 of the Revised Code, who is required 607  
to file a financial disclosure statement under section 102.02 of 608  
the Revised Code shall solicit or accept, and no person shall give 609  
to that public official or employee, an honorarium. Except as 610  
provided in division (H)(2) of this section, this division and 611  
divisions (D), (E), and (F) of this section do not prohibit a 612  
public official or employee who is required to file a financial 613  
disclosure statement under section 102.02 of the Revised Code from 614  
accepting and do not prohibit a person from giving to that public 615  
official or employee the payment of actual travel expenses, 616  
including any expenses incurred in connection with the travel for 617  
lodging, and meals, food, and beverages provided to the public 618  
official or employee at a meeting at which the public official or 619  
employee participates in a panel, seminar, or speaking engagement 620  
or provided to the public official or employee at a meeting or 621  
convention of a national organization to which any state agency, 622  
including, but not limited to, any state legislative agency or 623  
state institution of higher education as defined in section 624  
3345.011 of the Revised Code, pays membership dues. Except as 625  
provided in division (H)(2) of this section, this division and 626  
divisions (D), (E), and (F) of this section do not prohibit a 627

public official or employee who is not required to file a 628  
financial disclosure statement under section 102.02 of the Revised 629  
Code from accepting and do not prohibit a person from promising or 630  
giving to that public official or employee an honorarium or the 631  
payment of travel, meal, and lodging expenses if the honorarium, 632  
expenses, or both were paid in recognition of demonstrable 633  
business, professional, or esthetic interests of the public 634  
official or employee that exist apart from public office or 635  
employment, including, but not limited to, such a demonstrable 636  
interest in public speaking and were not paid by any person or 637  
other entity, or by any representative or association of those 638  
persons or entities, that is regulated by, doing business with, or 639  
seeking to do business with the department, division, institution, 640  
board, commission, authority, bureau, or other instrumentality of 641  
the governmental entity with which the public official or employee 642  
serves. 643

(2) No person who is a member of the board of a state 644  
retirement system, a state retirement system investment officer, 645  
or an employee of a state retirement system whose position 646  
involves substantial and material exercise of discretion in the 647  
investment of retirement system funds shall solicit or accept, and 648  
no person shall give to that board member, officer, or employee, 649  
payment of actual travel expenses, including expenses incurred 650  
with the travel for lodging, meals, food, and beverages. 651

(I) A public official or employee may accept travel, meals, 652  
and lodging or expenses or reimbursement of expenses for travel, 653  
meals, and lodging in connection with conferences, seminars, and 654  
similar events related to official duties if the travel, meals, 655  
and lodging, expenses, or reimbursement is not of such a character 656  
as to manifest a substantial and improper influence upon the 657  
public official or employee with respect to that person's duties. 658  
The house of representatives and senate, in their code of ethics, 659

and the Ohio ethics commission, under section 111.15 of the Revised Code, may adopt rules setting standards and conditions for the furnishing and acceptance of such travel, meals, and lodging, expenses, or reimbursement.

A person who acts in compliance with this division and any applicable rules adopted under it, or any applicable, similar rules adopted by the supreme court governing judicial officers and employees, does not violate division (D), (E), or (F) of this section. This division does not preclude any person from seeking an advisory opinion from the appropriate ethics commission under section 102.08 of the Revised Code.

(J) For purposes of divisions (D), (E), and (F) of this section, the membership of a public official or employee in an organization shall not be considered, in and of itself, to be of such a character as to manifest a substantial and improper influence on the public official or employee with respect to that person's duties. As used in this division, "organization" means a church or a religious, benevolent, fraternal, or professional organization that is tax exempt under subsection 501(a) and described in subsection 501(c)(3), (4), (8), (10), or (19) of the "Internal Revenue Code of 1986." This division does not apply to a public official or employee who is an employee of an organization, serves as a trustee, director, or officer of an organization, or otherwise holds a fiduciary relationship with an organization. This division does not allow a public official or employee who is a member of an organization to participate, formally or informally, in deliberations, discussions, or voting on a matter or to use ~~his~~ the public official's or employee's official position with regard to the interests of the organization on the matter if the public official or employee has assumed a particular responsibility in the organization with respect to the matter or if the matter would affect that person's personal, pecuniary

interests. 692

(K) It is not a violation of this section for a prosecuting 693  
attorney to appoint assistants and employees in accordance with 694  
division (B) of section 309.06 and section 2921.421 of the Revised 695  
Code, for a chief legal officer of a municipal corporation or an 696  
official designated as prosecutor in a municipal corporation to 697  
appoint assistants and employees in accordance with sections 698  
733.621 and 2921.421 of the Revised Code, for a township law 699  
director appointed under section 504.15 of the Revised Code to 700  
appoint assistants and employees in accordance with sections 701  
504.151 and 2921.421 of the Revised Code, or for a coroner to 702  
appoint assistants and employees in accordance with division (B) 703  
of section 313.05 of the Revised Code. 704

As used in this division, "chief legal officer" has the same 705  
meaning as in section 733.621 of the Revised Code. 706

(L) No present public official or employee with a casino 707  
gaming regulatory function shall indirectly invest, by way of an 708  
entity the public official or employee has an ownership interest 709  
or control in, or directly invest in a casino operator, management 710  
company, holding company, casino facility, or gaming-related 711  
vendor. No present public official or employee with a casino 712  
gaming regulatory function shall directly or indirectly have a 713  
financial interest in, have an ownership interest in, be the 714  
creditor or hold a debt instrument issued by, or have an interest 715  
in a contractual or service relationship with a casino operator, 716  
management company, holding company, casino facility, or 717  
gaming-related vendor. This section does not prohibit or limit 718  
permitted passive investing by the public official or employee. 719

As used in this division, "passive investing" means 720  
investment by the public official or employee by means of a mutual 721  
fund in which the public official or employee has no control of 722  
the investments or investment decisions. "Casino operator," 723

"holding company," "management company," "casino facility," and 724  
"gaming-related vendor" have the same meanings as in section 725  
3772.01 of the Revised Code. 726

(M) A member of the Ohio casino control commission, the 727  
executive director of the commission, or an employee of the 728  
commission shall not: 729

(1) Accept anything of value, including but not limited to a 730  
gift, gratuity, emolument, or employment from a casino operator, 731  
management company, or other person subject to the jurisdiction of 732  
the commission, or from an officer, attorney, agent, or employee 733  
of a casino operator, management company, or other person subject 734  
to the jurisdiction of the commission; 735

(2) Solicit, suggest, request, or recommend, directly or 736  
indirectly, to a casino operator, management company, or other 737  
person subject to the jurisdiction of the commission, or to an 738  
officer, attorney, agent, or employee of a casino operator, 739  
management company, or other person subject to the jurisdiction of 740  
the commission, the appointment of a person to an office, place, 741  
position, or employment; 742

(3) Participate in casino gaming or any other amusement or 743  
activity at a casino facility in this state or at an affiliate 744  
gaming facility of a licensed casino operator, wherever located. 745

In addition to the penalty provided in section 102.99 of the 746  
Revised Code, whoever violates division (M)(1), (2), or (3) of 747  
this section forfeits the individual's office or employment. 748

**Sec. 2152.54.** (A) An evaluation of a child who does not 749  
appear to the court to be a person who is at least moderately 750  
intellectually disabled shall be made by an evaluator who is one 751  
of the following: 752

(1) A professional employed by a psychiatric facility or 753



center certified by the department of mental health to provide 754  
forensic services and appointed by the director of the facility or 755  
center to conduct the evaluation; 756

(2) A psychiatrist or a licensed clinical psychologist who 757  
satisfies the criteria of division (I)~~(1)~~ of section 5122.01 of 758  
the Revised Code and has specialized education, training, or 759  
experience in forensic evaluations of children or adolescents. 760

(B) An evaluation of a child who appears to the court to be a 761  
person who is at least moderately intellectually disabled shall be 762  
made by a psychiatrist or licensed clinical psychologist who 763  
satisfies the criteria of division (I)~~(1)~~ of section 5122.01 of 764  
the Revised Code and has specialized education, training, or 765  
experience in forensic evaluations of children or adolescents who 766  
have intellectual disability. 767

(C) If an evaluation is conducted by an evaluator of the type 768  
described in division (A)(1) or (2) of this section and the 769  
evaluator concludes that the child is a person who is at least 770  
moderately intellectually disabled, the evaluator shall 771  
discontinue the evaluation and notify the court within one 772  
business day after reaching the conclusion. Within two business 773  
days after receiving notification, the court shall order the child 774  
to undergo an evaluation by an evaluator of the type described in 775  
division (B) of this section. Within two business days after the 776  
appointment of the new evaluator, the original evaluator shall 777  
deliver to the new evaluator all information relating to the child 778  
obtained during the original evaluation. 779

**Sec. 2919.271.** (A)(1)(a) If a defendant is charged with a 780  
violation of section 2919.27 of the Revised Code or of a municipal 781  
ordinance that is substantially similar to that section, the court 782  
may order an evaluation of the mental condition of the defendant 783  
if the court determines that either of the following criteria 784

apply: 785

(i) If the alleged violation is a violation of a protection 786  
order issued or consent agreement approved pursuant to section 787  
2919.26 or 3113.31 of the Revised Code, that the violation 788  
allegedly involves conduct by the defendant that caused physical 789  
harm to the person or property of a family or household member 790  
covered by the order or agreement, or conduct by the defendant 791  
that caused a family or household member to believe that the 792  
defendant would cause physical harm to that member or that 793  
member's property. 794

(ii) If the alleged violation is a violation of a protection 795  
order issued pursuant to section 2903.213 or 2903.214 of the 796  
Revised Code or a protection order issued by a court of another 797  
state, that the violation allegedly involves conduct by the 798  
defendant that caused physical harm to the person or property of 799  
the person covered by the order, or conduct by the defendant that 800  
caused the person covered by the order to believe that the 801  
defendant would cause physical harm to that person or that 802  
person's property. 803

(b) If a defendant is charged with a violation of section 804  
2903.211 of the Revised Code or of a municipal ordinance that is 805  
substantially similar to that section, the court may order an 806  
evaluation of the mental condition of the defendant. 807

(2) An evaluation ordered under division (A)(1) of this 808  
section shall be completed no later than thirty days from the date 809  
the order is entered pursuant to that division. In that order, the 810  
court shall do either of the following: 811

(a) Order that the evaluation of the mental condition of the 812  
defendant be preceded by an examination conducted either by a 813  
forensic center that is designated by the department of mental 814  
health to conduct examinations and make evaluations of defendants 815

charged with violations of section 2903.211 or 2919.27 of the Revised Code or of substantially similar municipal ordinances in the area in which the court is located, or by any other program or facility that is designated by the department of mental health or the department of developmental disabilities to conduct examinations and make evaluations of defendants charged with violations of section 2903.211 or 2919.27 of the Revised Code or of substantially similar municipal ordinances, and that is operated by either department or is certified by either department as being in compliance with the standards established under division (H) of section 5119.01 of the Revised Code or division (C) of section 5123.04 of the Revised Code.

(b) Designate a center, program, or facility other than one designated by the department of mental health or the department of developmental disabilities, as described in division (A)(2)(a) of this section, to conduct the evaluation and preceding examination of the mental condition of the defendant.

Whether the court acts pursuant to division (A)(2)(a) or (b) of this section, the court may designate examiners other than the personnel of the center, program, facility, or department involved to make the evaluation and preceding examination of the mental condition of the defendant.

(B) If the court considers that additional evaluations of the mental condition of a defendant are necessary following the evaluation authorized by division (A) of this section, the court may order up to two additional similar evaluations. These evaluations shall be completed no later than thirty days from the date the applicable court order is entered. If more than one evaluation of the mental condition of the defendant is ordered under this division, the prosecutor and the defendant may recommend to the court an examiner whom each prefers to perform one of the evaluations and preceding examinations.

(C)(1) The court may order a defendant who has been released 848  
on bail to submit to an examination under division (A) or (B) of 849  
this section. The examination shall be conducted either at the 850  
detention facility in which the defendant would have been confined 851  
if the defendant had not been released on bail, or, if so 852  
specified by the center, program, facility, or examiners involved, 853  
at the premises of the center, program, or facility. Additionally, 854  
the examination shall be conducted at the times established by the 855  
examiners involved. If such a defendant refuses to submit to an 856  
examination or a complete examination as required by the court or 857  
the center, program, facility, or examiners involved, the court 858  
may amend the conditions of the bail of the defendant and order 859  
the sheriff to take the defendant into custody and deliver the 860  
defendant to the detention facility in which the defendant would 861  
have been confined if the defendant had not been released on bail, 862  
or, if so specified by the center, program, facility, or examiners 863  
involved, to the premises of the center, program, or facility, for 864  
purposes of the examination. 865

(2) A defendant who has not been released on bail shall be 866  
examined at the detention facility in which the defendant is 867  
confined or, if so specified by the center, program, facility, or 868  
examiners involved, at the premises of the center, program, or 869  
facility. 870

(D) The examiner of the mental condition of a defendant under 871  
division (A) or (B) of this section shall file a written report 872  
with the court within thirty days after the entry of an order for 873  
the evaluation of the mental condition of the defendant. The 874  
report shall contain the findings of the examiner; the facts in 875  
reasonable detail on which the findings are based; the opinion of 876  
the examiner as to the mental condition of the defendant; the 877  
opinion of the examiner as to whether the defendant represents a 878  
substantial risk of physical harm to other persons as manifested 879

by evidence of recent homicidal or other violent behavior, 880  
evidence of recent threats that placed other persons in reasonable 881  
fear of violent behavior and serious physical harm, or evidence of 882  
present dangerousness; and the opinion of the examiner as to the 883  
types of treatment or counseling that the defendant needs. The 884  
court shall provide copies of the report to the prosecutor and 885  
defense counsel. 886

(E) The costs of any evaluation and preceding examination of 887  
a defendant that is ordered pursuant to division (A) or (B) of 888  
this section shall be taxed as court costs in the criminal case. 889

(F) If the examiner considers it necessary in order to make 890  
an accurate evaluation of the mental condition of a defendant, an 891  
examiner under division (A) or (B) of this section may request any 892  
family or household member of the defendant to provide the 893  
examiner with information. A family or household member may, but 894  
is not required to, provide information to the examiner upon 895  
receipt of the request. 896

(G) As used in this section: 897

(1) "Bail" includes a recognizance. 898

(2) "Examiner" means a psychiatrist, a licensed independent 899  
social worker who is employed by a forensic center that is 900  
certified as being in compliance with the standards established 901  
under division (H) of section 5119.01 or division (C) of section 902  
5123.04 of the Revised Code, a licensed professional clinical 903  
counselor who is employed at a forensic center that is certified 904  
as being in compliance with such standards, or a licensed clinical 905  
psychologist, except that in order to be an examiner, a licensed 906  
clinical psychologist shall meet the criteria of division (I)~~(I)~~ 907  
of section 5122.01 of the Revised Code or be employed to conduct 908  
examinations by the department of mental health or by a forensic 909  
center certified as being in compliance with the standards 910

established under division (H) of section 5119.01 or division (C) 911  
of section 5123.04 of the Revised Code that is designated by the 912  
department of mental health. 913

(3) "Family or household member" has the same meaning as in 914  
section 2919.25 of the Revised Code. 915

(4) "Prosecutor" has the same meaning as in section 2935.01 916  
of the Revised Code. 917

(5) "Psychiatrist" and "licensed clinical psychologist" have 918  
the same meanings as in section 5122.01 of the Revised Code. 919

(6) "Protection order issued by a court of another state" has 920  
the same meaning as in section 2919.27 of the Revised Code. 921

**Sec. 2945.37.** (A) As used in sections 2945.37 to 2945.402 of 922  
the Revised Code: 923

(1) "Prosecutor" means a prosecuting attorney or a city 924  
director of law, village solicitor, or similar chief legal officer 925  
of a municipal corporation who has authority to prosecute a 926  
criminal case that is before the court or the criminal case in 927  
which a defendant in a criminal case has been found incompetent to 928  
stand trial or not guilty by reason of insanity. 929

(2) "Examiner" means either of the following: 930

(a) A psychiatrist or a licensed clinical psychologist who 931  
satisfies the criteria of division (I)~~(1)~~ of section 5122.01 of 932  
the Revised Code or is employed by a certified forensic center 933  
designated by the department of mental health to conduct 934  
examinations or evaluations. 935

(b) For purposes of a separate mental retardation evaluation 936  
that is ordered by a court pursuant to division (H) of section 937  
2945.371 of the Revised Code, a psychologist designated by the 938  
director of developmental disabilities pursuant to that section to 939  
conduct that separate mental retardation evaluation. 940

(3) "Nonsecured status" means any unsupervised, off-grounds 941  
movement or trial visit from a hospital or institution, or any 942  
conditional release, that is granted to a person who is found 943  
incompetent to stand trial and is committed pursuant to section 944  
2945.39 of the Revised Code or to a person who is found not guilty 945  
by reason of insanity and is committed pursuant to section 2945.40 946  
of the Revised Code. 947

(4) "Unsupervised, off-grounds movement" includes only 948  
off-grounds privileges that are unsupervised and that have an 949  
expectation of return to the hospital or institution on a daily 950  
basis. 951

(5) "Trial visit" means a patient privilege of a longer 952  
stated duration of unsupervised community contact with an 953  
expectation of return to the hospital or institution at designated 954  
times. 955

(6) "Conditional release" means a commitment status under 956  
which the trial court at any time may revoke a person's 957  
conditional release and order the rehospitalization or 958  
reinstitutionalization of the person as described in division (A) 959  
of section 2945.402 of the Revised Code and pursuant to which a 960  
person who is found incompetent to stand trial or a person who is 961  
found not guilty by reason of insanity lives and receives 962  
treatment in the community for a period of time that does not 963  
exceed the maximum prison term or term of imprisonment that the 964  
person could have received for the offense in question had the 965  
person been convicted of the offense instead of being found 966  
incompetent to stand trial on the charge of the offense or being 967  
found not guilty by reason of insanity relative to the offense. 968

(7) "Licensed clinical psychologist," "mentally ill person 969  
subject to hospitalization by court order," and "psychiatrist" 970  
have the same meanings as in section 5122.01 of the Revised Code. 971

(8) "Mentally retarded person subject to institutionalization by court order" has the same meaning as in section 5123.01 of the Revised Code.

(B) In a criminal action in a court of common pleas, a county court, or a municipal court, the court, prosecutor, or defense may raise the issue of the defendant's competence to stand trial. If the issue is raised before the trial has commenced, the court shall hold a hearing on the issue as provided in this section. If the issue is raised after the trial has commenced, the court shall hold a hearing on the issue only for good cause shown or on the court's own motion.

(C) The court shall conduct the hearing required or authorized under division (B) of this section within thirty days after the issue is raised, unless the defendant has been referred for evaluation in which case the court shall conduct the hearing within ten days after the filing of the report of the evaluation or, in the case of a defendant who is ordered by the court pursuant to division (H) of section 2945.371 of the Revised Code to undergo a separate mental retardation evaluation conducted by a psychologist designated by the director of developmental disabilities, within ten days after the filing of the report of the separate mental retardation evaluation under that division. A hearing may be continued for good cause.

(D) The defendant shall be represented by counsel at the hearing conducted under division (C) of this section. If the defendant is unable to obtain counsel, the court shall appoint counsel under Chapter 120. of the Revised Code or under the authority recognized in division (C) of section 120.06, division (E) of section 120.16, division (E) of section 120.26, or section 2941.51 of the Revised Code before proceeding with the hearing.

(E) The prosecutor and defense counsel may submit evidence on the issue of the defendant's competence to stand trial. A written



report of the evaluation of the defendant may be admitted into 1004  
evidence at the hearing by stipulation, but, if either the 1005  
prosecution or defense objects to its admission, the report may be 1006  
admitted under sections 2317.36 to 2317.38 of the Revised Code or 1007  
any other applicable statute or rule. 1008

(F) The court shall not find a defendant incompetent to stand 1009  
trial solely because the defendant is receiving or has received 1010  
treatment as a voluntary or involuntary mentally ill patient under 1011  
Chapter 5122. or a voluntary or involuntary mentally retarded 1012  
resident under Chapter 5123. of the Revised Code or because the 1013  
defendant is receiving or has received psychotropic drugs or other 1014  
medication, even if the defendant might become incompetent to 1015  
stand trial without the drugs or medication. 1016

(G) A defendant is presumed to be competent to stand trial. 1017  
If, after a hearing, the court finds by a preponderance of the 1018  
evidence that, because of the defendant's present mental 1019  
condition, the defendant is incapable of understanding the nature 1020  
and objective of the proceedings against the defendant or of 1021  
assisting in the defendant's defense, the court shall find the 1022  
defendant incompetent to stand trial and shall enter an order 1023  
authorized by section 2945.38 of the Revised Code. 1024

(H) Municipal courts shall follow the procedures set forth in 1025  
sections 2945.37 to 2945.402 of the Revised Code. Except as 1026  
provided in section 2945.371 of the Revised Code, a municipal 1027  
court shall not order an evaluation of the defendant's competence 1028  
to stand trial or the defendant's mental condition at the time of 1029  
the commission of the offense to be conducted at any hospital 1030  
operated by the department of mental health. Those evaluations 1031  
shall be performed through community resources including, but not 1032  
limited to, certified forensic centers, court probation 1033  
departments, and community mental health agencies. All expenses of 1034  
the evaluations shall be borne by the legislative authority of the 1035

municipal court, as defined in section 1901.03 of the Revised Code, and shall be taxed as costs in the case. If a defendant is found incompetent to stand trial or not guilty by reason of insanity, a municipal court may commit the defendant as provided in sections 2945.38 to 2945.402 of the Revised Code.

**Sec. 4732.01.** As used in sections 4732.01 to 4732.25 of the Revised Code:

(A) "Psychologist" means any person who holds self out to the public by any title or description of services incorporating the words "psychologic," "psychological," "psychologist," "psychology," or any other terms that imply the person is trained, experienced, or an expert in the field of psychology.

(B) "The practice of psychology" means rendering or offering to render to individuals, groups, organizations, or the public any service involving the application of psychological procedures to assessment, diagnosis, prevention, treatment, or amelioration of psychological problems or emotional or mental disorders of individuals or groups; or to the assessment or improvement of psychological adjustment or functioning of individuals or groups, whether or not there is a diagnosable pre-existing psychological problem. Practice of psychology includes the practice of school psychology. For purposes of this chapter, teaching or research shall not be regarded as the practice of psychology, even when dealing with psychological subject matter, provided it does not otherwise involve the professional practice of psychology in which ~~patient or client~~ an individual's welfare is directly affected by the application of psychological procedures.

(C) "Psychological procedures" include but are not restricted to application of principles, methods, or procedures of understanding, predicting, or influencing behavior, such as the principles pertaining to learning, conditioning, perception,

motivation, thinking, emotions, or interpersonal relationships; 1067  
the methods or procedures of verbal interaction, interviewing, 1068  
counseling, behavior modification, environmental manipulation, 1069  
group process, psychological psychotherapy, or hypnosis; and the 1070  
methods or procedures of administering or interpreting tests of 1071  
mental abilities, aptitudes, interests, attitudes, personality 1072  
characteristics, emotions, or motivation. 1073

(D) "School psychologist" means any person who holds self out 1074  
to the public by any title or description of services 1075  
incorporating the words "school psychologist" or "school 1076  
psychology," or who holds self out to be trained, experienced, or 1077  
an expert in the practice of school psychology. 1078

(E) "Practice of school psychology" means rendering or 1079  
offering to render to individuals, groups, organizations, or the 1080  
public any of the following services: 1081

(1) Evaluation, diagnosis, or test interpretation limited to 1082  
assessment of intellectual ability, learning patterns, 1083  
achievement, motivation, behavior, or personality factors directly 1084  
related to learning problems ~~in an educational setting~~; 1085

(2) ~~Counseling~~ Intervention services, including counseling, 1086  
for children or adults for amelioration or prevention of 1087  
educationally related learning problems, including emotional and 1088  
behavioral aspects of such problems; 1089

(3) ~~Educational~~ Psychological, educational, or vocational 1090  
consultation or direct educational services. This does not include 1091  
industrial consultation or counseling services to clients 1092  
undergoing vocational rehabilitation. 1093

(F) "Licensed psychologist" means an individual holding a 1094  
current, valid license to practice psychology issued under section 1095  
4732.12 or 4732.15 of the Revised Code. 1096

~~(G) "Licensed school~~ School psychologist licensed by the 1097

state board of psychology" means an individual holding a current, 1098  
valid license to practice school psychology issued under section 1099  
4732.12 or 4732.15 of the Revised Code. 1100

~~(H)~~ "~~Certificated school~~ School psychologist licensed by the 1101  
state board of education" means an individual holding a current, 1102  
valid school psychologist ~~certificate~~ license issued under 1103  
~~division (M)~~ of rules adopted under section 3319.22 of the Revised 1104  
Code. 1105

~~(I)~~ "Mental health professional" and "mental health service" 1106  
have the same meanings as in section 2305.51 of the Revised Code. 1107

(G) "Telepsychology" means the practice of psychology or 1108  
school psychology by distance communication technology, including 1109  
telephone, electronic mail, internet-based communications, and 1110  
video conferencing. 1111

**Sec. 4732.02.** The governor, with the advice and consent of 1112  
the senate, shall appoint a state board of psychology consisting 1113  
of nine persons who are citizens of the United States and 1114  
residents of this state. Three members shall be patient advocates 1115  
who are not mental health professionals and who either are parents 1116  
or other relatives of a person who has received or is receiving 1117  
mental health services or are representatives of organizations 1118  
that represent persons who have received or are receiving mental 1119  
health services. At least one patient advocate member shall be a 1120  
parent or other relative of a mental health service recipient, and 1121  
at least one patient advocate member shall be a representative of 1122  
an organization representing mental health service recipients. 1123  
Each of the remaining members shall be a licensed psychologist or 1124  
a ~~licensed~~ school psychologist licensed by the state board of 1125  
psychology. ~~The terms of the licensed psychologist and licensed~~ 1126  
~~school psychologist members that are in effect on the effective~~ 1127  
~~date of this amendment shall continue as under the law in effect~~ 1128

~~prior to the effective date of this amendment. Of the patient 1129  
advocate members whose positions are created on the effective date 1130  
of this amendment, one shall replace the current member who is not 1131  
a psychologist or other health professional at the end of that 1132  
member's term, one shall be appointed for a term that ends on 1133  
October 5, 2003, and one shall be appointed for a term that ends 1134  
on October 5, 2006. Thereafter, terms Terms of office for all 1135  
members shall be for five years, commencing on the sixth day of 1136  
October and ending on the fifth day of October. Each member shall 1137  
hold office from the date of appointment until the end of the term 1138  
for which the member was appointed. Any member appointed to fill a 1139  
vacancy occurring prior to the expiration of the term for which 1140  
the member's predecessor was appointed shall hold office for the 1141  
remainder of such term. Any member shall continue in office 1142  
subsequent to the expiration date of the member's term until the 1143  
member's successor takes office, or until a period of sixty days 1144  
has elapsed, whichever occurs first. No person shall be appointed 1145  
to more than two five-year terms in succession. The licensed 1146  
psychologist and licensed school psychologist members of the board 1147  
shall be so chosen that they represent the diverse fields of 1148  
specialization and practice in the profession of psychology and 1149  
the profession of school psychology. The governor may make such 1150  
appointments from lists submitted annually by the Ohio 1151  
psychological association ~~and by~~, the Ohio school psychologists 1152  
association, and the Ohio association of black psychologists. A 1153  
vacancy in an unexpired term shall be filled in the same manner as 1154  
the original appointment. 1155~~

The governor may remove any member for malfeasance, 1156  
misfeasance, or nonfeasance after a hearing in accordance with 1157  
Chapter 119. of the Revised Code. The governor shall remove, after 1158  
a hearing in accordance with Chapter 119. of the Revised Code, any 1159  
member who has been convicted of or pleaded guilty to the 1160

commission of a felony offense under any law of this state, 1161  
another state, or the United States. No person may be appointed to 1162  
the board who has been convicted of or pleaded guilty to a felony 1163  
offense under any law of this state, another state, or the United 1164  
States. 1165

**Sec. 4732.03.** The state board of psychology shall organize 1166  
within thirty days after its members have been appointed by the 1167  
governor. The board shall elect a president and a secretary from 1168  
its members to serve for terms of one year. The president and the 1169  
secretary may administer oaths. A majority of the board 1170  
constitutes a quorum. ~~The secretary shall be compensated for his~~ 1171  
~~necessary expenses incurred in the performance of his official~~ 1172  
~~duties.~~ 1173

**Sec. 4732.05.** The members of the state board of psychology 1174  
and the members of the school psychology examination committee 1175  
shall receive an hourly amount fixed under division (J) of section 1176  
124.15 of the Revised Code for ~~each day employed~~ time expended in 1177  
the discharge of their official duties, and their necessary 1178  
expenses while engaged therein. 1179

**Sec. 4732.06.** The principal office of the state board of 1180  
psychology shall be in Columbus, but it may meet or conduct 1181  
business at any place in this state. The board may empower any one 1182  
or more of its members to conduct any proceeding, hearing, or 1183  
investigation necessary to its purposes. The board shall meet at 1184  
least twice annually and at such other times as it determines. 1185  
Special meetings may be called by the president and shall be 1186  
called by the secretary upon the written request of two members. 1187  
The board shall not conduct business by teleconference except as 1188  
provided in division (E)(1) of section 4732.17 of the Revised 1189  
Code. 1190

The board shall make such rules as are necessary to conduct 1191  
its business. 1192

The board ~~may~~ shall employ ~~such an executive director,~~ 1193  
investigators, and administrative assistants ~~and clerical help~~ as 1194  
are necessary to administer and enforce this chapter. 1195

**Sec. 4732.07.** The state board of psychology shall keep a 1196  
record of its proceedings and a register of applicants for 1197  
licenses. The books and records of the board shall be prima-facie 1198  
evidence of the matters therein contained. ~~Such records shall~~ 1199  
~~include applicants' written examination papers.~~ 1200

**Sec. 4732.09.** Each person who desires to practice psychology 1201  
or school psychology shall file with the ~~secretary~~ executive 1202  
director of the state board of psychology a written application, 1203  
under oath, on a form prescribed by the board. 1204

**Sec. 4732.10.** (A) The state board of psychology shall appoint 1205  
an entrance examiner who shall determine the sufficiency of an 1206  
applicant's qualifications for admission to the appropriate 1207  
examination. A member of the board or the executive director may 1208  
be appointed as the entrance examiner. 1209

(B) Requirements for admission to examination for a 1210  
psychologist license shall be that the applicant: 1211

(1) Is at least twenty-one years of age; 1212

(2) Is of good moral character; 1213

(3) ~~Is a citizen of the United States or has legally declared~~ 1214  
~~the intention of becoming such;~~ 1215

~~(4) Meets one of the following requirements of division~~ 1216  
~~(B)(4)(a), (b), (c), or (d) of this section:~~ 1217

(a) Received an earned doctoral degree from an institution 1218

accredited or recognized by a national or regional accrediting agency and a program accredited by any of the following:	1219 1220
(i) The American psychological association, office of program consultation and accreditation;	1221 1222
(ii) The accreditation office of the Canadian psychological association;	1223 1224
(iii) A program listed by the association of state and provincial psychology boards/national register designation committee;	1225 1226 1227
(iv) The national association of school psychologists.	1228
(b) Received from an academic institution outside of the United States or Canada a degree determined, under rules adopted by the board under division (E) of this section, to be equivalent to a doctoral degree in psychology from a program described in division (B) <del>(4)</del> <u>(3)</u> (a) of this section;	1229 1230 1231 1232 1233
(c) Held a psychologist license, certificate, or registration required for practice in another United States or Canadian jurisdiction for a minimum of ten years and meets educational, experience, and professional requirements established under rules adopted by the board.	1234 1235 1236 1237 1238
(d) Enrolled, not later than sixty days after <del>the effective date of this amendment</del> <u>April 7, 2009</u> , in an educational institution accredited or recognized by national or regional accrediting agencies as maintaining satisfactory standards and not later than eight years after <del>the effective date of this amendment</del> <u>April 7, 2009</u> , received an earned doctoral degree in psychology, <u>or</u> school psychology, <del>or a doctoral degree deemed equivalent by the board.</del>	1239 1240 1241 1242 1243 1244 1245 1246
<del>(5)</del> <u>(4)</u> Has had at least two years of supervised professional experience in psychological work of a type satisfactory to the	1247 1248



board, at least one year of which must be a predoctoral 1249  
internship. The 1250

~~The~~ board shall adopt guidelines for the kind of supervised 1251  
professional experience which fulfill ~~the~~ this requirement ~~of~~ 1252  
~~division (B)(5) of this section.~~ 1253

(C) Requirements for admission to examination for a school 1254  
psychologist license shall be that the applicant: 1255

(1) Has received from an educational institution accredited 1256  
or recognized by national or regional accrediting agencies as 1257  
maintaining satisfactory standards, including those approved by 1258  
the stateboard of education for the training of school 1259  
psychologists, at least a master's degree in school psychology, or 1260  
a degree considered equivalent by the board; 1261

(2) Is at least twenty-one years of age; 1262

(3) Is of good moral character; 1263

~~(4) Is a citizen of the United States or has legally declared~~ 1264  
~~the intention of becoming such;~~ 1265

~~(5)~~ Has completed at least sixty quarter hours, or the 1266  
semester hours equivalent, at the graduate level, of accredited 1267  
study in course work relevant to the study of school psychology; 1268

~~(6)~~(5) Has completed an internship in an educational 1269  
institution approved by the Ohio department of education for 1270  
school psychology supervised experience or one year of other 1271  
training experience acceptable to the board, such as supervised 1272  
professional experience under the direction of a licensed 1273  
psychologist or licensed school psychologist; 1274

~~(7)~~(6) Furnishes proof of at least twenty-seven months, 1275  
exclusive of internship, of full-time experience as a certificated 1276  
school psychologist employed by a board of education or a private 1277  
school meeting the standards prescribed by the state board of 1278

education, or of experience which the board deems equivalent. 1279

(D) If the entrance examiner finds that the applicant meets 1280  
the requirements set forth in this section, the applicant shall be 1281  
admitted to the appropriate examination. 1282

(E) The board shall adopt under Chapter 119. of the Revised 1283  
Code rules for determining for the purposes of division 1284  
(B)~~(4)~~(3)(b) of this section whether a degree is equivalent to a 1285  
degree in psychology from an institution in the United States. 1286

**Sec. 4732.11.** ~~License examinations shall be conducted under~~ 1287  
~~rules prescribed by the state board of psychology. (A)(1) Each~~ 1288  
~~applicant shall be examined for knowledge in whatever theoretical~~ 1289  
~~or applied fields of psychology the board considers appropriate.~~ 1290  
~~The examination for the school psychologist license shall be~~ 1291  
~~prepared and administered by a for a license to practice as a~~ 1292  
~~psychologist shall be required to earn a score acceptable to the~~ 1293  
~~state board of psychology on an examination selected by the board.~~ 1294  
~~The applicant shall follow all necessary procedures and pay all~~ 1295  
~~necessary fees for the examination. An applicant who fails to earn~~ 1296  
~~a score acceptable to the board may be admitted to a subsequent~~ 1297  
~~examination no less than thirty days after the initial~~ 1298  
~~examination. After failing to earn a passing score three~~ 1299  
~~consecutive times, an applicant may not be admitted to the~~ 1300  
~~examination for a period of six months following the third~~ 1301  
~~examination attempt. An applicant who fails to achieve an~~ 1302  
~~acceptable score in nine attempts is not eligible for additional~~ 1303  
~~admissions to the examination, and the application shall be~~ 1304  
~~permanently closed.~~ 1305

An applicant who achieves an acceptable score on the 1306  
examination selected by the board as a candidate in another state 1307  
or Canadian province before or after submitting an application to 1308  
the board must cause the score to be submitted directly to the 1309

<u>board's executive director.</u>	1310
<u>(2) The board may also require that an applicant for a</u>	1311
<u>license to practice as a psychologist earn a passing score on an</u>	1312
<u>examination that covers one or more of the following:</u>	1313
<u>(a) Chapter 4732. of the Revised Code;</u>	1314
<u>(b) Rules promulgated under Chapter 4732. of the Revised</u>	1315
<u>Code;</u>	1316
<u>(c) Related provisions of the Revised Code;</u>	1317
<u>(d) Professional ethical principles;</u>	1318
<u>(e) Professional standards of care.</u>	1319
<u>The examination may be administered orally or in writing in</u>	1320
<u>accordance with rules adopted by the board.</u>	1321
<u>(B)(1) Each applicant for a license to practice as a school</u>	1322
<u>psychologist licensed by the state board of psychology shall be</u>	1323
<u>required to earn a score acceptable to the board on an examination</u>	1324
<u>selected by the board. The applicant shall follow all necessary</u>	1325
<u>procedures and pay all necessary fees for the examination.</u>	1326
<u>(2) The board may also require that an applicant for a</u>	1327
<u>license to practice as a school psychologist licensed by the state</u>	1328
<u>board of psychology earn a passing score on an examination that</u>	1329
<u>covers one or more of the following:</u>	1330
<u>(a) Chapter 4732. of the Revised Code;</u>	1331
<u>(b) Rules promulgated under Chapter 4732. of the Revised</u>	1332
<u>Code;</u>	1333
<u>(c) Related provisions of the Revised Code;</u>	1334
<u>(d) Professional ethical principles;</u>	1335
<u>(e) Professional standards of care.</u>	1336
<u>The examination may be administered orally or in writing in</u>	1337

accordance with rules adopted by the board. 1338

(C) The board may establish procedures designed to expose applicants to the subject matter of the examinations described in divisions (A)(2) and (B)(2) of this section. 1339  
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1341

(D) The board shall appoint a school psychology licensing examination committee responsible to the board and consisting. The committee shall consist of five licensed school psychologists or licensed psychologists who shall be certificated school psychologists each of whom holds either of the following: 1342  
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1345  
1346

(1) A school psychologist license issued under this chapter; 1347

(2) A psychologist license issued under this chapter and a certificate or license issued by the state board of education. 1348  
1349

Committee members shall be appointed by the state board of psychology for staggered five-year terms, according to rules adopted by the that board. The board may delegate to the committee authority to develop the examination described in division (B)(2) of this section and any procedures to be established under division (C) of this section. 1350  
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~~Examinations shall be given at least twice annually at such time and place and under such supervision as the board prescribes. Except as provided in section 4732.16 of the Revised Code, each applicant shall pay an application and license fee established by the board of not less than seventy five nor more than one hundred fifty dollars, no part of which shall be returned. If an applicant fails an examination, he may be admitted, after no less than six months, to a subsequent examination upon payment of an additional fee as established by the board. After failing three examinations, a person is not eligible for licensure until he completes such additional training as the board prescribes.~~ 1356  
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~~Sec. 4732.12. The state board of psychology shall grade~~ 1367

~~examinations conducted under section 4732.11 of the Revised Code~~ 1368  
~~and uniformly apply such standards as it considers appropriate in~~ 1369  
~~determining the level of competence necessary for a passing score.~~ 1370  
The level of competence necessary for a passing score for the 1371  
school psychologist examination shall be determined by the school 1372  
psychology examining committee. If an applicant ~~passes for a~~ 1373  
license issued by the state board of psychology to practice as a 1374  
psychologist or school psychologist receives a score acceptable to 1375  
the board on the appropriate examination required by section 1376  
4732.11 of the Revised Code and has paid the ~~required~~ fee required 1377  
by section 4732.15 of the Revised Code, the board shall issue the 1378  
appropriate license. 1379

**Sec. 4732.13.** A license issued by the state board of 1380  
psychology shall remain ~~in effect~~ active until it expires pursuant 1381  
to section 4732.14 of the Revised Code, or is suspended or, 1382  
~~revoked, or placed in retired status.~~ An active 1383  
psychologist license shall entitle the holder to practice 1384  
psychology. ~~A current, valid~~ An active school psychologist license 1385  
shall entitle the holder to practice school psychology. 1386

**Sec. 4732.14.** (A) On or before the thirty-first day of August 1387  
of each even-numbered year, each person ~~licensed~~ who holds an 1388  
active license issued by the state board of psychology shall 1389  
register with the board ~~on a form~~ in a format and manner 1390  
prescribed by the board, giving the person's name, address, 1391  
license number, the continuing education information required by 1392  
section 4732.141 of the Revised Code, and such other reasonable 1393  
information as the board requires, ~~and.~~ The person shall pay to 1394  
the board ~~secretary~~ a biennial registration fee ~~in an amount~~ 1395  
~~determined by the board, but not to exceed two,~~ as follows: 1396

(1) From the effective date of this amendment through June 1397  
30, 2014, three hundred ~~seventy five~~ fifty dollars in ~~fiscal~~ year 1398

2000 and; 1399

(2) From July 1, 2014, through June 30, 2018, three hundred 1400  
~~fifty sixty~~ dollars ~~in each fiscal year thereafter;~~ 1401

(3) July 1, 2018, and thereafter three hundred sixty-five 1402  
dollars. A 1403

A person licensed for the first time on or before the 1404  
~~thirty-first thirtieth~~ day of ~~August~~ September of an even-numbered 1405  
year shall next be required to register on or before the 1406  
~~thirty-first thirtieth~~ day of ~~August~~ September of the next 1407  
even-numbered year. 1408

(B) Before the first day of August of each even-numbered 1409  
year, the ~~secretary~~ board shall send a notice to each ~~licensed~~ 1410  
~~psychologist and licensed school psychologist~~ license holder, 1411  
whether a resident or not, at the ~~licensed psychologist's or~~ 1412  
~~licensed school psychologist's~~ license holder's last known 1413  
provided official mailing address, that the ~~licensed~~ 1414  
~~psychologist's or licensed school psychologist's~~ license holder's 1415  
continuing education compliance must be completed on or before the 1416  
last day of August and the biennial registration form and fee are 1417  
due on or before the last day of ~~August~~ September. ~~Before the~~ 1418  
~~fifteenth day of September of such years,~~ the ~~secretary~~ shall ~~send~~ 1419  
~~a second notice to each such person who has not paid the~~ 1420  
~~registration fee or registered with the board as required by this~~ 1421  
~~section.~~ A license of any ~~licensed psychologist or licensed school~~ 1422  
~~psychologist~~ license holder shall automatically ~~be suspended~~ 1423  
expire if the ~~biennial registration fee is not paid or the~~ 1424  
~~registration form is not~~ any of the following are not received on 1425  
or before the thirtieth day of September of a renewal year. 1426  
Within: 1427

(1) The biennial registration fee; 1428

(2) The registration form; 1429

(3) A report of compliance with continuing education requirements. 1430  
1431

Within five years thereafter, the board may reinstate any 1432  
expired license ~~so suspended~~ upon payment of the current 1433  
registration fee and a penalty fee established by the board, not 1434  
to exceed two hundred fifty dollars, ~~as determined by the board,~~ 1435  
and receipt of the registration form completed by the registrant 1436  
in accordance with this section and section 4732.141 of the 1437  
Revised Code or in accordance with any modifications authorized by 1438  
the board under division (F) of section 4732.141 of the Revised 1439  
Code. ~~The~~ 1440

The board may by rule waive the payment of the registration 1441  
fee and completion of the continuing psychology education required 1442  
by section 4732.141 of the Revised Code by a ~~licensed psychologist~~ 1443  
~~or licensed school psychologist~~ license holder when the ~~licensed~~ 1444  
~~psychologist or licensed school psychologist~~ license holder is on 1445  
active duty in the armed forces of the United States. 1446

An individual who has had a license placed on retired status 1447  
under section 4732.142 of the Revised Code may seek reinstatement 1448  
of the license in accordance with rules adopted by the board. 1449

(C) Each ~~licensed psychologist and licensed school~~ 1450  
~~psychologist~~ license holder shall notify the ~~secretary~~ executive 1451  
director of any change in the ~~licensed psychologist's or licensed~~ 1452  
~~school psychologist's~~ license holder's official mailing address, 1453  
office address, or employment within ~~ninety~~ sixty days of such 1454  
change. 1455

**Sec. 4732.141.** (A)(1) ~~On or before the thirty first day of~~ 1456  
~~August of each even numbered year beginning in 1998 and until the~~ 1457  
~~requirement set forth in division (A)(2) of this section applies,~~ 1458  
~~each person licensed under this chapter by the state board of~~ 1459  
~~psychology shall have completed, in the preceding two year period,~~ 1460

~~not less than twenty hours of continuing education in psychology~~ 1461  
~~or the number of hours determined under division (D) of this~~ 1462  
~~section.~~ 1463

~~(2) On~~ Except as provided in division (D) of this section, on 1464  
or before the thirty-first day of August of each even-numbered 1465  
year ~~after the biennium in which this amendment takes effect~~, each 1466  
person ~~licensed under this chapter~~ who holds a license issued by 1467  
the state board of psychology shall have completed, in the 1468  
preceding two-year period, not less than twenty-three hours of 1469  
continuing education in psychology, including not less than ~~three~~ 1470  
four hours of continuing education in ~~professional conduct and~~ 1471  
~~ethics, or the number of hours determined under division (D) of~~ 1472  
~~this section~~ one or more of the following: 1473

(a) Professional conduct; 1474

(b) Ethics; 1475

(c) The role of culture, ethnic identity, or both in the 1476  
provision of psychological assessment, consultation, or 1477  
psychological interventions, or a combination thereof. 1478

~~(3)(2)~~ Each person subject to division (A)(1) or (2) of this 1479  
section license holder shall certify to the board, at the time of 1480  
biennial registration pursuant to section 4732.14 of the Revised 1481  
Code and on the registration form prescribed by the board under 1482  
that section, that in the preceding two years the ~~person~~ license 1483  
holder has completed continuing psychology education in compliance 1484  
with this section. The board shall adopt rules establishing the 1485  
procedure for a ~~person~~ license holder to certify to the board and 1486  
for properly recording with the Ohio psychological association or 1487  
the ~~state board of education~~ Ohio school psychologists association 1488  
completion of the continuing education. 1489

(B) Continuing psychology education may be applied to meet 1490



the requirement of division (A) of this section if both of the 1491  
following requirements are met: 1492

(1) It is obtained through a program or course approved by 1493  
the state board of psychology, the Ohio psychological association, 1494  
the Ohio association of black psychologists, or the American 1495  
psychological association or, in the case of a ~~licensed~~ school 1496  
psychologist who holds a license issued under this chapter or a 1497  
licensed psychologist with a school psychology specialty, by the 1498  
state board of education, the Ohio school psychologists 1499  
association, or the national association of school psychologists; 1500

(2) Completion of the program or course is recorded with the 1501  
Ohio psychological association or the ~~state board of education~~ 1502  
Ohio school psychologists association in accordance with rules 1503  
adopted by the state board of psychology in accordance with 1504  
division (A) of this section. 1505

The state board of psychology may disapprove any program or 1506  
course that has been approved by the Ohio psychological 1507  
association, Ohio association of black psychologists, American 1508  
psychological association, state board of education, Ohio school 1509  
psychologists association, or national association of school 1510  
psychologists. Such program or course may not be applied to meet 1511  
the requirement of division (A) of this section. 1512

(C) Each ~~person licensed under this chapter~~ license holder 1513  
shall be given a sufficient choice of continuing education 1514  
programs or courses in psychology, including programs or courses 1515  
on professional conduct and ethics when required under division 1516  
(A)(2) of this section, to ensure that the ~~person~~ license holder 1517  
has had a reasonable opportunity to participate in programs or 1518  
courses that are relevant to the ~~person's~~ license holder's 1519  
practice in terms of subject matter and level. 1520

(D) The board shall adopt rules providing for reductions of 1521

the hours of continuing psychology education required by this 1522  
section for ~~persons~~ license holders in their first registration 1523  
period. 1524

(E) Each ~~person licensed under this chapter~~ license holder 1525  
shall retain in the ~~person's~~ license holder's records for at least 1526  
three years the receipts, vouchers, or certificates necessary to 1527  
document completion of continuing psychology education. Proof of 1528  
continuing psychology education recorded with the Ohio 1529  
psychological association or the ~~state board of education~~ Ohio  
school psychologists association in accordance with the procedures 1530  
established pursuant to division (A) of this section shall serve 1531  
as sufficient documentation of completion. With cause, the board 1532  
may request the documentation from the ~~person~~. ~~The board also may~~ 1533  
~~request the documentation from persons licensed under this chapter~~ 1534  
~~selected at random, without cause~~ license holder. The board may 1535  
review any continuing psychology education records recorded by the 1536  
Ohio psychological association or the ~~state board of education~~ 1537  
Ohio school psychologists association. 1538  
1539

(F) The board may excuse ~~persons licensed under this chapter~~ 1540  
license holders, as a group or as individuals, from all or any 1541  
part of the requirements of this section because of an unusual 1542  
circumstance, emergency, or special hardship. 1543

(G) The state board of psychology shall approve one or more 1544  
continuing education courses of study that assist psychologists 1545  
and school psychologists in recognizing the signs of domestic 1546  
violence and its relationship to child abuse. Psychologists and 1547  
school psychologists are not required to take the courses. 1548

(H) The board may require a license holder to evidence 1549  
completion of specific continuing education coursework as part of 1550  
the process of registering or continuing to register a person 1551  
working under the license holder's supervision under division (B) 1552  
of section 4732.22 of the Revised Code and conducting 1553

psychological or psychological work or training supervision. 1554  
Procedures for the completion, verification, and documentation of 1555  
such continuing education shall be specified in rules adopted by 1556  
the board. A license holder completing this continuing education 1557  
may receive credit toward the four-hour requirement in division 1558  
(A)(1) of this section during the next continuing education period 1559  
following the completion of this continuing education. 1560

Sec. 4732.142. (A) The holder of a license issued under this 1561  
chapter who retires from the practice of psychology or school 1562  
psychology may request during the biennial license registration 1563  
process that the license holder's license be placed in "licensed 1564  
psychologist-retired" or "licensed school psychologist-retired" 1565  
status. Once the license is placed in retired status, the license 1566  
holder shall not practice psychology or school psychology in this 1567  
state. A license holder selecting this status shall pay to the 1568  
board a fee of fifty dollars. 1569

(B) Procedures for reinstating a retired license shall be 1570  
established in rules adopted by the state board of psychology. 1571

Sec. ~~4732.16~~ 4732.15. ~~Each applicant under section 4732.15 of~~ 1572  
~~the Revised Code for a license to be issued under this chapter~~ 1573  
~~shall pay a fee established by the state board of psychology of~~ 1574  
~~not less than seventy five nor more than one of three hundred~~ 1575  
~~fifty dollars, no part of which shall be returned. An applicant~~ 1576  
~~who is denied licensure under section 4732.15 of the Revised Code~~ 1577  
~~may apply for licensure under section 4732.10 of the Revised Code~~ 1578  
~~within one year from the date of the denial and upon payment of a~~ 1579  
~~fee not to exceed twenty five dollars.~~ 1580

Sec. 4732.151. The state board of psychology shall charge a 1581  
fee of forty dollars to a license holder for the written 1582  
verification of licensure status, including verification of the 1583

date of licensure, the presence or absence of a history of 1584  
disciplinary action, and the expiration date of the license. 1585

Sec. 4732.16. (A) The state board of psychology shall 1586  
investigate alleged violations of this chapter or the rules 1587  
adopted under it. Each investigation shall be assigned by the 1588  
executive director or designated investigator to one of the 1589  
members of the board who shall serve as the supervising member of 1590  
the investigation. 1591

As part of its conduct of investigations, the board may 1592  
examine witnesses, administer oaths, and issue subpoenas, except 1593  
that the board may not compel the attendance of the respondent in 1594  
an investigation. A subpoena for patient record information may be 1595  
issued only if the supervising member, executive director, 1596  
secretary, and an attorney from the office of the attorney general 1597  
determine that there is probable cause to believe that the 1598  
complaint alleges a violation of this chapter and that the records 1599  
sought are relevant to the alleged violation and material to the 1600  
investigation. No member of the board who supervises the 1601  
investigation or approves the issuance of a subpoena for patient 1602  
records shall participate in further adjudication of the case. The 1603  
subpoena may apply only to records that cover a reasonable period 1604  
of time surrounding the alleged violation. On failure of a person 1605  
to comply with a subpoena issued by the board and after reasonable 1606  
notice to that person, the board may move for an order compelling 1607  
the production of records or persons pursuant to the Rules of 1608  
Civil Procedure. 1609

A subpoena issued by the board may be served by a sheriff, 1610  
the sheriff's deputy, or a board employee designated by the board. 1611  
Service of a subpoena issued by the board may be made by 1612  
delivering a copy of the subpoena to the person named in the 1613  
subpoena, reading it to the person, or leaving it at the person's 1614

usual place of residence. When the person being served is a person 1615  
whose practice is authorized by this chapter, service of the 1616  
subpoena may be made by certified mail, return receipt requested, 1617  
and the subpoena shall be deemed served on the date delivery is 1618  
made or the date the person refuses to accept delivery. 1619

A sheriff's deputy who serves a subpoena shall receive the 1620  
same fees as a sheriff. Each witness who appears before the board 1621  
in obedience to a subpoena shall receive the fees and mileage 1622  
provided for witnesses under section 119.094 of the Revised Code. 1623

(B)(1) The board shall conduct all investigations and 1624  
proceedings in a manner that protects the confidentiality of 1625  
patients and persons who file complaints with the board. The board 1626  
shall not make public the names or any other identifying 1627  
information about patients or complainants unless proper consent 1628  
is given or, in the case of a patient, the patient privilege has 1629  
been waived by the patient. Information received by the board 1630  
pursuant to an investigation is confidential and not subject to 1631  
discovery in any civil action. 1632

(2) The board may share any information it receives pursuant 1633  
to an investigation, including patient records and patient record 1634  
information, with law enforcement agencies, other licensing 1635  
boards, and other government agencies that are prosecuting, 1636  
adjudicating, or investigating alleged violations of statutes or 1637  
administrative rules. An agency or board that receives the 1638  
information shall comply with the same requirements regarding 1639  
confidentiality as the board must comply with under division 1640  
(B)(1) of this section, notwithstanding any conflicting provision 1641  
of the Revised Code or procedure of the agency or board that 1642  
applies when it is dealing with other information in its 1643  
possession. 1644

(3) In a judicial proceeding, any information the board 1645  
receives pursuant to an investigation may be admitted into 1646

evidence only in accordance with the Ohio Rules of Evidence, but 1647  
the court shall require that appropriate measures be taken to 1648  
ensure that confidentiality is maintained with respect to any part 1649  
of the information that contains names or other identifying 1650  
information about patients or complainants whose confidentiality 1651  
was protected by the board when the information was in the board's 1652  
possession. Measures to ensure confidentiality that may be taken 1653  
by the court include sealing its records or deleting specific 1654  
information from its records. 1655

**Sec. 4732.17.** (A) The Subject to division (F) of this 1656  
section, the state board of psychology may refuse to issue a 1657  
license to any applicant, may issue a reprimand, or suspend or 1658  
revoke the license of any licensed psychologist or licensed school 1659  
psychologist, take any of the actions specified in division (C) of 1660  
this section against an applicant for or a person who holds a 1661  
license issued under this chapter on any of the following grounds 1662  
as applicable: 1663

(1) Conviction, including a plea of guilty or no contest, of 1664  
a felony, or of any offense involving moral turpitude, in a court 1665  
of this or any other state or in a federal court; 1666

(2) A judicial finding of eligibility for intervention in 1667  
lieu of conviction for a felony or any offense involving moral 1668  
turpitude in a court of this or any other state or in a federal 1669  
court; 1670

(3) Using fraud or deceit in the procurement of the license 1671  
to practice psychology or school psychology or knowingly assisting 1672  
another in the procurement of such a license through fraud or 1673  
deceit; 1674

~~(3)~~(4) Accepting commissions or rebates or other forms of 1675  
remuneration for referring persons to other professionals; 1676

<del>(4)</del> (5) Willful, unauthorized communication of information received in professional confidence;	1677 1678
<del>(5)</del> (6) Being negligent in the practice of psychology or school psychology;	1679 1680
<del>(6) Using any controlled substance or alcoholic beverage to an extent that such use impairs the person's ability to perform the work of a psychologist or school psychologist with safety to the public</del> (7) <u>Inability to practice according to acceptable and prevailing standards of care by reason of a mental, emotional, physiological, or pharmacological condition or substance abuse;</u>	1681 1682 1683 1684 1685 1686
<del>(7)</del> (8) Subject to section 4732.28 of the Revised Code, violating any rule of professional conduct promulgated by the board;	1687 1688 1689
<del>(8)</del> (9) Practicing in an area of psychology for which the person is clearly untrained or incompetent;	1690 1691
<del>(9)</del> (10) An adjudication by a court, as provided in section 5122.301 of the Revised Code, that the person is incompetent for the purpose of holding the license. Such person may have the person's license issued or restored only upon determination by a court that the person is competent for the purpose of holding the license and upon the decision by the board that such license be issued or restored. The board may require an examination prior to such issuance or restoration.	1692 1693 1694 1695 1696 1697 1698 1699
<del>(10)</del> (11) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers psychological services, would otherwise be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that provider;	1700 1701 1702 1703 1704 1705
<del>(11)</del> (12) Advertising that the person will waive the payment of all or any part of a deductible or copayment that a patient,	1706 1707

pursuant to a health insurance or health care policy, contract, or 1708  
plan that covers psychological services, would otherwise be 1709  
required to pay; 1710

~~(12)~~ (13) Any of the following actions taken by the agency 1711  
responsible for authorizing or certifying the person to practice 1712  
or regulating the person's practice of a health care occupation or 1713  
provision of health care services in this state or another 1714  
jurisdiction, as evidenced by a certified copy of that agency's 1715  
records and findings for any reason other than the nonpayment of 1716  
fees: 1717

(a) Limitation, revocation, or suspension of the person's 1718  
license to practice; 1719

(b) Acceptance of the person's license surrender; 1720

(c) Denial of a license to the person; 1721

(d) Refuse to renew or reinstate the person's license; 1722

(e) Imposition of probation on the person; 1723

(f) Issuance of an order of censure or other reprimand 1724  
against the person; 1725

(g) Other negative action or finding against the person about 1726  
which information is available to the public. 1727

(14) Offering or rendering psychological services after a 1728  
license issued under this chapter has expired due to a failure to 1729  
timely register under section 4732.14 of the Revised Code or 1730  
complete continuing education requirements; 1731

(15) Offering or rendering psychological services after a 1732  
license issued under this chapter has been placed in retired 1733  
status pursuant to section 4732.142 of the Revised Code; 1734

(16) Unless the person is a school psychologist licensed by 1735  
the state board of education: 1736



(a) Offering or rendering school psychological services after a license issued under this chapter has expired due to a failure to timely register under section 4732.14 of the Revised Code or complete continuing education requirements; 1737  
1738  
1739  
1740

(b) Offering or rendering school psychological services after a license issued under this chapter has been placed in retired status pursuant to section 4732.142 of the Revised Code. 1741  
1742  
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(17) Violating any adjudication order or consent agreement adopted by the board; 1744  
1745

(18) Failure to submit to mental, cognitive, substance abuse, or medical evaluations, or a combination of these evaluations, ordered by the board under division (E) of this section. 1746  
1747  
1748

(B) Notwithstanding ~~division~~ divisions (A)~~(10)~~(11) and ~~(11)~~(12) of this section, sanctions shall not be imposed against any licensee license holder who waives deductibles and copayments: 1749  
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1751  
1752

~~(a)~~(1) In compliance with the health benefit plan that expressly allows such a practice. Waiver of the deductibles or copays shall be made only with the full knowledge and consent of the plan purchaser, payer, and third-party administrator. Such consent shall be made available to the board upon request. 1753  
1754  
1755  
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1757

~~(b)~~(2) For professional services rendered to any other person licensed pursuant to this chapter to the extent allowed by this chapter and the rules of the board. 1758  
1759  
1760

(C) For any of the reasons specified in division (A) of this section, the board may do one or more of the following: 1761  
1762

(1) Refuse to issue a license to an applicant; 1763

(2) Issue a reprimand to a license holder; 1764

(3) Suspend the license of a license holder; 1765

(4) Revoke the license of a license holder; 1766

(5) Limit or restrict the areas of practice of an applicant 1767  
or a license holder; 1768

(6) Require mental, substance abuse, or physical evaluations, 1769  
or any combination of these evaluations, of an applicant or a 1770  
license holder; 1771

(7) Require remedial education and training of an applicant 1772  
or a license holder. 1773

(D) When it revokes the license of a license holder under 1774  
division (C)(4) of this section, the board may specify that the 1775  
revocation is permanent. An individual subject to permanent 1776  
revocation is forever thereafter ineligible to hold a license, and 1777  
the board shall not accept an application for reinstatement of the 1778  
license or issuance of a new license. 1779

(E) When the board issues a notice of opportunity for a 1780  
hearing on the basis of division (A)(7) of this section, the 1781  
supervising member of the board, with cause and upon consultation 1782  
with the board's executive director and the board's legal counsel, 1783  
may compel the applicant or license holder to submit to mental, 1784  
cognitive, substance abuse, or medical evaluations, or a 1785  
combination of these evaluations, by a person or persons selected 1786  
by the board. Notice shall be given to the applicant or license 1787  
holder in writing signed by the supervising member, the executive 1788  
director, and the board's legal counsel. The applicant or license 1789  
holder is deemed to have given consent to submit to these 1790  
evaluations and to have waived all objections to the admissibility 1791  
of testimony or evaluation reports that constitute a privileged 1792  
communication. The expense of the evaluation or evaluations shall 1793  
be the responsibility of the applicant or license holder who is 1794  
evaluated. 1795

~~(B) Except as provided in section 4732.171 of the Revised~~ 1796  
~~Code, before (F) Before the board may deny, suspend, or revoke a~~ 1797

license take action under this section, or otherwise discipline 1798  
the holder of a license, written charges shall be filed with the 1799  
board by the secretary and a hearing shall be had thereon in 1800  
accordance with Chapter 119. of the Revised Code, except as 1801  
follows: 1802

(1) On receipt of a complaint that any of the grounds listed 1803  
in division (A) of this section exist, the state board of 1804  
psychology may suspend a license issued under this chapter prior 1805  
to holding a hearing in accordance with Chapter 119. of the 1806  
Revised Code if it determines, based on the complaint, that there 1807  
is an immediate threat to the public. A telephone conference call 1808  
may be used to conduct an emergency meeting for review of the 1809  
matter by a quorum of the board, taking the vote, and 1810  
memorializing the action in the minutes of the meeting. 1811

After suspending a license pursuant to division (F)(1) of 1812  
this section, the board shall notify the license holder of the 1813  
suspension in accordance with section 119.07 of the Revised Code. 1814  
If the individual whose license is suspended fails to make a 1815  
timely request for an adjudication under Chapter 119. of the 1816  
Revised Code, the board shall enter a final order permanently 1817  
revoking the license. 1818

(2) The board shall adopt rules establishing a case 1819  
management schedule for pre-hearing procedures by the hearing 1820  
examiner or presiding board member. The schedule shall include 1821  
applicable deadlines related to the hearing process, including all 1822  
of the following: 1823

(a) The date of the hearing; 1824

(b) The date for the disclosure of witnesses and exhibits; 1825

(c) The date for the disclosure of the identity of expert 1826  
witnesses and the exchange of written reports; 1827

(d) The deadline for submitting a request for the issuance of 1828

a subpoena for the hearing as provided under Chapter 119. of the 1829  
Revised Code and division (F)(4) of this section. 1830

(3) Either party to the hearing may submit a written request 1831  
to the other party for a list of witnesses and copies of documents 1832  
intended to be introduced at the hearing. The request shall be in 1833  
writing and shall be served not less than thirty-seven days prior 1834  
to the hearing, unless the hearing officer or presiding board 1835  
member grants an extension of time to make the request. Not later 1836  
than thirty days before the hearing, the responding party shall 1837  
provide the requested list of witnesses, summary of their 1838  
testimony, and copies of documents to the requesting party, unless 1839  
the hearing officer or presiding board member grants an extension. 1840  
Failure to timely provide a list or copies requested in accordance 1841  
with this section may, at the discretion of the hearing officer or 1842  
presiding board member, result in exclusion from the hearing of 1843  
the witnesses, testimony, or documents. 1844

(4) In addition to subpoenas for the production of books, 1845  
records, and papers requested under Chapter 119. of the Revised 1846  
Code, either party may ask the board to issue a subpoena for the 1847  
production of other tangible items. 1848

The person subject to a subpoena for the production of books, 1849  
records, papers, or other tangible items shall respond to the 1850  
subpoena at least twenty days prior to the date of the hearing. If 1851  
a person fails to respond to a subpoena issued by the board, after 1852  
providing reasonable notice to the person, the board, the hearing 1853  
officer, or both may proceed with enforcement of the subpoena 1854  
pursuant to section 119.09 of the Revised Code. 1855

**Sec. ~~4732.172~~ 4732.171.** (A) Except as provided in division 1856  
(B) of this section, if, at the conclusion of a hearing required 1857  
by section 4732.17 of the Revised Code, the state board of 1858  
psychology determines that a licensed psychologist or ~~licensed~~ 1859

school psychologist licensed by the state board of psychology has 1860  
engaged in sexual conduct or had sexual contact with the ~~licensed~~ 1861  
~~psychologist's or licensed school psychologist's~~ license holder's 1862  
patient or client in violation of any prohibition contained in 1863  
Chapter 2907. of the Revised Code, the board shall do one of the 1864  
following: 1865

(1) Suspend the ~~licensed psychologist's or licensed school~~ 1866  
~~psychologist's~~ license holder's license; 1867

(2) Permanently revoke the ~~licensed psychologist's or~~ 1868  
~~licensed school psychologist's~~ license holder's license. 1869

(B) If it determines at the conclusion of the hearing that 1870  
neither of the sanctions described in division (A) of this section 1871  
is appropriate, the board shall impose another sanction it 1872  
considers appropriate and issue a written finding setting forth 1873  
the reasons for the sanction imposed and the reason that neither 1874  
of the sanctions described in division (A) of this section is 1875  
appropriate. 1876

**Sec. ~~4732.173~~ 4732.172.** Any finding made, and the record of 1877  
any sanction imposed, by the state board of psychology under 1878  
section ~~4732.177~~ or ~~4732.171~~, ~~or~~ ~~4732.172~~ of the Revised Code is a 1879  
public record under section 149.43 of the Revised Code. 1880

**Sec. 4732.173.** (A) The board may approve or establish a 1881  
colleague assistance program for the purpose of affording holders 1882  
of licenses issued under this chapter, license applicants, and 1883  
persons registered pursuant to division (B) of section 4731.22 of 1884  
the Revised Code access to all of the following: 1885

(1) Resources concerning the prevention of distress; 1886

(2) Evaluation and intervention services concerning mental, 1887  
emotional, substance use, and other conditions that may impair 1888

competence, objectivity, and judgment in the provision of 1889  
psychological or school psychological services; 1890

(3) Consultation and mentoring services for practice 1891  
oversight and remediation of professional skill deficits. 1892

The board may compel a license holder, applicant, or 1893  
registered person to participate in the program in conjunction 1894  
with the board's actions under section 4732.17 of the Revised 1895  
Code. 1896

(B) If a program is approved or established, the board shall 1897  
adopt rules specifying the circumstances under which self-referred 1898  
participants may receive confidential services from the program. 1899

**Sec. 4732.18.** At any time after the suspension or revocation 1900  
of a license, the state board of psychology may restore the 1901  
license upon the written finding by the board that circumstances 1902  
so warrant. The At the time it restores a license, the board may 1903  
impose restrictions and limitations on the practice of the license 1904  
holder. 1905

The board may require a person seeking restoration of a 1906  
license to submit to mental, substance abuse, cognitive, or 1907  
physical evaluations, or a combination of these evaluations. 1908  
Evaluations shall be conducted by qualified individuals selected 1909  
by the board. The costs of any evaluative processes shall be paid 1910  
by the applicant for restoration. A person requesting restoration 1911  
of a license is deemed to have given consent to submit to a mental 1912  
or physical examination when directed to do so in writing by the 1913  
board and to have waived all objections to the admissibility of 1914  
testimony or examination reports that constitute a privileged 1915  
communication. 1916

As a further condition of license restoration, the board may 1917  
require an examination of the applicant before such restoration to 1918

do both of the following: 1919

(A) Take the examination selected by the board under section 4732.11 of the Revised Code and receive a score acceptable to the board; 1920  
1921  
1922

(B) Participate in board processes designed to expose the applicant to Chapter 4732. of the Revised Code and rules promulgated thereunder, which may include passing a written or oral examination on the Ohio laws and rules governing psychologists and school psychologists. 1923  
1924  
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**Sec. 4732.21.** ~~(A) On and after December 1, 1972, no~~ Except as provided in section 4732.22 of the Revised Code: 1928  
1929

(A) No person who is not a licensed psychologist shall offer or render services as a psychologist or otherwise engage in the practice of psychology ~~for a compensation or other personal gain.~~ 1930  
1931  
1932

~~(B) On and after December 1, 1972, no~~ No person who is not a licensed psychologist or, a school psychologist licensed by the state board of psychology, or a school psychologist licensed by the state board of education shall offer or render services as a school psychologist or otherwise engage in the practice of school psychology ~~for a compensation or other personal gain.~~ 1933  
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**Sec. 4732.22.** (A) The following persons are exempted from the licensing requirements of this chapter: 1939  
1940

~~(A)(1)~~ A certificated person who holds a license or certificate issued by the state board of education authorizing the practice of school psychologist psychology, while practicing school psychology within the scope of his employment by a board of education or by a private school meeting the standards prescribed by the state board of education under division (D) of section 3301.07 of the Revised Code, or while acting as a school psychologist within the scope of his employment in a program for 1941  
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~~trainable mentally retarded children with disabilities~~ established 1949  
under Chapter 3323. or 5126. of the Revised Code. A person 1950  
exempted under this division shall not offer psychological 1951  
services to any other individual, organization, or group for 1952  
remuneration, monetary or otherwise, unless ~~he~~ the person is 1953  
licensed by the state board of psychology. 1954

~~(B)(2)~~ Any nonresident temporarily employed in this state to 1955  
render psychological services for not more than thirty days a 1956  
year, who, in the opinion of the board, meets the standards for 1957  
entrance in division (B) of section 4732.10 of the Revised Code, 1958  
who has paid the required fee and submitted an application 1959  
prescribed by the board, and who holds whatever license or 1960  
certificate, if any, is required for such practice in ~~his~~ the 1961  
person's home state or home country. 1962

~~(C)(3)~~ Any person ~~employed by~~ working under the supervision 1963  
of a licensed psychologist or licensed school psychologist 1964  
licensed under this chapter, while carrying out specific tasks, 1965  
under the ~~licensee's~~ license holder's supervision, as an extension 1966  
of the ~~licensee's~~ license holder's legal and ethical authority as 1967  
specified under this chapter if the person is registered under 1968  
division (B) of this section. All fees shall be billed under the 1969  
name of the ~~licensee,~~ and the employee license holder. The person 1970  
working under the license holder's supervision shall not represent 1971  
himself self to the public as a psychologist or school 1972  
psychologist, although supervised persons and persons in training 1973  
may be ascribed such titles as "psychology trainee," "psychology 1974  
assistant," "psychology intern," or other appropriate term that 1975  
clearly implies their supervised or training status. 1976

~~(D) Unlicensed persons holding a master's degree or doctoral~~ 1977  
~~degree in psychology from a program approved by the board while~~ 1978  
~~working under the supervision of a licensed psychologist. The~~ 1979  
~~board shall establish rules governing such supervisory~~ 1980



~~relationship which shall include a regulation requiring registration with the board of such unlicensed person.~~ 1981  
1982

~~(E)(4) Any student in an accredited educational institution, while carrying out activities that are part of his the student's prescribed course of study, provided such activities are supervised by a professional person who is qualified to perform such activities and is licensed under this chapter or is ~~exempted~~ under division (F) or (G) of this section or division (B) or (D) of section 4732.23 of the Revised Code. Such student shall hold himself out to the public only by clearly indicating his student status and the profession in which he is being trained.~~ 1983  
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~~(F) Duly ordained ministers while functioning in their ministerial capacity;~~ 1992  
1993

~~(G) Qualified social workers while functioning in their capacity as social workers a qualified supervisor pursuant to rules of the board;~~ 1994  
1995  
1996

(5) Recognized religious officials, including ministers, priests, rabbis, imams, Christian science practitioners, and other persons recognized by the board, conducting counseling when the counseling activities are within the scope of the performance of their regular duties and are performed under the auspices or sponsorship of an established and legally cognizable religious denomination or sect, as defined in current federal tax regulations, and when the religious official does not refer to the official's self as a psychologist and remains accountable to the established authority of the religious denomination or sect; 1997  
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(6) Persons in the employ of the federal government insofar as their activities are a part of the duties of their positions; 2007  
2008

(7) Persons licensed, certified, or registered under any other provision of the Revised Code who are practicing those arts and utilizing psychological procedures that are allowed and within 2009  
2010  
2011

the standards and ethics of their profession or within new areas 2012  
of practice that represent appropriate extensions of their 2013  
profession, provided that they do not hold themselves out to the 2014  
public by the title of psychologist; 2015

(8) Persons using the term "social psychologist," 2016  
"experimental psychologist," "developmental psychologist," 2017  
"research psychologist," "cognitive psychologist," and other terms 2018  
used by those in academic and research settings who possess a 2019  
doctoral degree in psychology from an educational institution 2020  
accredited or recognized by national or regional accrediting 2021  
agencies as maintaining satisfactory standards and who do not use 2022  
such a term in the solicitation or rendering of professional 2023  
psychological services. 2024

(B) The license holder who is supervising a person described 2025  
in division (A)(3) of this section shall register the person with 2026  
the board. The board shall adopt rules regarding the registration 2027  
process and the supervisory relationship. 2028

**Sec. 4732.221.** A nonresident applicant seeking a review of 2029  
qualifications and permission of the state board of psychology to 2030  
practice psychology in Ohio for no more than thirty days per year 2031  
under division (A)(2) of section 4732.22 of the Revised Code shall 2032  
pay a fee established by the board of not less than seventy-five 2033  
dollars and not more than one hundred fifty dollars, no part of 2034  
which shall be returned. The board may adopt rules for the purpose 2035  
of recognizing a nonresident's interjurisdictional practice 2036  
credentials granted by the association of state and provincial 2037  
psychology boards and other relevant professional organizations. 2038

**Sec. 4732.31.** (A) The state board of psychology shall provide 2039  
access to the following information through the internet: 2040

(1) The names of all licensed psychologists and ~~licensed~~ all 2041

school psychologists licensed by the state board of psychology; 2042

(2) The names of all licensed psychologists and ~~licensed~~ all 2043  
school psychologists licensed by the state board of psychology who 2044  
have been reprimanded by the board for misconduct, the names of 2045  
all ~~licensed~~ psychologists or school psychologists ~~who have~~ 2046  
~~current licenses but~~ licensed by the state board of psychology 2047  
whose licenses are under an active suspension imposed for 2048  
misconduct, the names of all former licensed psychologists and 2049  
~~licensed~~ school psychologists licensed by the state board of 2050  
psychology whose licenses have been suspended or revoked for 2051  
misconduct, and the reason for each reprimand, suspension, or 2052  
revocation; 2053

(3) Written findings made under division (B) of section 2054  
~~4732.172~~ 4732.171 of the Revised Code. 2055

(B) Division (A)(2) of this section does not apply to a 2056  
suspension of the license of a psychologist or school psychologist 2057  
that is an automatic suspension imposed under section 4732.14 of 2058  
the Revised Code. 2059

**Sec. 4732.32.** The state board of psychology shall adopt rules 2060  
governing the use of telepsychology for the purpose of protecting 2061  
the welfare of recipients of telepsychology services and 2062  
establishing requirements for the responsible use of 2063  
telepsychology in the practice of psychology and school 2064  
psychology, including supervision of persons registered with the 2065  
state board of psychology as described in division (B) of section 2066  
4732.22 of the Revised Code. 2067

**Sec. 4755.13.** ~~(A)~~ Nothing in sections 4755.04 to 4755.13 of 2068  
the Revised Code shall be construed to prevent or restrict the 2069  
practice, services, or activities of the following: 2070

~~(1)~~(A) Any person who does not claim to the public by any 2071

title, initials, or description of services as being engaged in 2072  
the practice of occupational therapy, who is: 2073

~~(a)(1)~~ A physician licensed under Chapter 4731. of the 2074  
Revised Code, or anyone employed or supervised by a licensed 2075  
physician in the delivery of treatment or services; 2076

~~(b)(2)~~ A person licensed, certified, or registered under 2077  
sections 4755.40 to 4755.56 of the Revised Code or under any other 2078  
chapter of the Revised Code who is practicing within the standards 2079  
and ethics of practice that represent appropriate extensions of 2080  
the person's profession; 2081

~~(e)(3)~~ A qualified member of any other profession who is 2082  
practicing within the standards and ethics of the member's 2083  
profession. 2084

~~(2)(B)~~ Any person employed as an occupational therapist or 2085  
occupational therapy assistant by the government of the United 2086  
States, if the person provides occupational therapy solely under 2087  
the direction or control of the organization by which the person 2088  
is employed; 2089

~~(3)(C)~~ Any person pursuing a course of study leading to a 2090  
degree or certificate in occupational therapy in an accredited or 2091  
approved educational program if the activities and services 2092  
constitute a part of a supervised course of study, if the person 2093  
is designated by a title that clearly indicates the person's 2094  
status as a student or trainee; 2095

~~(4)(D)~~ Any person fulfilling the supervised field work 2096  
experience requirements of section 4755.07 of the Revised Code, if 2097  
the activities and services constitute a part of the experience 2098  
necessary to meet those requirements. 2099

~~(B) Nothing in sections 4755.04 to 4755.13 of the Revised 2100  
Code authorizes any person to use psychological procedures defined 2101  
by the state board of psychology under division (C) of section 2102~~

~~4732.23 of the Revised Code as a serious hazard to mental health 2103  
and to require professional expertise in psychology. 2104~~

**Sec. 4757.42.** Except as otherwise expressly provided in this 2105  
chapter, nothing in this chapter shall be construed as authorizing 2106  
any person to engage in the practice of psychology as defined in 2107  
division (B) of section 4732.01 of the Revised Code. ~~This section 2108  
shall not be construed as contravening section 4732.23 of the 2109  
Revised Code. 2110~~

**Sec. 5120.55.** (A) As used in this section, "licensed health 2111  
professional" means any or all of the following: 2112

(1) A dentist who holds a current, valid license issued under 2113  
Chapter 4715. of the Revised Code to practice dentistry; 2114

(2) A licensed practical nurse who holds a current, valid 2115  
license issued under Chapter 4723. of the Revised Code that 2116  
authorizes the practice of nursing as a licensed practical nurse; 2117

(3) An optometrist who holds a current, valid certificate of 2118  
licensure issued under Chapter 4725. of the Revised Code that 2119  
authorizes the holder to engage in the practice of optometry; 2120

(4) A physician who is authorized under Chapter 4731. of the 2121  
Revised Code to practice medicine and surgery, osteopathic 2122  
medicine and surgery, or podiatry; 2123

(5) A psychologist who holds a current, valid license issued 2124  
under Chapter 4732. of the Revised Code that authorizes the 2125  
practice of psychology as a licensed psychologist; 2126

(6) A registered nurse who holds a current, valid license 2127  
issued under Chapter 4723. of the Revised Code that authorizes the 2128  
practice of nursing as a registered nurse regardless of whether 2129  
the nurse is authorized to practice as an advanced practice nurse 2130  
as defined in section 4723.01 of the Revised Code. 2131

(B)(1) The department of rehabilitation and correction may 2132  
establish a recruitment program under which the department, by 2133  
means of a contract entered into under division (C) of this 2134  
section, agrees to repay all or part of the principal and interest 2135  
of a government or other educational loan incurred by a licensed 2136  
health professional who agrees to provide services to inmates of 2137  
correctional institutions under the department's administration. 2138

(2)(a) For a physician to be eligible to participate in the 2139  
program, the physician must have attended a school that was, 2140  
during the time of attendance, a medical school or osteopathic 2141  
medical school in this country accredited by the liaison committee 2142  
on medical education or the American osteopathic association, a 2143  
college of podiatry in this country recognized as being in good 2144  
standing under section 4731.53 of the Revised Code, or a medical 2145  
school, osteopathic medical school, or college of podiatry located 2146  
outside this country that was acknowledged by the world health 2147  
organization and verified by a member state of that organization 2148  
as operating within that state's jurisdiction. 2149

(b) For a nurse to be eligible to participate in the program, 2150  
the nurse must have attended a school that was, during the time of 2151  
attendance, a nursing school in this country accredited by the 2152  
commission on collegiate nursing education or the national league 2153  
for nursing accrediting commission or a nursing school located 2154  
outside this country that was acknowledged by the world health 2155  
organization and verified by a member state of that organization 2156  
as operating within that state's jurisdiction. 2157

(c) For a dentist to be eligible to participate in the 2158  
program, the dentist must have attended a school that was, during 2159  
the time of attendance, a dental college that enabled the dentist 2160  
to meet the requirements specified in section 4715.10 of the 2161  
Revised Code to be granted a license to practice dentistry. 2162

(d) For an optometrist to be eligible to participate in the 2163

program, the optometrist must have attended a school of optometry 2164  
that was, during the time of attendance, approved by the state 2165  
board of optometry. 2166

(e) For a psychologist to be eligible to participate in the 2167  
program, the psychologist must have attended an educational 2168  
institution that, during the time of attendance, maintained a 2169  
specific degree program recognized by the state board of 2170  
psychology as acceptable for fulfilling the requirement of 2171  
division (B)~~(4)~~(3) of section 4732.10 of the Revised Code. 2172

(C) The department shall enter into a contract with each 2173  
licensed health professional it recruits under this section. Each 2174  
contract shall include at least the following terms: 2175

(1) The licensed health professional agrees to provide a 2176  
specified scope of medical, osteopathic medical, podiatric, 2177  
optometric, psychological, nursing, or dental services to inmates 2178  
of one or more specified state correctional institutions for a 2179  
specified number of hours per week for a specified number of 2180  
years. 2181

(2) The department agrees to repay all or a specified portion 2182  
of the principal and interest of a government or other educational 2183  
loan taken by the licensed health professional for the following 2184  
expenses to attend, for up to a maximum of four years, a school 2185  
that qualifies the licensed health professional to participate in 2186  
the program: 2187

(a) Tuition; 2188

(b) Other educational expenses for specific purposes, 2189  
including fees, books, and laboratory expenses, in amounts 2190  
determined to be reasonable in accordance with rules adopted under 2191  
division (D) of this section; 2192

(c) Room and board, in an amount determined to be reasonable 2193  
in accordance with rules adopted under division (D) of this 2194

section. 2195

(3) The licensed health professional agrees to pay the 2196  
department a specified amount, which shall be no less than the 2197  
amount already paid by the department pursuant to its agreement, 2198  
as damages if the licensed health professional fails to complete 2199  
the service obligation agreed to or fails to comply with other 2200  
specified terms of the contract. The contract may vary the amount 2201  
of damages based on the portion of the service obligation that 2202  
remains uncompleted. 2203

(4) Other terms agreed upon by the parties. 2204

The licensed health professional's lending institution or the 2205  
Ohio board of regents, may be a party to the contract. The 2206  
contract may include an assignment to the department of the 2207  
licensed health professional's duty to repay the principal and 2208  
interest of the loan. 2209

(D) If the department elects to implement the recruitment 2210  
program, it shall adopt rules in accordance with Chapter 119. of 2211  
the Revised Code that establish all of the following: 2212

(1) Criteria for designating institutions for which licensed 2213  
health professionals will be recruited; 2214

(2) Criteria for selecting licensed health professionals for 2215  
participation in the program; 2216

(3) Criteria for determining the portion of a loan which the 2217  
department will agree to repay; 2218

(4) Criteria for determining reasonable amounts of the 2219  
expenses described in divisions (C)(2)(b) and (c) of this section; 2220

(5) Procedures for monitoring compliance by a licensed health 2221  
professional with the terms of the contract the licensed health 2222  
professional enters into under this section; 2223

(6) Any other criteria or procedures necessary to implement 2224



the program. 2225

**Sec. 5122.01.** As used in this chapter and Chapter 5119. of 2226  
the Revised Code: 2227

(A) "Mental illness" means a substantial disorder of thought, 2228  
mood, perception, orientation, or memory that grossly impairs 2229  
judgment, behavior, capacity to recognize reality, or ability to 2230  
meet the ordinary demands of life. 2231

(B) "Mentally ill person subject to hospitalization by court 2232  
order" means a mentally ill person who, because of the person's 2233  
illness: 2234

(1) Represents a substantial risk of physical harm to self as 2235  
manifested by evidence of threats of, or attempts at, suicide or 2236  
serious self-inflicted bodily harm; 2237

(2) Represents a substantial risk of physical harm to others 2238  
as manifested by evidence of recent homicidal or other violent 2239  
behavior, evidence of recent threats that place another in 2240  
reasonable fear of violent behavior and serious physical harm, or 2241  
other evidence of present dangerousness; 2242

(3) Represents a substantial and immediate risk of serious 2243  
physical impairment or injury to self as manifested by evidence 2244  
that the person is unable to provide for and is not providing for 2245  
the person's basic physical needs because of the person's mental 2246  
illness and that appropriate provision for those needs cannot be 2247  
made immediately available in the community; or 2248

(4) Would benefit from treatment in a hospital for the 2249  
person's mental illness and is in need of such treatment as 2250  
manifested by evidence of behavior that creates a grave and 2251  
imminent risk to substantial rights of others or the person. 2252

(C)(1) "Patient" means, subject to division (C)(2) of this 2253  
section, a person who is admitted either voluntarily or 2254

involuntarily to a hospital or other place under section 2945.39, 2255  
2945.40, 2945.401, or 2945.402 of the Revised Code subsequent to a 2256  
finding of not guilty by reason of insanity or incompetence to 2257  
stand trial or under this chapter, who is under observation or 2258  
receiving treatment in such place. 2259

(2) "Patient" does not include a person admitted to a 2260  
hospital or other place under section 2945.39, 2945.40, 2945.401, 2261  
or 2945.402 of the Revised Code to the extent that the reference 2262  
in this chapter to patient, or the context in which the reference 2263  
occurs, is in conflict with any provision of sections 2945.37 to 2264  
2945.402 of the Revised Code. 2265

(D) "Licensed physician" means a person licensed under the 2266  
laws of this state to practice medicine or a medical officer of 2267  
the government of the United States while in this state in the 2268  
performance of the person's official duties. 2269

(E) "Psychiatrist" means a licensed physician who has 2270  
satisfactorily completed a residency training program in 2271  
psychiatry, as approved by the residency review committee of the 2272  
American medical association, the committee on post-graduate 2273  
education of the American osteopathic association, or the American 2274  
osteopathic board of neurology and psychiatry, or who on July 1, 2275  
1989, has been recognized as a psychiatrist by the Ohio state 2276  
medical association or the Ohio osteopathic association on the 2277  
basis of formal training and five or more years of medical 2278  
practice limited to psychiatry. 2279

(F) "Hospital" means a hospital or inpatient unit licensed by 2280  
the department of mental health under section 5119.20 of the 2281  
Revised Code, and any institution, hospital, or other place 2282  
established, controlled, or supervised by the department under 2283  
Chapter 5119. of the Revised Code. 2284

(G) "Public hospital" means a facility that is tax-supported 2285

and under the jurisdiction of the department of mental health. 2286

(H) "Community mental health agency" means an agency that 2287  
provides community mental health services that are certified by 2288  
the director of mental health under section 5119.611 of the 2289  
Revised Code. 2290

(I) "Licensed clinical psychologist" means a person who holds 2291  
a current valid psychologist license issued under section 4732.12 2292  
~~or 4732.15~~ of the Revised Code, and in addition, meets ~~either of~~ 2293  
~~the following criteria:~~ 2294

~~(1) Meets~~ the educational requirements set forth in division 2295  
(B) of section 4732.10 of the Revised Code and has a minimum of 2296  
two years' full-time professional experience, or the equivalent as 2297  
determined by rule of the state board of psychology, at least one 2298  
year of which shall be a predoctoral internship, in clinical 2299  
psychological work in a public or private hospital or clinic or in 2300  
private practice, diagnosing and treating problems of mental 2301  
illness or mental retardation under the supervision of a 2302  
psychologist who is licensed or who holds a diploma issued by the 2303  
American board of professional psychology, or whose qualifications 2304  
are substantially similar to those required for licensure by the 2305  
state board of psychology when the supervision has occurred prior 2306  
to enactment of laws governing the practice of psychology; 2307

~~(2) Meets the educational requirements set forth in division 2308  
(B) of section 4732.15 of the Revised Code and has a minimum of 2309  
four years' full-time professional experience, or the equivalent 2310  
as determined by rule of the state board of psychology, in 2311  
clinical psychological work in a public or private hospital or 2312  
clinic or in private practice, diagnosing and treating problems of 2313  
mental illness or mental retardation under supervision, as set 2314  
forth in division (I)(1) of this section. 2315~~

(J) "Health officer" means any public health physician; 2316

public health nurse; or other person authorized by or designated 2317  
by a city health district; a general health district; or a board 2318  
of alcohol, drug addiction, and mental health services to perform 2319  
the duties of a health officer under this chapter. 2320

(K) "Chief clinical officer" means the medical director of a 2321  
hospital, or a community mental health agency, or a board of 2322  
alcohol, drug addiction, and mental health services, or, if there 2323  
is no medical director, the licensed physician responsible for the 2324  
treatment a hospital or community mental health agency provides. 2325  
The chief clinical officer may delegate to the attending physician 2326  
responsible for a patient's care the duties imposed on the chief 2327  
clinical officer by this chapter. Within a community mental health 2328  
agency, the chief clinical officer shall be designated by the 2329  
governing body of the agency and shall be a licensed physician or 2330  
licensed clinical psychologist who supervises diagnostic and 2331  
treatment services. A licensed physician or licensed clinical 2332  
psychologist designated by the chief clinical officer may perform 2333  
the duties and accept the responsibilities of the chief clinical 2334  
officer in the chief clinical officer's absence. 2335

(L) "Working day" or "court day" means Monday, Tuesday, 2336  
Wednesday, Thursday, and Friday, except when such day is a 2337  
holiday. 2338

(M) "Indigent" means unable without deprivation of 2339  
satisfaction of basic needs to provide for the payment of an 2340  
attorney and other necessary expenses of legal representation, 2341  
including expert testimony. 2342

(N) "Respondent" means the person whose detention, 2343  
commitment, hospitalization, continued hospitalization or 2344  
commitment, or discharge is being sought in any proceeding under 2345  
this chapter. 2346

(O) "Legal rights service" means the service established 2347

under section 5123.60 of the Revised Code. 2348

(P) "Independent expert evaluation" means an evaluation 2349  
conducted by a licensed clinical psychologist, psychiatrist, or 2350  
licensed physician who has been selected by the respondent or the 2351  
respondent's counsel and who consents to conducting the 2352  
evaluation. 2353

(Q) "Court" means the probate division of the court of common 2354  
pleas. 2355

(R) "Expunge" means: 2356

(1) The removal and destruction of court files and records, 2357  
originals and copies, and the deletion of all index references; 2358

(2) The reporting to the person of the nature and extent of 2359  
any information about the person transmitted to any other person 2360  
by the court; 2361

(3) Otherwise insuring that any examination of court files 2362  
and records in question shall show no record whatever with respect 2363  
to the person; 2364

(4) That all rights and privileges are restored, and that the 2365  
person, the court, and any other person may properly reply that no 2366  
such record exists, as to any matter expunged. 2367

(S) "Residence" means a person's physical presence in a 2368  
county with intent to remain there, except that: 2369

(1) If a person is receiving a mental health service at a 2370  
facility that includes nighttime sleeping accommodations, 2371  
residence means that county in which the person maintained the 2372  
person's primary place of residence at the time the person entered 2373  
the facility; 2374

(2) If a person is committed pursuant to section 2945.38, 2375  
2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code, 2376  
residence means the county where the criminal charges were filed. 2377

When the residence of a person is disputed, the matter of 2378  
residence shall be referred to the department of mental health for 2379  
investigation and determination. Residence shall not be a basis 2380  
for a board's denying services to any person present in the 2381  
board's service district, and the board shall provide services for 2382  
a person whose residence is in dispute while residence is being 2383  
determined and for a person in an emergency situation. 2384

(T) "Admission" to a hospital or other place means that a 2385  
patient is accepted for and stays at least one night at the 2386  
hospital or other place. 2387

(U) "Prosecutor" means the prosecuting attorney, village 2388  
solicitor, city director of law, or similar chief legal officer 2389  
who prosecuted a criminal case in which a person was found not 2390  
guilty by reason of insanity, who would have had the authority to 2391  
prosecute a criminal case against a person if the person had not 2392  
been found incompetent to stand trial, or who prosecuted a case in 2393  
which a person was found guilty. 2394

(V) "Treatment plan" means a written statement of reasonable 2395  
objectives and goals for an individual established by the 2396  
treatment team, with specific criteria to evaluate progress 2397  
towards achieving those objectives. The active participation of 2398  
the patient in establishing the objectives and goals shall be 2399  
documented. The treatment plan shall be based on patient needs and 2400  
include services to be provided to the patient while the patient 2401  
is hospitalized and after the patient is discharged. The treatment 2402  
plan shall address services to be provided upon discharge, 2403  
including but not limited to housing, financial, and vocational 2404  
services. 2405

(W) "Community control sanction" has the same meaning as in 2406  
section 2929.01 of the Revised Code. 2407

(X) "Post-release control sanction" has the same meaning as 2408

in section 2967.01 of the Revised Code. 2409

**Section 2.** That existing sections 102.02, 102.022, 102.03, 2410  
2152.54, 2919.271, 2945.37, 4732.01, 4732.02, 4732.03, 4732.05, 2411  
4732.06, 4732.07, 4732.09, 4732.10, 4732.11, 4732.12, 4732.13, 2412  
4732.14, 4732.141, 4732.16, 4732.17, 4732.172, 4732.173, 4732.18, 2413  
4732.21, 4732.22, 4732.31, 4755.13, 4757.42, 5120.55, and 5122.01 2414  
and sections 4732.15, 4732.171, and 4732.23 of the Revised Code 2415  
are hereby repealed. 2416

**Section 3.** That the version of section 5122.01 of the Revised 2417  
Code that is scheduled to take effect on October 1, 2012, be 2418  
amended to read as follows: 2419

**Sec. 5122.01.** As used in this chapter and Chapter 5119. of 2420  
the Revised Code: 2421

(A) "Mental illness" means a substantial disorder of thought, 2422  
mood, perception, orientation, or memory that grossly impairs 2423  
judgment, behavior, capacity to recognize reality, or ability to 2424  
meet the ordinary demands of life. 2425

(B) "Mentally ill person subject to hospitalization by court 2426  
order" means a mentally ill person who, because of the person's 2427  
illness: 2428

(1) Represents a substantial risk of physical harm to self as 2429  
manifested by evidence of threats of, or attempts at, suicide or 2430  
serious self-inflicted bodily harm; 2431

(2) Represents a substantial risk of physical harm to others 2432  
as manifested by evidence of recent homicidal or other violent 2433  
behavior, evidence of recent threats that place another in 2434  
reasonable fear of violent behavior and serious physical harm, or 2435  
other evidence of present dangerousness; 2436

(3) Represents a substantial and immediate risk of serious 2437

physical impairment or injury to self as manifested by evidence 2438  
that the person is unable to provide for and is not providing for 2439  
the person's basic physical needs because of the person's mental 2440  
illness and that appropriate provision for those needs cannot be 2441  
made immediately available in the community; or 2442

(4) Would benefit from treatment in a hospital for the 2443  
person's mental illness and is in need of such treatment as 2444  
manifested by evidence of behavior that creates a grave and 2445  
imminent risk to substantial rights of others or the person. 2446

(C)(1) "Patient" means, subject to division (C)(2) of this 2447  
section, a person who is admitted either voluntarily or 2448  
involuntarily to a hospital or other place under section 2945.39, 2449  
2945.40, 2945.401, or 2945.402 of the Revised Code subsequent to a 2450  
finding of not guilty by reason of insanity or incompetence to 2451  
stand trial or under this chapter, who is under observation or 2452  
receiving treatment in such place. 2453

(2) "Patient" does not include a person admitted to a 2454  
hospital or other place under section 2945.39, 2945.40, 2945.401, 2455  
or 2945.402 of the Revised Code to the extent that the reference 2456  
in this chapter to patient, or the context in which the reference 2457  
occurs, is in conflict with any provision of sections 2945.37 to 2458  
2945.402 of the Revised Code. 2459

(D) "Licensed physician" means a person licensed under the 2460  
laws of this state to practice medicine or a medical officer of 2461  
the government of the United States while in this state in the 2462  
performance of the person's official duties. 2463

(E) "Psychiatrist" means a licensed physician who has 2464  
satisfactorily completed a residency training program in 2465  
psychiatry, as approved by the residency review committee of the 2466  
American medical association, the committee on post-graduate 2467  
education of the American osteopathic association, or the American 2468



osteopathic board of neurology and psychiatry, or who on July 1, 2469  
1989, has been recognized as a psychiatrist by the Ohio state 2470  
medical association or the Ohio osteopathic association on the 2471  
basis of formal training and five or more years of medical 2472  
practice limited to psychiatry. 2473

(F) "Hospital" means a hospital or inpatient unit licensed by 2474  
the department of mental health under section 5119.20 of the 2475  
Revised Code, and any institution, hospital, or other place 2476  
established, controlled, or supervised by the department under 2477  
Chapter 5119. of the Revised Code. 2478

(G) "Public hospital" means a facility that is tax-supported 2479  
and under the jurisdiction of the department of mental health. 2480

(H) "Community mental health agency" means an agency that 2481  
provides community mental health services that are certified by 2482  
the director of mental health under section 5119.611 of the 2483  
Revised Code. 2484

(I) "Licensed clinical psychologist" means a person who holds 2485  
a current valid psychologist license issued under section 4732.12 2486  
~~or 4732.15~~ of the Revised Code, and in addition, ~~meets either of~~ 2487  
~~the following criteria:~~ 2488

~~(1) Meets~~ the educational requirements set forth in division 2489  
(B) of section 4732.10 of the Revised Code and has a minimum of 2490  
two years' full-time professional experience, or the equivalent as 2491  
determined by rule of the state board of psychology, at least one 2492  
year of which shall be a predoctoral internship, in clinical 2493  
psychological work in a public or private hospital or clinic or in 2494  
private practice, diagnosing and treating problems of mental 2495  
illness or mental retardation under the supervision of a 2496  
psychologist who is licensed or who holds a diploma issued by the 2497  
American board of professional psychology, or whose qualifications 2498  
are substantially similar to those required for licensure by the 2499

state board of psychology when the supervision has occurred prior 2500  
to enactment of laws governing the practice of psychology+ 2501

~~(2) Meets the educational requirements set forth in division 2502  
(B) of section 4732.15 of the Revised Code and has a minimum of 2503  
four years' full time professional experience, or the equivalent 2504  
as determined by rule of the state board of psychology, in 2505  
clinical psychological work in a public or private hospital or 2506  
clinic or in private practice, diagnosing and treating problems of 2507  
mental illness or mental retardation under supervision, as set 2508  
forth in division (I)(1) of this section. 2509~~

(J) "Health officer" means any public health physician; 2510  
public health nurse; or other person authorized by or designated 2511  
by a city health district; a general health district; or a board 2512  
of alcohol, drug addiction, and mental health services to perform 2513  
the duties of a health officer under this chapter. 2514

(K) "Chief clinical officer" means the medical director of a 2515  
hospital, or a community mental health agency, or a board of 2516  
alcohol, drug addiction, and mental health services, or, if there 2517  
is no medical director, the licensed physician responsible for the 2518  
treatment a hospital or community mental health agency provides. 2519  
The chief clinical officer may delegate to the attending physician 2520  
responsible for a patient's care the duties imposed on the chief 2521  
clinical officer by this chapter. Within a community mental health 2522  
agency, the chief clinical officer shall be designated by the 2523  
governing body of the agency and shall be a licensed physician or 2524  
licensed clinical psychologist who supervises diagnostic and 2525  
treatment services. A licensed physician or licensed clinical 2526  
psychologist designated by the chief clinical officer may perform 2527  
the duties and accept the responsibilities of the chief clinical 2528  
officer in the chief clinical officer's absence. 2529

(L) "Working day" or "court day" means Monday, Tuesday, 2530  
Wednesday, Thursday, and Friday, except when such day is a 2531

holiday.	2532
(M) "Indigent" means unable without deprivation of satisfaction of basic needs to provide for the payment of an attorney and other necessary expenses of legal representation, including expert testimony.	2533 2534 2535 2536
(N) "Respondent" means the person whose detention, commitment, hospitalization, continued hospitalization or commitment, or discharge is being sought in any proceeding under this chapter.	2537 2538 2539 2540
(O) "Ohio protection and advocacy system" has the same meaning as in section 5123.60 of the Revised Code.	2541 2542
(P) "Independent expert evaluation" means an evaluation conducted by a licensed clinical psychologist, psychiatrist, or licensed physician who has been selected by the respondent or the respondent's counsel and who consents to conducting the evaluation.	2543 2544 2545 2546 2547
(Q) "Court" means the probate division of the court of common pleas.	2548 2549
(R) "Expunge" means:	2550
(1) The removal and destruction of court files and records, originals and copies, and the deletion of all index references;	2551 2552
(2) The reporting to the person of the nature and extent of any information about the person transmitted to any other person by the court;	2553 2554 2555
(3) Otherwise insuring that any examination of court files and records in question shall show no record whatever with respect to the person;	2556 2557 2558
(4) That all rights and privileges are restored, and that the person, the court, and any other person may properly reply that no such record exists, as to any matter expunged.	2559 2560 2561

(S) "Residence" means a person's physical presence in a 2562  
county with intent to remain there, except that: 2563

(1) If a person is receiving a mental health service at a 2564  
facility that includes nighttime sleeping accommodations, 2565  
residence means that county in which the person maintained the 2566  
person's primary place of residence at the time the person entered 2567  
the facility; 2568

(2) If a person is committed pursuant to section 2945.38, 2569  
2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code, 2570  
residence means the county where the criminal charges were filed. 2571

When the residence of a person is disputed, the matter of 2572  
residence shall be referred to the department of mental health for 2573  
investigation and determination. Residence shall not be a basis 2574  
for a board's denying services to any person present in the 2575  
board's service district, and the board shall provide services for 2576  
a person whose residence is in dispute while residence is being 2577  
determined and for a person in an emergency situation. 2578

(T) "Admission" to a hospital or other place means that a 2579  
patient is accepted for and stays at least one night at the 2580  
hospital or other place. 2581

(U) "Prosecutor" means the prosecuting attorney, village 2582  
solicitor, city director of law, or similar chief legal officer 2583  
who prosecuted a criminal case in which a person was found not 2584  
guilty by reason of insanity, who would have had the authority to 2585  
prosecute a criminal case against a person if the person had not 2586  
been found incompetent to stand trial, or who prosecuted a case in 2587  
which a person was found guilty. 2588

(V) "Treatment plan" means a written statement of reasonable 2589  
objectives and goals for an individual established by the 2590  
treatment team, with specific criteria to evaluate progress 2591  
towards achieving those objectives. The active participation of 2592

the patient in establishing the objectives and goals shall be 2593  
documented. The treatment plan shall be based on patient needs and 2594  
include services to be provided to the patient while the patient 2595  
is hospitalized and after the patient is discharged. The treatment 2596  
plan shall address services to be provided upon discharge, 2597  
including but not limited to housing, financial, and vocational 2598  
services. 2599

(W) "Community control sanction" has the same meaning as in 2600  
section 2929.01 of the Revised Code. 2601

(X) "Post-release control sanction" has the same meaning as 2602  
in section 2967.01 of the Revised Code. 2603

**Section 4.** That the version of section 5122.01 of the Revised 2604  
Code that is scheduled to take effect on October 1, 2012, is 2605  
hereby repealed. 2606

**Section 5.** Sections 3 and 4 of this act take effect October 2607  
1, 2012. 2608

**Section 6.** Section 102.02 of the Revised Code is presented in 2609  
this act as a composite of the section as amended by both Am. Sub. 2610  
H.B. 153 and Sub. S.B. 171 of the 129 General Assembly. The 2611  
General Assembly, applying the principle stated in division (B) of 2612  
section 1.52 of the Revised Code that amendments are to be 2613  
harmonized if reasonably capable of simultaneous operation, finds 2614  
that the composite is the resulting version of the section in 2615  
effect prior to the effective date of the section as presented in 2616  
this act. 2617