

**As Reported by the House Health and Aging Committee**

**129th General Assembly**

**Regular Session**

**2011-2012**

**Sub. H. B. No. 496**

**Representatives Hackett, Garland**

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

**Celeste**

**—**

**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  
4732.06, 4732.07, 4732.09, 4732.10, 4732.11, 3  
4732.12, 4732.13, 4732.14, 4732.141, 4732.16, 4  
4732.17, 4732.172, 4732.173, 4732.18, 4732.21, 5  
4732.22, 4732.31, 4755.13, 4757.42, 5120.55, and 6  
5122.01, to amend, for the purpose of adopting new 7  
section numbers as indicated in parentheses, 8  
sections 4732.16 (4732.15), 4732.172 (4732.171), 9  
and 4732.173 (4732.172), to enact new sections 10  
4732.16 and 4732.173 and sections 4732.142, 11  
4732.151, 4732.221, and 4732.32, and to repeal 12  
sections 4732.15, 4732.171, and 4732.23 of the 13  
Revised Code to revise the laws governing the 14  
practice of psychology. 15

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

**Section 1.** That sections 102.02, 102.022, 102.03, 2152.54, 16  
2919.271, 2945.37, 4732.01, 4732.02, 4732.03, 4732.06, 4732.07, 17  
4732.09, 4732.10, 4732.11, 4732.12, 4732.13, 4732.14, 4732.141, 18  
4732.16, 4732.17, 4732.172, 4732.173, 4732.18, 4732.21, 4732.22, 19

4732.31, 4755.13, 4757.42, 5120.55, and 5122.01 be amended; 20  
sections 4732.16 (4732.15), 4732.172 (4732.171), and 4732.173 21  
(4732.172) be amended for the purpose of adopting new section 22  
numbers as indicated in parentheses; and that new sections 4732.16 23  
and 4732.173 and sections 4732.142, 4732.151, 4732.221, and 24  
4732.32 of the Revised Code be enacted to read as follows: 25

**Sec. 102.02.** (A) Except as otherwise provided in division (H) 26  
of this section, all of the following shall file with the 27  
appropriate ethics commission the disclosure statement described 28  
in this division on a form prescribed by the appropriate 29  
commission: every person who is elected to or is a candidate for a 30  
state, county, or city office and every person who is appointed to 31  
fill a vacancy for an unexpired term in such an elective office; 32  
all members of the state board of education; the director, 33  
assistant directors, deputy directors, division chiefs, or persons 34  
of equivalent rank of any administrative department of the state; 35  
the president or other chief administrative officer of every state 36  
institution of higher education as defined in section 3345.011 of 37  
the Revised Code; the executive director and the members of the 38  
capitol square review and advisory board appointed or employed 39  
pursuant to section 105.41 of the Revised Code; all members of the 40  
Ohio casino control commission, the executive director of the 41  
commission, all professional employees of the commission, and all 42  
technical employees of the commission who perform an internal 43  
audit function; the individuals set forth in division (B)(2) of 44  
section 187.03 of the Revised Code; the chief executive officer 45  
and the members of the board of each state retirement system; each 46  
employee of a state retirement board who is a state retirement 47  
system investment officer licensed pursuant to section 1707.163 of 48  
the Revised Code; the members of the Ohio retirement study council 49  
appointed pursuant to division (C) of section 171.01 of the 50

Revised Code; employees of the Ohio retirement study council, 51  
other than employees who perform purely administrative or clerical 52  
functions; the administrator of workers' compensation and each 53  
member of the bureau of workers' compensation board of directors; 54  
the bureau of workers' compensation director of investments; the 55  
chief investment officer of the bureau of workers' compensation; 56  
all members of the board of commissioners on grievances and 57  
discipline of the supreme court and the ethics commission created 58  
under section 102.05 of the Revised Code; every business manager, 59  
treasurer, or superintendent of a city, local, exempted village, 60  
joint vocational, or cooperative education school district or an 61  
educational service center; every person who is elected to or is a 62  
candidate for the office of member of a board of education of a 63  
city, local, exempted village, joint vocational, or cooperative 64  
education school district or of a governing board of an 65  
educational service center that has a total student count of 66  
twelve thousand or more as most recently determined by the 67  
department of education pursuant to section 3317.03 of the Revised 68  
Code; every person who is appointed to the board of education of a 69  
municipal school district pursuant to division (B) or (F) of 70  
section 3311.71 of the Revised Code; all members of the board of 71  
directors of a sanitary district that is established under Chapter 72  
6115. of the Revised Code and organized wholly for the purpose of 73  
providing a water supply for domestic, municipal, and public use, 74  
and that includes two municipal corporations in two counties; 75  
every public official or employee who is paid a salary or wage in 76  
accordance with schedule C of section 124.15 or schedule E-2 of 77  
section 124.152 of the Revised Code; members of the board of 78  
trustees and the executive director of the southern Ohio 79  
agricultural and community development foundation; all members 80  
appointed to the Ohio livestock care standards board under section 81  
904.02 of the Revised Code; and every other public official or 82  
employee who is designated by the appropriate ethics commission 83

pursuant to division (B) of this section. 84

The disclosure statement shall include all of the following: 85

(1) The name of the person filing the statement and each 86  
member of the person's immediate family and all names under which 87  
the person or members of the person's immediate family do 88  
business; 89

(2)(a) Subject to divisions (A)(2)(b) and (c) of this section 90  
and except as otherwise provided in section 102.022 of the Revised 91  
Code, identification of every source of income, other than income 92  
from a legislative agent identified in division (A)(2)(b) of this 93  
section, received during the preceding calendar year, in the 94  
person's own name or by any other person for the person's use or 95  
benefit, by the person filing the statement, and a brief 96  
description of the nature of the services for which the income was 97  
received. If the person filing the statement is a member of the 98  
general assembly, the statement shall identify the amount of every 99  
source of income received in accordance with the following ranges 100  
of amounts: zero or more, but less than one thousand dollars; one 101  
thousand dollars or more, but less than ten thousand dollars; ten 102  
thousand dollars or more, but less than twenty-five thousand 103  
dollars; twenty-five thousand dollars or more, but less than fifty 104  
thousand dollars; fifty thousand dollars or more, but less than 105  
one hundred thousand dollars; and one hundred thousand dollars or 106  
more. Division (A)(2)(a) of this section shall not be construed to 107  
require a person filing the statement who derives income from a 108  
business or profession to disclose the individual items of income 109  
that constitute the gross income of that business or profession, 110  
except for those individual items of income that are attributable 111  
to the person's or, if the income is shared with the person, the 112  
partner's, solicitation of services or goods or performance, 113  
arrangement, or facilitation of services or provision of goods on 114  
behalf of the business or profession of clients, including 115

corporate clients, who are legislative agents. A person who files 116  
the statement under this section shall disclose the identity of 117  
and the amount of income received from a person who the public 118  
official or employee knows or has reason to know is doing or 119  
seeking to do business of any kind with the public official's or 120  
employee's agency. 121

(b) If the person filing the statement is a member of the 122  
general assembly, the statement shall identify every source of 123  
income and the amount of that income that was received from a 124  
legislative agent during the preceding calendar year, in the 125  
person's own name or by any other person for the person's use or 126  
benefit, by the person filing the statement, and a brief 127  
description of the nature of the services for which the income was 128  
received. Division (A)(2)(b) of this section requires the 129  
disclosure of clients of attorneys or persons licensed under 130  
section 4732.12 of the Revised Code, or patients of persons 131  
certified under section 4731.14 of the Revised Code, if those 132  
clients or patients are legislative agents. Division (A)(2)(b) of 133  
this section requires a person filing the statement who derives 134  
income from a business or profession to disclose those individual 135  
items of income that constitute the gross income of that business 136  
or profession that are received from legislative agents. 137

(c) Except as otherwise provided in division (A)(2)(c) of 138  
this section, division (A)(2)(a) of this section applies to 139  
attorneys, physicians, and other persons who engage in the 140  
practice of a profession and who, pursuant to a section of the 141  
Revised Code, the common law of this state, a code of ethics 142  
applicable to the profession, or otherwise, generally are required 143  
not to reveal, disclose, or use confidences of clients, patients, 144  
or other recipients of professional services except under 145  
specified circumstances or generally are required to maintain 146  
those types of confidences as privileged communications except 147

under specified circumstances. Division (A)(2)(a) of this section 148  
does not require an attorney, physician, or other professional 149  
subject to a confidentiality requirement as described in division 150  
(A)(2)(c) of this section to disclose the name, other identity, or 151  
address of a client, patient, or other recipient of professional 152  
services if the disclosure would threaten the client, patient, or 153  
other recipient of professional services, would reveal details of 154  
the subject matter for which legal, medical, or professional 155  
advice or other services were sought, or would reveal an otherwise 156  
privileged communication involving the client, patient, or other 157  
recipient of professional services. Division (A)(2)(a) of this 158  
section does not require an attorney, physician, or other 159  
professional subject to a confidentiality requirement as described 160  
in division (A)(2)(c) of this section to disclose in the brief 161  
description of the nature of services required by division 162  
(A)(2)(a) of this section any information pertaining to specific 163  
professional services rendered for a client, patient, or other 164  
recipient of professional services that would reveal details of 165  
the subject matter for which legal, medical, or professional 166  
advice was sought or would reveal an otherwise privileged 167  
communication involving the client, patient, or other recipient of 168  
professional services. 169

(3) The name of every corporation on file with the secretary 170  
of state that is incorporated in this state or holds a certificate 171  
of compliance authorizing it to do business in this state, trust, 172  
business trust, partnership, or association that transacts 173  
business in this state in which the person filing the statement or 174  
any other person for the person's use and benefit had during the 175  
preceding calendar year an investment of over one thousand dollars 176  
at fair market value as of the thirty-first day of December of the 177  
preceding calendar year, or the date of disposition, whichever is 178  
earlier, or in which the person holds any office or has a 179  
fiduciary relationship, and a description of the nature of the 180

investment, office, or relationship. Division (A)(3) of this 181  
section does not require disclosure of the name of any bank, 182  
savings and loan association, credit union, or building and loan 183  
association with which the person filing the statement has a 184  
deposit or a withdrawable share account. 185

(4) All fee simple and leasehold interests to which the 186  
person filing the statement holds legal title to or a beneficial 187  
interest in real property located within the state, excluding the 188  
person's residence and property used primarily for personal 189  
recreation; 190

(5) The names of all persons residing or transacting business 191  
in the state to whom the person filing the statement owes, in the 192  
person's own name or in the name of any other person, more than 193  
one thousand dollars. Division (A)(5) of this section shall not be 194  
construed to require the disclosure of debts owed by the person 195  
resulting from the ordinary conduct of a business or profession or 196  
debts on the person's residence or real property used primarily 197  
for personal recreation, except that the superintendent of 198  
financial institutions shall disclose the names of all 199  
state-chartered savings and loan associations and of all service 200  
corporations subject to regulation under division (E)(2) of 201  
section 1151.34 of the Revised Code to whom the superintendent in 202  
the superintendent's own name or in the name of any other person 203  
owes any money, and that the superintendent and any deputy 204  
superintendent of banks shall disclose the names of all 205  
state-chartered banks and all bank subsidiary corporations subject 206  
to regulation under section 1109.44 of the Revised Code to whom 207  
the superintendent or deputy superintendent owes any money. 208

(6) The names of all persons residing or transacting business 209  
in the state, other than a depository excluded under division 210  
(A)(3) of this section, who owe more than one thousand dollars to 211  
the person filing the statement, either in the person's own name 212

or to any person for the person's use or benefit. Division (A)(6) 213  
of this section shall not be construed to require the disclosure 214  
of clients of attorneys or persons licensed under section 4732.12 215  
~~er 4732.15~~ of the Revised Code, or patients of persons certified 216  
under section 4731.14 of the Revised Code, nor the disclosure of 217  
debts owed to the person resulting from the ordinary conduct of a 218  
business or profession. 219

(7) Except as otherwise provided in section 102.022 of the 220  
Revised Code, the source of each gift of over seventy-five 221  
dollars, or of each gift of over twenty-five dollars received by a 222  
member of the general assembly from a legislative agent, received 223  
by the person in the person's own name or by any other person for 224  
the person's use or benefit during the preceding calendar year, 225  
except gifts received by will or by virtue of section 2105.06 of 226  
the Revised Code, or received from spouses, parents, grandparents, 227  
children, grandchildren, siblings, nephews, nieces, uncles, aunts, 228  
brothers-in-law, sisters-in-law, sons-in-law, daughters-in-law, 229  
fathers-in-law, mothers-in-law, or any person to whom the person 230  
filing the statement stands in loco parentis, or received by way 231  
of distribution from any inter vivos or testamentary trust 232  
established by a spouse or by an ancestor; 233

(8) Except as otherwise provided in section 102.022 of the 234  
Revised Code, identification of the source and amount of every 235  
payment of expenses incurred for travel to destinations inside or 236  
outside this state that is received by the person in the person's 237  
own name or by any other person for the person's use or benefit 238  
and that is incurred in connection with the person's official 239  
duties, except for expenses for travel to meetings or conventions 240  
of a national or state organization to which any state agency, 241  
including, but not limited to, any legislative agency or state 242  
institution of higher education as defined in section 3345.011 of 243  
the Revised Code, pays membership dues, or any political 244



subdivision or any office or agency of a political subdivision 245  
pays membership dues; 246

(9) Except as otherwise provided in section 102.022 of the 247  
Revised Code, identification of the source of payment of expenses 248  
for meals and other food and beverages, other than for meals and 249  
other food and beverages provided at a meeting at which the person 250  
participated in a panel, seminar, or speaking engagement or at a 251  
meeting or convention of a national or state organization to which 252  
any state agency, including, but not limited to, any legislative 253  
agency or state institution of higher education as defined in 254  
section 3345.011 of the Revised Code, pays membership dues, or any 255  
political subdivision or any office or agency of a political 256  
subdivision pays membership dues, that are incurred in connection 257  
with the person's official duties and that exceed one hundred 258  
dollars aggregated per calendar year; 259

(10) If the disclosure statement is filed by a public 260  
official or employee described in division (B)(2) of section 261  
101.73 of the Revised Code or division (B)(2) of section 121.63 of 262  
the Revised Code who receives a statement from a legislative 263  
agent, executive agency lobbyist, or employer that contains the 264  
information described in division (F)(2) of section 101.73 of the 265  
Revised Code or division (G)(2) of section 121.63 of the Revised 266  
Code, all of the nondisputed information contained in the 267  
statement delivered to that public official or employee by the 268  
legislative agent, executive agency lobbyist, or employer under 269  
division (F)(2) of section 101.73 or (G)(2) of section 121.63 of 270  
the Revised Code. 271

A person may file a statement required by this section in 272  
person or by mail. A person who is a candidate for elective office 273  
shall file the statement no later than the thirtieth day before 274  
the primary, special, or general election at which the candidacy 275  
is to be voted on, whichever election occurs soonest, except that 276

a person who is a write-in candidate shall file the statement no 277  
later than the twentieth day before the earliest election at which 278  
the person's candidacy is to be voted on. A person who holds 279  
elective office shall file the statement on or before the 280  
fifteenth day of April of each year unless the person is a 281  
candidate for office. A person who is appointed to fill a vacancy 282  
for an unexpired term in an elective office shall file the 283  
statement within fifteen days after the person qualifies for 284  
office. Other persons shall file an annual statement on or before 285  
the fifteenth day of April or, if appointed or employed after that 286  
date, within ninety days after appointment or employment. No 287  
person shall be required to file with the appropriate ethics 288  
commission more than one statement or pay more than one filing fee 289  
for any one calendar year. 290

The appropriate ethics commission, for good cause, may extend 291  
for a reasonable time the deadline for filing a statement under 292  
this section. 293

A statement filed under this section is subject to public 294  
inspection at locations designated by the appropriate ethics 295  
commission except as otherwise provided in this section. 296

(B) The Ohio ethics commission, the joint legislative ethics 297  
committee, and the board of commissioners on grievances and 298  
discipline of the supreme court, using the rule-making procedures 299  
of Chapter 119. of the Revised Code, may require any class of 300  
public officials or employees under its jurisdiction and not 301  
specifically excluded by this section whose positions involve a 302  
substantial and material exercise of administrative discretion in 303  
the formulation of public policy, expenditure of public funds, 304  
enforcement of laws and rules of the state or a county or city, or 305  
the execution of other public trusts, to file an annual statement 306  
on or before the fifteenth day of April under division (A) of this 307  
section. The appropriate ethics commission shall send the public 308

officials or employees written notice of the requirement by the 309  
fifteenth day of February of each year the filing is required 310  
unless the public official or employee is appointed after that 311  
date, in which case the notice shall be sent within thirty days 312  
after appointment, and the filing shall be made not later than 313  
ninety days after appointment. 314

Except for disclosure statements filed by members of the 315  
board of trustees and the executive director of the southern Ohio 316  
agricultural and community development foundation, disclosure 317  
statements filed under this division with the Ohio ethics 318  
commission by members of boards, commissions, or bureaus of the 319  
state for which no compensation is received other than reasonable 320  
and necessary expenses shall be kept confidential. Disclosure 321  
statements filed with the Ohio ethics commission under division 322  
(A) of this section by business managers, treasurers, and 323  
superintendents of city, local, exempted village, joint 324  
vocational, or cooperative education school districts or 325  
educational service centers shall be kept confidential, except 326  
that any person conducting an audit of any such school district or 327  
educational service center pursuant to section 115.56 or Chapter 328  
117. of the Revised Code may examine the disclosure statement of 329  
any business manager, treasurer, or superintendent of that school 330  
district or educational service center. Disclosure statements 331  
filed with the Ohio ethics commission under division (A) of this 332  
section by the individuals set forth in division (B)(2) of section 333  
187.03 of the Revised Code shall be kept confidential. The Ohio 334  
ethics commission shall examine each disclosure statement required 335  
to be kept confidential to determine whether a potential conflict 336  
of interest exists for the person who filed the disclosure 337  
statement. A potential conflict of interest exists if the private 338  
interests of the person, as indicated by the person's disclosure 339  
statement, might interfere with the public interests the person is 340  
required to serve in the exercise of the person's authority and 341

duties in the person's office or position of employment. If the 342  
commission determines that a potential conflict of interest 343  
exists, it shall notify the person who filed the disclosure 344  
statement and shall make the portions of the disclosure statement 345  
that indicate a potential conflict of interest subject to public 346  
inspection in the same manner as is provided for other disclosure 347  
statements. Any portion of the disclosure statement that the 348  
commission determines does not indicate a potential conflict of 349  
interest shall be kept confidential by the commission and shall 350  
not be made subject to public inspection, except as is necessary 351  
for the enforcement of Chapters 102. and 2921. of the Revised Code 352  
and except as otherwise provided in this division. 353

(C) No person shall knowingly fail to file, on or before the 354  
applicable filing deadline established under this section, a 355  
statement that is required by this section. 356

(D) No person shall knowingly file a false statement that is 357  
required to be filed under this section. 358

(E)(1) Except as provided in divisions (E)(2) and (3) of this 359  
section, the statement required by division (A) or (B) of this 360  
section shall be accompanied by a filing fee of sixty dollars. 361

(2) The statement required by division (A) of this section 362  
shall be accompanied by the following filing fee to be paid by the 363  
person who is elected or appointed to, or is a candidate for, any 364  
of the following offices: 365

For state office, except member of the		366
state board of education	\$95	367
For office of member of general assembly	\$40	368
For county office	\$60	369
For city office	\$35	370
For office of member of the state board		371
of education	\$35	372

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For office of member of a city, local,	375
exempted village, or cooperative	376
education board of	377
education or educational service	378
center governing board	\$30 379
For position of business manager,	380
treasurer, or superintendent of a	381
city, local, exempted village, joint	382
vocational, or cooperative education	383
school district or	384
educational service center	\$30 385
(3) No judge of a court of record or candidate for judge of a	386
court of record, and no referee or magistrate serving a court of	387
record, shall be required to pay the fee required under division	388
(E)(1) or (2) or (F) of this section.	389
(4) For any public official who is appointed to a nonelective	390
office of the state and for any employee who holds a nonelective	391
position in a public agency of the state, the state agency that is	392
the primary employer of the state official or employee shall pay	393
the fee required under division (E)(1) or (F) of this section.	394
(F) If a statement required to be filed under this section is	395
not filed by the date on which it is required to be filed, the	396
appropriate ethics commission shall assess the person required to	397
file the statement a late filing fee of ten dollars for each day	398
the statement is not filed, except that the total amount of the	399
late filing fee shall not exceed two hundred fifty dollars.	400
(G)(1) The appropriate ethics commission other than the Ohio	401
ethics commission and the joint legislative ethics committee shall	402
deposit all fees it receives under divisions (E) and (F) of this	403
section into the general revenue fund of the state.	404

(2) The Ohio ethics commission shall deposit all receipts, 405  
including, but not limited to, fees it receives under divisions 406  
(E) and (F) of this section, investigative or other fees, costs, 407  
or other funds it receives as a result of court orders, and all 408  
moneys it receives from settlements under division (G) of section 409  
102.06 of the Revised Code, into the Ohio ethics commission fund, 410  
which is hereby created in the state treasury. All moneys credited 411  
to the fund shall be used solely for expenses related to the 412  
operation and statutory functions of the commission. 413

(3) The joint legislative ethics committee shall deposit all 414  
receipts it receives from the payment of financial disclosure 415  
statement filing fees under divisions (E) and (F) of this section 416  
into the joint legislative ethics committee investigative fund. 417

(H) Division (A) of this section does not apply to a person 418  
elected or appointed to the office of precinct, ward, or district 419  
committee member under Chapter 3517. of the Revised Code; a 420  
presidential elector; a delegate to a national convention; village 421  
or township officials and employees; any physician or psychiatrist 422  
who is paid a salary or wage in accordance with schedule C of 423  
section 124.15 or schedule E-2 of section 124.152 of the Revised 424  
Code and whose primary duties do not require the exercise of 425  
administrative discretion; or any member of a board, commission, 426  
or bureau of any county or city who receives less than one 427  
thousand dollars per year for serving in that position. 428

**Sec. 102.022.** Each person who is an officer or employee of a 429  
political subdivision, who receives compensation of less than 430  
sixteen thousand dollars a year for holding an office or position 431  
of employment with that political subdivision, and who is required 432  
to file a statement under section 102.02 of the Revised Code; each 433  
member of the board of trustees of a state institution of higher 434  
education as defined in section 3345.011 of the Revised Code who 435

is required to file a statement under section 102.02 of the Revised Code; and each individual set forth in division (B)(2) of section 187.03 of the Revised Code who is required to file a statement under section 102.02 of the Revised Code, shall include in that statement, in place of the information required by divisions (A)(2), (7), (8), and (9) of that section, the following information:

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

(B) The source of each gift of over five hundred dollars received by the person in the officer's or employee's own name or by any other person for the officer's or employee's use or benefit during the preceding calendar year, except gifts received by will or by virtue of section 2105.06 of the Revised Code, received from parents, grandparents, children, grandchildren, siblings, nephews, nieces, uncles, aunts, brothers-in-law, sisters-in-law, sons-in-law, daughters-in-law, fathers-in-law, mothers-in-law, or any person to whom the person filing the statement stands in loco parentis, or received by way of distribution from any inter vivos or testamentary trust established by a spouse or by an ancestor.

Sec. 102.03. (A)(1) No present or former public official or 468  
employee shall, during public employment or service or for twelve 469  
months thereafter, represent a client or act in a representative 470  
capacity for any person on any matter in which the public official 471  
or employee personally participated as a public official or 472  
employee through decision, approval, disapproval, recommendation, 473  
the rendering of advice, investigation, or other substantial 474  
exercise of administrative discretion. 475

(2) For twenty-four months after the conclusion of service, 476  
no former commissioner or attorney examiner of the public 477  
utilities commission shall represent a public utility, as defined 478  
in section 4905.02 of the Revised Code, or act in a representative 479  
capacity on behalf of such a utility before any state board, 480  
commission, or agency. 481

(3) For twenty-four months after the conclusion of employment 482  
or service, no former public official or employee who personally 483  
participated as a public official or employee through decision, 484  
approval, disapproval, recommendation, the rendering of advice, 485  
the development or adoption of solid waste management plans, 486  
investigation, inspection, or other substantial exercise of 487  
administrative discretion under Chapter 343. or 3734. of the 488  
Revised Code shall represent a person who is the owner or operator 489  
of a facility, as defined in section 3734.01 of the Revised Code, 490  
or who is an applicant for a permit or license for a facility 491  
under that chapter, on any matter in which the public official or 492  
employee personally participated as a public official or employee. 493

(4) For a period of one year after the conclusion of 494  
employment or service as a member or employee of the general 495  
assembly, no former member or employee of the general assembly 496  
shall represent, or act in a representative capacity for, any 497  
person on any matter before the general assembly, any committee of 498



the general assembly, or the controlling board. Division (A)(4) of 499  
this section does not apply to or affect a person who separates 500  
from service with the general assembly on or before December 31, 501  
1995. As used in division (A)(4) of this section "person" does not 502  
include any state agency or political subdivision of the state. 503

(5) As used in divisions (A)(1), (2), and (3) of this 504  
section, "matter" includes any case, proceeding, application, 505  
determination, issue, or question, but does not include the 506  
proposal, consideration, or enactment of statutes, rules, 507  
ordinances, resolutions, or charter or constitutional amendments. 508  
As used in division (A)(4) of this section, "matter" includes the 509  
proposal, consideration, or enactment of statutes, resolutions, or 510  
constitutional amendments. As used in division (A) of this 511  
section, "represent" includes any formal or informal appearance 512  
before, or any written or oral communication with, any public 513  
agency on behalf of any person. 514

(6) Nothing contained in division (A) of this section shall 515  
prohibit, during such period, a former public official or employee 516  
from being retained or employed to represent, assist, or act in a 517  
representative capacity for the public agency by which the public 518  
official or employee was employed or on which the public official 519  
or employee served. 520

(7) Division (A) of this section shall not be construed to 521  
prohibit the performance of ministerial functions, including, but 522  
not limited to, the filing or amendment of tax returns, 523  
applications for permits and licenses, incorporation papers, and 524  
other similar documents. 525

(8) Division (A) of this section does not prohibit a 526  
nonelected public official or employee of a state agency, as 527  
defined in section 1.60 of the Revised Code, from becoming a 528  
public official or employee of another state agency. Division (A) 529  
of this section does not prohibit such an official or employee 530

from representing or acting in a representative capacity for the 531  
official's or employee's new state agency on any matter in which 532  
the public official or employee personally participated as a 533  
public official or employee at the official's or employee's former 534  
state agency. However, no public official or employee of a state 535  
agency shall, during public employment or for twelve months 536  
thereafter, represent or act in a representative capacity for the 537  
official's or employee's new state agency on any audit or 538  
investigation pertaining to the official's or employee's new state 539  
agency in which the public official or employee personally 540  
participated at the official's or employee's former state agency 541  
through decision, approval, disapproval, recommendation, the 542  
rendering of advice, investigation, or other substantial exercise 543  
of administrative discretion. 544

(9) Division (A) of this section does not prohibit a 545  
nonelected public official or employee of a political subdivision 546  
from becoming a public official or employee of a different 547  
department, division, agency, office, or unit of the same 548  
political subdivision. Division (A) of this section does not 549  
prohibit such an official or employee from representing or acting 550  
in a representative capacity for the official's or employee's new 551  
department, division, agency, office, or unit on any matter in 552  
which the public official or employee personally participated as a 553  
public official or employee at the official's or employee's former 554  
department, division, agency, office, or unit of the same 555  
political subdivision. As used in this division, "political 556  
subdivision" means a county, township, municipal corporation, or 557  
any other body corporate and politic that is responsible for 558  
government activities in a geographic area smaller than that of 559  
the state. 560

(10) No present or former Ohio casino control commission 561  
official shall, during public service or for two years thereafter, 562

represent a client, be employed or compensated by a person 563  
regulated by the commission, or act in a representative capacity 564  
for any person on any matter before or concerning the commission. 565

No present or former commission employee shall, during public 566  
employment or for two years thereafter, represent a client or act 567  
in a representative capacity on any matter in which the employee 568  
personally participated as a commission employee through decision, 569  
approval, disapproval, recommendation, the rendering of advice, 570  
investigation, or other substantial exercise of administrative 571  
discretion. 572

(B) No present or former public official or employee shall 573  
disclose or use, without appropriate authorization, any 574  
information acquired by the public official or employee in the 575  
course of the public official's or employee's official duties that 576  
is confidential because of statutory provisions, or that has been 577  
clearly designated to the public official or employee as 578  
confidential when that confidential designation is warranted 579  
because of the status of the proceedings or the circumstances 580  
under which the information was received and preserving its 581  
confidentiality is necessary to the proper conduct of government 582  
business. 583

(C) No public official or employee shall participate within 584  
the scope of duties as a public official or employee, except 585  
through ministerial functions as defined in division (A) of this 586  
section, in any license or rate-making proceeding that directly 587  
affects the license or rates of any person, partnership, trust, 588  
business trust, corporation, or association in which the public 589  
official or employee or immediate family owns or controls more 590  
than five per cent. No public official or employee shall 591  
participate within the scope of duties as a public official or 592  
employee, except through ministerial functions as defined in 593  
division (A) of this section, in any license or rate-making 594

proceeding that directly affects the license or rates of any 595  
person to whom the public official or employee or immediate 596  
family, or a partnership, trust, business trust, corporation, or 597  
association of which the public official or employee or the public 598  
official's or employee's immediate family owns or controls more 599  
than five per cent, has sold goods or services totaling more than 600  
one thousand dollars during the preceding year, unless the public 601  
official or employee has filed a written statement acknowledging 602  
that sale with the clerk or secretary of the public agency and the 603  
statement is entered in any public record of the agency's 604  
proceedings. This division shall not be construed to require the 605  
disclosure of clients of attorneys or persons licensed under 606  
section 4732.12 ~~or 4732.15~~ of the Revised Code, or patients of 607  
persons certified under section 4731.14 of the Revised Code. 608

(D) No public official or employee shall use or authorize the 609  
use of the authority or influence of office or employment to 610  
secure anything of value or the promise or offer of anything of 611  
value that is of such a character as to manifest a substantial and 612  
improper influence upon the public official or employee with 613  
respect to that person's duties. 614

(E) No public official or employee shall solicit or accept 615  
anything of value that is of such a character as to manifest a 616  
substantial and improper influence upon the public official or 617  
employee with respect to that person's duties. 618

(F) No person shall promise or give to a public official or 619  
employee anything of value that is of such a character as to 620  
manifest a substantial and improper influence upon the public 621  
official or employee with respect to that person's duties. 622

(G) In the absence of bribery or another offense under the 623  
Revised Code or a purpose to defraud, contributions made to a 624  
campaign committee, political party, legislative campaign fund, 625  
political action committee, or political contributing entity on 626

behalf of an elected public officer or other public official or 627  
employee who seeks elective office shall be considered to accrue 628  
ordinarily to the public official or employee for the purposes of 629  
divisions (D), (E), and (F) of this section. 630

As used in this division, "contributions," "campaign 631  
committee," "political party," "legislative campaign fund," 632  
"political action committee," and "political contributing entity" 633  
have the same meanings as in section 3517.01 of the Revised Code. 634

(H)(1) No public official or employee, except for the 635  
president or other chief administrative officer of or a member of 636  
a board of trustees of a state institution of higher education as 637  
defined in section 3345.011 of the Revised Code, who is required 638  
to file a financial disclosure statement under section 102.02 of 639  
the Revised Code shall solicit or accept, and no person shall give 640  
to that public official or employee, an honorarium. Except as 641  
provided in division (H)(2) of this section, this division and 642  
divisions (D), (E), and (F) of this section do not prohibit a 643  
public official or employee who is required to file a financial 644  
disclosure statement under section 102.02 of the Revised Code from 645  
accepting and do not prohibit a person from giving to that public 646  
official or employee the payment of actual travel expenses, 647  
including any expenses incurred in connection with the travel for 648  
lodging, and meals, food, and beverages provided to the public 649  
official or employee at a meeting at which the public official or 650  
employee participates in a panel, seminar, or speaking engagement 651  
or provided to the public official or employee at a meeting or 652  
convention of a national organization to which any state agency, 653  
including, but not limited to, any state legislative agency or 654  
state institution of higher education as defined in section 655  
3345.011 of the Revised Code, pays membership dues. Except as 656  
provided in division (H)(2) of this section, this division and 657  
divisions (D), (E), and (F) of this section do not prohibit a 658

public official or employee who is not required to file a 659  
financial disclosure statement under section 102.02 of the Revised 660  
Code from accepting and do not prohibit a person from promising or 661  
giving to that public official or employee an honorarium or the 662  
payment of travel, meal, and lodging expenses if the honorarium, 663  
expenses, or both were paid in recognition of demonstrable 664  
business, professional, or esthetic interests of the public 665  
official or employee that exist apart from public office or 666  
employment, including, but not limited to, such a demonstrable 667  
interest in public speaking and were not paid by any person or 668  
other entity, or by any representative or association of those 669  
persons or entities, that is regulated by, doing business with, or 670  
seeking to do business with the department, division, institution, 671  
board, commission, authority, bureau, or other instrumentality of 672  
the governmental entity with which the public official or employee 673  
serves. 674

(2) No person who is a member of the board of a state 675  
retirement system, a state retirement system investment officer, 676  
or an employee of a state retirement system whose position 677  
involves substantial and material exercise of discretion in the 678  
investment of retirement system funds shall solicit or accept, and 679  
no person shall give to that board member, officer, or employee, 680  
payment of actual travel expenses, including expenses incurred 681  
with the travel for lodging, meals, food, and beverages. 682

(I) A public official or employee may accept travel, meals, 683  
and lodging or expenses or reimbursement of expenses for travel, 684  
meals, and lodging in connection with conferences, seminars, and 685  
similar events related to official duties if the travel, meals, 686  
and lodging, expenses, or reimbursement is not of such a character 687  
as to manifest a substantial and improper influence upon the 688  
public official or employee with respect to that person's duties. 689  
The house of representatives and senate, in their code of ethics, 690

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 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. 723

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

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

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

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



"holding company," "management company," "casino facility," and 755  
"gaming-related vendor" have the same meanings as in section 756  
3772.01 of the Revised Code. 757

(M) A member of the Ohio casino control commission, the 758  
executive director of the commission, or an employee of the 759  
commission shall not: 760

(1) Accept anything of value, including but not limited to a 761  
gift, gratuity, emolument, or employment from a casino operator, 762  
management company, or other person subject to the jurisdiction of 763  
the commission, or from an officer, attorney, agent, or employee 764  
of a casino operator, management company, or other person subject 765  
to the jurisdiction of the commission; 766

(2) Solicit, suggest, request, or recommend, directly or 767  
indirectly, to a casino operator, management company, or other 768  
person subject to the jurisdiction of the commission, or to an 769  
officer, attorney, agent, or employee of a casino operator, 770  
management company, or other person subject to the jurisdiction of 771  
the commission, the appointment of a person to an office, place, 772  
position, or employment; 773

(3) Participate in casino gaming or any other amusement or 774  
activity at a casino facility in this state or at an affiliate 775  
gaming facility of a licensed casino operator, wherever located. 776

In addition to the penalty provided in section 102.99 of the 777  
Revised Code, whoever violates division (M)(1), (2), or (3) of 778  
this section forfeits the individual's office or employment. 779

**Sec. 2152.54.** (A) An evaluation of a child who does not 780  
appear to the court to be a person who is at least moderately 781  
intellectually disabled shall be made by an evaluator who is one 782  
of the following: 783

(1) A professional employed by a psychiatric facility or 784

center certified by the department of mental health to provide 785  
forensic services and appointed by the director of the facility or 786  
center to conduct the evaluation; 787

(2) A psychiatrist or a licensed clinical psychologist who 788  
satisfies the criteria of division (I)~~(1)~~ of section 5122.01 of 789  
the Revised Code and has specialized education, training, or 790  
experience in forensic evaluations of children or adolescents. 791

(B) An evaluation of a child who appears to the court to be a 792  
person who is at least moderately intellectually disabled shall be 793  
made by a psychiatrist or licensed clinical psychologist who 794  
satisfies the criteria of division (I)~~(1)~~ of section 5122.01 of 795  
the Revised Code and has specialized education, training, or 796  
experience in forensic evaluations of children or adolescents who 797  
have intellectual disability. 798

(C) If an evaluation is conducted by an evaluator of the type 799  
described in division (A)(1) or (2) of this section and the 800  
evaluator concludes that the child is a person who is at least 801  
moderately intellectually disabled, the evaluator shall 802  
discontinue the evaluation and notify the court within one 803  
business day after reaching the conclusion. Within two business 804  
days after receiving notification, the court shall order the child 805  
to undergo an evaluation by an evaluator of the type described in 806  
division (B) of this section. Within two business days after the 807  
appointment of the new evaluator, the original evaluator shall 808  
deliver to the new evaluator all information relating to the child 809  
obtained during the original evaluation. 810

**Sec. 2919.271.** (A)(1)(a) If a defendant is charged with a 811  
violation of section 2919.27 of the Revised Code or of a municipal 812  
ordinance that is substantially similar to that section, the court 813  
may order an evaluation of the mental condition of the defendant 814  
if the court determines that either of the following criteria 815

apply: 816

(i) If the alleged violation is a violation of a protection 817  
order issued or consent agreement approved pursuant to section 818  
2919.26 or 3113.31 of the Revised Code, that the violation 819  
allegedly involves conduct by the defendant that caused physical 820  
harm to the person or property of a family or household member 821  
covered by the order or agreement, or conduct by the defendant 822  
that caused a family or household member to believe that the 823  
defendant would cause physical harm to that member or that 824  
member's property. 825

(ii) If the alleged violation is a violation of a protection 826  
order issued pursuant to section 2903.213 or 2903.214 of the 827  
Revised Code or a protection order issued by a court of another 828  
state, that the violation allegedly involves conduct by the 829  
defendant that caused physical harm to the person or property of 830  
the person covered by the order, or conduct by the defendant that 831  
caused the person covered by the order to believe that the 832  
defendant would cause physical harm to that person or that 833  
person's property. 834

(b) If a defendant is charged with a violation of section 835  
2903.211 of the Revised Code or of a municipal ordinance that is 836  
substantially similar to that section, the court may order an 837  
evaluation of the mental condition of the defendant. 838

(2) An evaluation ordered under division (A)(1) of this 839  
section shall be completed no later than thirty days from the date 840  
the order is entered pursuant to that division. In that order, the 841  
court shall do either of the following: 842

(a) Order that the evaluation of the mental condition of the 843  
defendant be preceded by an examination conducted either by a 844  
forensic center that is designated by the department of mental 845  
health to conduct examinations and make evaluations of defendants 846

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 879  
on bail to submit to an examination under division (A) or (B) of 880  
this section. The examination shall be conducted either at the 881  
detention facility in which the defendant would have been confined 882  
if the defendant had not been released on bail, or, if so 883  
specified by the center, program, facility, or examiners involved, 884  
at the premises of the center, program, or facility. Additionally, 885  
the examination shall be conducted at the times established by the 886  
examiners involved. If such a defendant refuses to submit to an 887  
examination or a complete examination as required by the court or 888  
the center, program, facility, or examiners involved, the court 889  
may amend the conditions of the bail of the defendant and order 890  
the sheriff to take the defendant into custody and deliver the 891  
defendant to the detention facility in which the defendant would 892  
have been confined if the defendant had not been released on bail, 893  
or, if so specified by the center, program, facility, or examiners 894  
involved, to the premises of the center, program, or facility, for 895  
purposes of the examination. 896

(2) A defendant who has not been released on bail shall be 897  
examined at the detention facility in which the defendant is 898  
confined or, if so specified by the center, program, facility, or 899  
examiners involved, at the premises of the center, program, or 900  
facility. 901

(D) The examiner of the mental condition of a defendant under 902  
division (A) or (B) of this section shall file a written report 903  
with the court within thirty days after the entry of an order for 904  
the evaluation of the mental condition of the defendant. The 905  
report shall contain the findings of the examiner; the facts in 906  
reasonable detail on which the findings are based; the opinion of 907  
the examiner as to the mental condition of the defendant; the 908  
opinion of the examiner as to whether the defendant represents a 909  
substantial risk of physical harm to other persons as manifested 910

by evidence of recent homicidal or other violent behavior, 911  
evidence of recent threats that placed other persons in reasonable 912  
fear of violent behavior and serious physical harm, or evidence of 913  
present dangerousness; and the opinion of the examiner as to the 914  
types of treatment or counseling that the defendant needs. The 915  
court shall provide copies of the report to the prosecutor and 916  
defense counsel. 917

(E) The costs of any evaluation and preceding examination of 918  
a defendant that is ordered pursuant to division (A) or (B) of 919  
this section shall be taxed as court costs in the criminal case. 920

(F) If the examiner considers it necessary in order to make 921  
an accurate evaluation of the mental condition of a defendant, an 922  
examiner under division (A) or (B) of this section may request any 923  
family or household member of the defendant to provide the 924  
examiner with information. A family or household member may, but 925  
is not required to, provide information to the examiner upon 926  
receipt of the request. 927

(G) As used in this section: 928

(1) "Bail" includes a recognizance. 929

(2) "Examiner" means a psychiatrist, a licensed independent 930  
social worker who is employed by a forensic center that is 931  
certified as being in compliance with the standards established 932  
under division (H) of section 5119.01 or division (C) of section 933  
5123.04 of the Revised Code, a licensed professional clinical 934  
counselor who is employed at a forensic center that is certified 935  
as being in compliance with such standards, or a licensed clinical 936  
psychologist, except that in order to be an examiner, a licensed 937  
clinical psychologist shall meet the criteria of division (I)~~(I)~~ 938  
of section 5122.01 of the Revised Code or be employed to conduct 939  
examinations by the department of mental health or by a forensic 940  
center certified as being in compliance with the standards 941

established under division (H) of section 5119.01 or division (C) 942  
of section 5123.04 of the Revised Code that is designated by the 943  
department of mental health. 944

(3) "Family or household member" has the same meaning as in 945  
section 2919.25 of the Revised Code. 946

(4) "Prosecutor" has the same meaning as in section 2935.01 947  
of the Revised Code. 948

(5) "Psychiatrist" and "licensed clinical psychologist" have 949  
the same meanings as in section 5122.01 of the Revised Code. 950

(6) "Protection order issued by a court of another state" has 951  
the same meaning as in section 2919.27 of the Revised Code. 952

**Sec. 2945.37.** (A) As used in sections 2945.37 to 2945.402 of 953  
the Revised Code: 954

(1) "Prosecutor" means a prosecuting attorney or a city 955  
director of law, village solicitor, or similar chief legal officer 956  
of a municipal corporation who has authority to prosecute a 957  
criminal case that is before the court or the criminal case in 958  
which a defendant in a criminal case has been found incompetent to 959  
stand trial or not guilty by reason of insanity. 960

(2) "Examiner" means either of the following: 961

(a) A psychiatrist or a licensed clinical psychologist who 962  
satisfies the criteria of division (I)~~(1)~~ of section 5122.01 of 963  
the Revised Code or is employed by a certified forensic center 964  
designated by the department of mental health to conduct 965  
examinations or evaluations. 966

(b) For purposes of a separate mental retardation evaluation 967  
that is ordered by a court pursuant to division (H) of section 968  
2945.371 of the Revised Code, a psychologist designated by the 969  
director of developmental disabilities pursuant to that section to 970  
conduct that separate mental retardation evaluation. 971

(3) "Nonsecured status" means any unsupervised, off-grounds 972  
movement or trial visit from a hospital or institution, or any 973  
conditional release, that is granted to a person who is found 974  
incompetent to stand trial and is committed pursuant to section 975  
2945.39 of the Revised Code or to a person who is found not guilty 976  
by reason of insanity and is committed pursuant to section 2945.40 977  
of the Revised Code. 978

(4) "Unsupervised, off-grounds movement" includes only 979  
off-grounds privileges that are unsupervised and that have an 980  
expectation of return to the hospital or institution on a daily 981  
basis. 982

(5) "Trial visit" means a patient privilege of a longer 983  
stated duration of unsupervised community contact with an 984  
expectation of return to the hospital or institution at designated 985  
times. 986

(6) "Conditional release" means a commitment status under 987  
which the trial court at any time may revoke a person's 988  
conditional release and order the rehospitalization or 989  
reinstitutionalization of the person as described in division (A) 990  
of section 2945.402 of the Revised Code and pursuant to which a 991  
person who is found incompetent to stand trial or a person who is 992  
found not guilty by reason of insanity lives and receives 993  
treatment in the community for a period of time that does not 994  
exceed the maximum prison term or term of imprisonment that the 995  
person could have received for the offense in question had the 996  
person been convicted of the offense instead of being found 997  
incompetent to stand trial on the charge of the offense or being 998  
found not guilty by reason of insanity relative to the offense. 999

(7) "Licensed clinical psychologist," "mentally ill person 1000  
subject to hospitalization by court order," and "psychiatrist" 1001  
have the same meanings as in section 5122.01 of the Revised Code. 1002



(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 1035  
evidence at the hearing by stipulation, but, if either the 1036  
prosecution or defense objects to its admission, the report may be 1037  
admitted under sections 2317.36 to 2317.38 of the Revised Code or 1038  
any other applicable statute or rule. 1039

(F) The court shall not find a defendant incompetent to stand 1040  
trial solely because the defendant is receiving or has received 1041  
treatment as a voluntary or involuntary mentally ill patient under 1042  
Chapter 5122. or a voluntary or involuntary mentally retarded 1043  
resident under Chapter 5123. of the Revised Code or because the 1044  
defendant is receiving or has received psychotropic drugs or other 1045  
medication, even if the defendant might become incompetent to 1046  
stand trial without the drugs or medication. 1047

(G) A defendant is presumed to be competent to stand trial. 1048  
If, after a hearing, the court finds by a preponderance of the 1049  
evidence that, because of the defendant's present mental 1050  
condition, the defendant is incapable of understanding the nature 1051  
and objective of the proceedings against the defendant or of 1052  
assisting in the defendant's defense, the court shall find the 1053  
defendant incompetent to stand trial and shall enter an order 1054  
authorized by section 2945.38 of the Revised Code. 1055

(H) Municipal courts shall follow the procedures set forth in 1056  
sections 2945.37 to 2945.402 of the Revised Code. Except as 1057  
provided in section 2945.371 of the Revised Code, a municipal 1058  
court shall not order an evaluation of the defendant's competence 1059  
to stand trial or the defendant's mental condition at the time of 1060  
the commission of the offense to be conducted at any hospital 1061  
operated by the department of mental health. Those evaluations 1062  
shall be performed through community resources including, but not 1063  
limited to, certified forensic centers, court probation 1064  
departments, and community mental health agencies. All expenses of 1065  
the evaluations shall be borne by the legislative authority of the 1066

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~~ this chapter:

(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; 1098  
the methods or procedures of verbal interaction, interviewing, 1099  
counseling, behavior modification, environmental manipulation, 1100  
group process, psychological psychotherapy, or hypnosis; and the 1101  
methods or procedures of administering or interpreting tests of 1102  
mental abilities, aptitudes, interests, attitudes, personality 1103  
characteristics, emotions, or motivation. 1104

(D) "School psychologist" means any person who holds self out 1105  
to the public by any title or description of services 1106  
incorporating the words "school psychologist" or "school 1107  
psychology," or who holds self out to be trained, experienced, or 1108  
an expert in the practice of school psychology. 1109

(E) "Practice of school psychology" means rendering or 1110  
offering to render to individuals, groups, organizations, or the 1111  
public any of the following services: 1112

(1) Evaluation, diagnosis, or test interpretation limited to 1113  
assessment of intellectual ability, learning patterns, 1114  
achievement, motivation, behavior, or personality factors directly 1115  
related to learning problems ~~in an educational setting~~; 1116

(2) ~~Counseling~~ Intervention services, including counseling, 1117  
for children or adults for amelioration or prevention of 1118  
educationally related learning problems, including emotional and 1119  
behavioral aspects of such problems; 1120

(3) ~~Educational~~ Psychological, educational, or vocational 1121  
consultation or direct educational services. This does not include 1122  
industrial consultation or counseling services to clients 1123  
undergoing vocational rehabilitation. 1124

(F) "Licensed psychologist" means an individual holding a 1125  
current, valid license to practice psychology issued under section 1126  
4732.12 or 4732.15 of the Revised Code. 1127

(G) "~~Licensed school~~ School psychologist licensed by the 1128

state board of psychology" means an individual holding a current, 1129  
valid license to practice school psychology issued under section 1130  
4732.12 or 4732.15 of the Revised Code. 1131

(H) "~~Certificated school~~ School psychologist licensed by the 1132  
state board of education" means an individual holding a current, 1133  
valid school psychologist ~~certificate~~ license issued under 1134  
~~division (M) of~~ rules adopted under section 3319.22 of the Revised 1135  
Code. 1136

(I) "Mental health professional" and "mental health service" 1137  
have the same meanings as in section 2305.51 of the Revised Code. 1138

(J) "Telepsychology" means the practice of psychology or 1139  
school psychology by distance communication technology, including 1140  
telephone, electronic mail, internet-based communications, and 1141  
video conferencing. 1142

**Sec. 4732.02.** The governor, with the advice and consent of 1143  
the senate, shall appoint a state board of psychology consisting 1144  
of nine persons who are citizens of the United States and 1145  
residents of this state. Three members shall be patient advocates 1146  
who are not mental health professionals and who either are parents 1147  
or other relatives of a person who has received or is receiving 1148  
mental health services or are representatives of organizations 1149  
that represent persons who have received or are receiving mental 1150  
health services. At least one patient advocate member shall be a 1151  
parent or other relative of a mental health service recipient, and 1152  
at least one patient advocate member shall be a representative of 1153  
an organization representing mental health service recipients. 1154  
Each of the remaining members shall be a licensed psychologist or 1155  
a ~~licensed~~ school psychologist licensed by the state board of 1156  
psychology. ~~The terms of the licensed psychologist and licensed~~ 1157  
~~school psychologist members that are in effect on the effective~~ 1158  
~~date of this amendment shall continue as under the law in effect~~ 1159

~~prior to the effective date of this amendment. Of the patient 1160  
advocate members whose positions are created on the effective date 1161  
of this amendment, one shall replace the current member who is not 1162  
a psychologist or other health professional at the end of that 1163  
member's term, one shall be appointed for a term that ends on 1164  
October 5, 2003, and one shall be appointed for a term that ends 1165  
on October 5, 2006. Thereafter, terms Terms of office for all 1166  
members shall be for five years, commencing on the sixth day of 1167  
October and ending on the fifth day of October. Each member shall 1168  
hold office from the date of appointment until the end of the term 1169  
for which the member was appointed. Any member appointed to fill a 1170  
vacancy occurring prior to the expiration of the term for which 1171  
the member's predecessor was appointed shall hold office for the 1172  
remainder of such term. Any member shall continue in office 1173  
subsequent to the expiration date of the member's term until the 1174  
member's successor takes office, or until a period of sixty days 1175  
has elapsed, whichever occurs first. No person shall be appointed 1176  
to more than two five-year terms in succession. The licensed 1177  
psychologist and licensed school psychologist members of the board 1178  
shall be so chosen that they represent the diverse fields of 1179  
specialization and practice in the profession of psychology and 1180  
the profession of school psychology. The governor may make such 1181  
appointments from lists submitted annually by the Ohio 1182  
psychological association ~~and by~~, the Ohio school psychologists 1183  
association, and the Ohio association of black psychologists. A 1184  
vacancy in an unexpired term shall be filled in the same manner as 1185  
the original appointment. 1186~~

The governor may remove any member for malfeasance, 1187  
misfeasance, or nonfeasance after a hearing in accordance with 1188  
Chapter 119. of the Revised Code. The governor shall remove, after 1189  
a hearing in accordance with Chapter 119. of the Revised Code, any 1190  
member who has been convicted of or pleaded guilty to the 1191

commission of a felony offense under any law of this state, 1192  
another state, or the United States. No person may be appointed to 1193  
the board who has been convicted of or pleaded guilty to a felony 1194  
offense under any law of this state, another state, or the United 1195  
States. 1196

**Sec. 4732.03.** The state board of psychology shall organize 1197  
within thirty days after its members have been appointed by the 1198  
governor. The board shall elect a president and a secretary from 1199  
its members to serve for terms of one year. The president and the 1200  
secretary may administer oaths. A majority of the board 1201  
constitutes a quorum. ~~The secretary shall be compensated for his~~ 1202  
~~necessary expenses incurred in the performance of his official~~ 1203  
~~duties.~~ 1204

**Sec. 4732.06.** The principal office of the state board of 1205  
psychology shall be in Columbus, but it may meet or conduct 1206  
business at any place in this state. The board may empower any one 1207  
or more of its members to conduct any proceeding, hearing, or 1208  
investigation necessary to its purposes. The board shall meet at 1209  
least twice annually and at such other times as it determines. 1210  
Special meetings may be called by the president and shall be 1211  
called by the secretary upon the written request of two members. 1212  
The board shall not conduct business by teleconference except as 1213  
provided in division (E)(1) of section 4732.17 of the Revised 1214  
Code. 1215

The board shall make such rules as are necessary to conduct 1216  
its business. 1217

The board ~~may~~ shall employ ~~such an executive director,~~ 1218  
investigators, and administrative assistants ~~and clerical help~~ as 1219  
are necessary to administer and enforce this chapter. 1220

**Sec. 4732.07.** The state board of psychology shall keep a 1221

record of its proceedings and a register of applicants for 1222  
licenses. The books and records of the board shall be prima-facie 1223  
evidence of the matters therein contained. ~~Such records shall~~ 1224  
~~include applicants' written examination papers.~~ 1225

**Sec. 4732.09.** Each person who desires to practice psychology 1226  
or school psychology shall file with the ~~secretary~~ executive 1227  
director of the state board of psychology a written application, 1228  
under oath, on a form prescribed by the board. 1229

**Sec. 4732.10.** (A) The state board of psychology shall appoint 1230  
an entrance examiner who shall determine the sufficiency of an 1231  
applicant's qualifications for admission to the appropriate 1232  
examination. A member of the board or the executive director may 1233  
be appointed as the entrance examiner. 1234

(B) Requirements for admission to examination for a 1235  
psychologist license shall be that the applicant: 1236

(1) Is at least twenty-one years of age; 1237

(2) Is of good moral character; 1238

(3) ~~Is a citizen of the United States or has legally declared~~ 1239  
~~the intention of becoming such;~~ 1240

~~(4) Meets one of the following requirements of ~~division~~~~ 1241  
~~(B)(4)(a), (b), (c), or (d) of this section:~~ 1242

(a) Received an earned doctoral degree from an institution 1243  
accredited or recognized by a national or regional accrediting 1244  
agency and a program accredited by any of the following: 1245

(i) The American psychological association, office of program 1246  
consultation and accreditation; 1247

(ii) The accreditation office of the Canadian psychological 1248  
association; 1249



(iii) A program listed by the association of state and provincial psychology boards/national register designation committee;	1250 1251 1252
(iv) The national association of school psychologists.	1253
(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;	1254 1255 1256 1257 1258
(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.	1259 1260 1261 1262 1263
(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, <del>or school psychology, or a doctoral degree deemed equivalent by the board.</del>	1264 1265 1266 1267 1268 1269 1270 1271
<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 board, at least one year of which must be a predoctoral internship. <u>The</u>	1272 1273 1274 1275
<del>The</del> board shall adopt guidelines for the kind of supervised professional experience which fulfill <del>the</del> <u>this</u> requirement <del>of</del> <del>division (B)(5) of this section.</del>	1276 1277 1278
(C) Requirements for admission to examination for a school psychologist license shall be that the applicant:	1279 1280

(1) Has received from an educational institution accredited	1281
or recognized by national or regional accrediting agencies as	1282
maintaining satisfactory standards, including those approved by	1283
the state board of education for the training of school	1284
psychologists, at least a master's degree in school psychology, or	1285
a degree considered equivalent by the board;	1286
(2) Is at least twenty-one years of age;	1287
(3) Is of good moral character;	1288
(4) <del>Is a citizen of the United States or has legally declared</del>	1289
<del>the intention of becoming such;</del>	1290
<del>(5)</del> Has completed at least sixty quarter hours, or the	1291
semester hours equivalent, at the graduate level, of accredited	1292
study in course work relevant to the study of school psychology;	1293
<del>(6)</del> <u>(5)</u> Has completed an internship in an educational	1294
institution approved by the Ohio department of education for	1295
school psychology supervised experience or one year of other	1296
training experience acceptable to the board, such as supervised	1297
professional experience under the direction of a licensed	1298
psychologist or licensed school psychologist;	1299
<del>(7)</del> <u>(6)</u> Furnishes proof of at least twenty-seven months,	1300
exclusive of internship, of full-time experience as a certificated	1301
school psychologist employed by a board of education or a private	1302
school meeting the standards prescribed by the state board of	1303
education, or of experience which the board deems equivalent.	1304
(D) If the entrance examiner finds that the applicant meets	1305
the requirements set forth in this section, the applicant shall be	1306
admitted to the appropriate examination.	1307
(E) The board shall adopt under Chapter 119. of the Revised	1308
Code rules for determining for the purposes of division	1309
(B) <del>(4)</del> <u>(3)</u> (b) of this section whether a degree is equivalent to a	1310

degree in psychology from an institution in the United States. 1311

~~Sec. 4732.11. License examinations shall be conducted under~~ 1312  
~~rules prescribed by the state board of psychology. (A)(1) Each~~ 1313  
~~applicant shall be examined for knowledge in whatever theoretical~~ 1314  
~~or applied fields of psychology the board considers appropriate.~~ 1315  
~~The examination for the school psychologist license shall be~~ 1316  
~~prepared and administered by a for a license to practice as a~~ 1317  
~~psychologist shall be required to earn a score acceptable to the~~ 1318  
~~state board of psychology on an examination selected by the board.~~ 1319  
~~The applicant shall follow all necessary procedures and pay all~~ 1320  
~~necessary fees for the examination. An applicant who fails to earn~~ 1321  
~~a score acceptable to the board may be admitted to a subsequent~~ 1322  
~~examination no less than thirty days after the initial~~ 1323  
~~examination. After failing to earn a passing score three~~ 1324  
~~consecutive times, an applicant may not be admitted to the~~ 1325  
~~examination for a period of six months following the third~~ 1326  
~~examination attempt. An applicant who fails to achieve an~~ 1327  
~~acceptable score in nine attempts is not eligible for additional~~ 1328  
~~admissions to the examination, and the application shall be~~ 1329  
~~permanently closed.~~ 1330

An applicant who achieves an acceptable score on the 1331  
examination selected by the board as a candidate in another state 1332  
or Canadian province before or after submitting an application to 1333  
the board must cause the score to be submitted directly to the 1334  
board's executive director. 1335

(2) The board may also require that an applicant for a 1336  
license to practice as a psychologist earn a passing score on an 1337  
examination that covers one or more of the following: 1338

(a) Chapter 4732. of the Revised Code; 1339

(b) Rules promulgated under Chapter 4732. of the Revised 1340  
Code; 1341

(c) Related provisions of the Revised Code; 1342

(d) Professional ethical principles; 1343

(e) Professional standards of care. 1344

The examination may be administered orally or in writing in 1345  
accordance with rules adopted by the board. 1346

(B)(1) Each applicant for a license to practice as a school 1347  
psychologist licensed by the state board of psychology shall be 1348  
required to earn a score acceptable to the board on an examination 1349  
selected by the board. The applicant shall follow all necessary 1350  
procedures and pay all necessary fees for the examination. 1351

(2) The board may also require that an applicant for a 1352  
license to practice as a school psychologist licensed by the state 1353  
board of psychology earn a passing score on an examination that 1354  
covers one or more of the following: 1355

(a) Chapter 4732. of the Revised Code; 1356

(b) Rules promulgated under Chapter 4732. of the Revised 1357  
Code; 1358

(c) Related provisions of the Revised Code; 1359

(d) Professional ethical principles; 1360

(e) Professional standards of care. 1361

The examination may be administered orally or in writing in 1362  
accordance with rules adopted by the board. 1363

(C) The board may establish procedures designed to expose 1364  
applicants to the subject matter of the examinations described in 1365  
divisions (A)(2) and (B)(2) of this section. 1366

(D) The board shall appoint a school psychology ~~licensing~~ 1367  
examination committee responsible to the board ~~and consisting.~~ The 1368  
committee shall consist of five ~~licensed~~ school psychologists ~~or~~ 1369  
~~licensed psychologists who shall be certificated school~~ 1370

~~psychologists~~ each of whom holds either of the following: 1371

(1) A school psychologist license issued under this chapter; 1372

(2) A psychologist license issued under this chapter and a 1373  
certificate or license issued by the state board of education. 1374

Committee members shall be appointed by the state board of 1375  
psychology for staggered five-year terms, according to rules 1376  
adopted by ~~the~~ that board. The board may delegate to the committee 1377  
authority to develop the examination described in division (B)(2) 1378  
of this section and any procedures to be established under 1379  
division (C) of this section. 1380

~~Examinations shall be given at least twice annually at such~~ 1381  
~~time and place and under such supervision as the board prescribes.~~ 1382  
~~Except as provided in section 4732.16 of the Revised Code, each~~ 1383  
~~applicant shall pay an application and license fee established by~~ 1384  
~~the board of not less than seventy five nor more than one hundred~~ 1385  
~~fifty dollars, no part of which shall be returned. If an applicant~~ 1386  
~~fails an examination, he may be admitted, after no less than six~~ 1387  
~~months, to a subsequent examination upon payment of an additional~~ 1388  
~~fee as established by the board. After failing three examinations,~~ 1389  
~~a person is not eligible for licensure until he completes such~~ 1390  
~~additional training as the board prescribes.~~ 1391

**Sec. 4732.12.** ~~The state board of psychology shall grade~~ 1392  
~~examinations conducted under section 4732.11 of the Revised Code~~ 1393  
~~and uniformly apply such standards as it considers appropriate in~~ 1394  
~~determining the level of competence necessary for a passing score.~~ 1395  
~~The level of competence necessary for a passing score for the~~ 1396  
~~school psychologist examination shall be determined by the school~~ 1397  
~~psychology examining committee. If an applicant passes for a~~ 1398  
license issued by the state board of psychology to practice as a 1399  
psychologist or school psychologist receives a score acceptable to 1400  
the board on the appropriate examination required by section 1401

4732.11 of the Revised Code and has paid the ~~required~~ fee required 1402  
by section 4732.15 of the Revised Code, the board shall issue the 1403  
appropriate license. 1404

**Sec. 4732.13.** A license issued by the state board of 1405  
psychology shall remain ~~in effect~~ active until it expires pursuant 1406  
to section 4732.14 of the Revised Code, or is suspended ~~or~~, 1407  
revoked, or placed in retired status. ~~A current, valid~~ An active 1408  
psychologist license shall entitle the holder to practice 1409  
psychology. ~~A current, valid~~ An active school psychologist license 1410  
shall entitle the holder to practice school psychology. 1411

**Sec. 4732.14. (A)** On or before the thirty-first day of August 1412  
of each even-numbered year, each person ~~licensed~~ who holds an 1413  
active license issued by the state board of psychology shall 1414  
register with the board ~~on a form~~ in a format and manner 1415  
prescribed by the board, giving the person's name, address, 1416  
license number, the continuing education information required by 1417  
section 4732.141 of the Revised Code, and such other reasonable 1418  
information as the board requires, ~~and.~~ The person shall pay to 1419  
the board ~~secretary~~ a biennial registration fee ~~in an amount~~ 1420  
~~determined by the board, but not to exceed two,~~ as follows: 1421

(1) From the effective date of this amendment through June 1422  
30, 2014, three hundred ~~seventy-five~~ fifty dollars in fiscal year 1423  
2000 and; 1424

(2) From July 1, 2014, through June 30, 2018, three hundred 1425  
fifty ~~sixty~~ dollars in each fiscal year thereafter; 1426

(3) July 1, 2018, and thereafter three hundred ~~sixty-five~~ 1427  
dollars. A 1428

A person licensed for the first time on or before the 1429  
~~thirty-first~~ thirtieth day of ~~August~~ September of an even-numbered 1430  
year shall next be required to register on or before the 1431

~~thirty-first~~ thirtieth day of ~~August~~ September of the next 1432  
even-numbered year. 1433

(B) Before the first day of August of each even-numbered 1434  
year, the ~~secretary board~~ shall send a notice to each ~~licensed~~ 1435  
~~psychologist and licensed school psychologist~~ license holder, 1436  
whether a resident or not, at the ~~licensed psychologist's or~~ 1437  
~~licensed school psychologist's~~ license holder's last ~~known~~ 1438  
provided official mailing address, that the ~~licensed~~ 1439  
~~psychologist's or licensed school psychologist's~~ license holder's 1440  
continuing education compliance must be completed on or before the 1441  
last day of August and the biennial registration form and fee are 1442  
due on or before the last day of ~~August~~ September. ~~Before the~~ 1443  
~~fifteenth day of September of such years, the secretary shall send~~ 1444  
~~a second notice to each such person who has not paid the~~ 1445  
~~registration fee or registered with the board as required by this~~ 1446  
~~section.~~ A license of any ~~licensed psychologist or licensed school~~ 1447  
~~psychologist~~ license holder shall automatically ~~be suspended~~ 1448  
expire if the ~~biennial registration fee is not paid or the~~ 1449  
~~registration form is not~~ any of the following are not received on 1450  
or before the thirtieth day of September of a renewal year. 1451  
Within: 1452

(1) The biennial registration fee; 1453

(2) The registration form; 1454

(3) A report of compliance with continuing education 1455  
requirements. 1456

Within five years thereafter, the board may reinstate any 1457  
expired license ~~so suspended~~ upon payment of the current 1458  
registration fee and a penalty fee established by the board, not 1459  
to exceed two hundred fifty dollars, ~~as determined by the board~~, 1460  
and receipt of the registration form completed by the registrant 1461  
in accordance with this section and section 4732.141 of the 1462

Revised Code or in accordance with any modifications authorized by 1463  
the board under division (F) of section 4732.141 of the Revised 1464  
Code. ~~The~~ 1465

The board may by rule waive the payment of the registration 1466  
fee and completion of the continuing psychology education required 1467  
by section 4732.141 of the Revised Code by a ~~licensed psychologist~~ 1468  
~~or licensed school psychologist~~ license holder when the ~~licensed~~ 1469  
~~psychologist or licensed school psychologist~~ license holder is on 1470  
active duty in the armed forces of the United States. 1471

An individual who has had a license placed on retired status 1472  
under section 4732.142 of the Revised Code may seek reinstatement 1473  
of the license in accordance with rules adopted by the board. 1474

(C) Each ~~licensed psychologist and licensed school~~ 1475  
~~psychologist~~ license holder shall notify the ~~secretary~~ executive 1476  
director of any change in the ~~licensed psychologist's or licensed~~ 1477  
~~school psychologist's~~ license holder's official mailing address, 1478  
office address, or employment within ~~ninety~~ sixty days of such 1479  
change. 1480

**Sec. 4732.141.** (A)(1) ~~On or before the thirty first day of~~ 1481  
~~August of each even numbered year beginning in 1998 and until the~~ 1482  
~~requirement set forth in division (A)(2) of this section applies,~~ 1483  
~~each person licensed under this chapter by the state board of~~ 1484  
~~psychology shall have completed, in the preceding two year period,~~ 1485  
~~not less than twenty hours of continuing education in psychology~~ 1486  
~~or the number of hours determined under division (D) of this~~ 1487  
~~section.~~ 1488

~~(2)~~ On Except as provided in division (D) of this section, on 1489  
or before the thirty-first day of August of each even-numbered 1490  
year ~~after the biennium in which this amendment takes effect,~~ each 1491  
person ~~licensed under this chapter~~ who holds a license issued by 1492  
the state board of psychology shall have completed, in the 1493



preceding two-year period, not less than twenty-three hours of 1494  
continuing education in psychology, including not less than ~~three~~ 1495  
four hours of continuing education in ~~professional conduct and~~ 1496  
~~ethics, or the number of hours determined under division (D) of~~ 1497  
~~this section~~ one or more of the following: 1498

(a) Professional conduct; 1499

(b) Ethics; 1500

(c) The role of culture, ethnic identity, or both in the 1501  
provision of psychological assessment, consultation, or 1502  
psychological interventions, or a combination thereof. 1503

~~(3)(2)~~ Each person subject to division (A)(1) or (2) of this 1504  
section license holder shall certify to the board, at the time of 1505  
biennial registration pursuant to section 4732.14 of the Revised 1506  
Code and on the registration form prescribed by the board under 1507  
that section, that in the preceding two years the ~~person~~ license 1508  
holder has completed continuing psychology education in compliance 1509  
with this section. The board shall adopt rules establishing the 1510  
procedure for a ~~person~~ license holder to certify to the board and 1511  
for properly recording with the Ohio psychological association or 1512  
the ~~state board of education~~ Ohio school psychologists association 1513  
completion of the continuing education. 1514

(B) Continuing psychology education may be applied to meet 1515  
the requirement of division (A) of this section if both of the 1516  
following requirements are met: 1517

(1) It is obtained through a program or course approved by 1518  
the state board of psychology, the Ohio psychological association, 1519  
the Ohio association of black psychologists, or the American 1520  
psychological association or, in the case of a ~~licensed~~ school 1521  
psychologist who holds a license issued under this chapter or a 1522  
licensed psychologist with a school psychology specialty, by the 1523  
state board of education, the Ohio school psychologists 1524

association, or the national association of school psychologists; 1525

(2) Completion of the program or course is recorded with the 1526  
Ohio psychological association or the ~~state board of education~~ 1527  
Ohio school psychologists association in accordance with rules 1528  
adopted by the state board of psychology in accordance with 1529  
division (A) of this section. 1530

The state board of psychology may disapprove any program or 1531  
course that has been approved by the Ohio psychological 1532  
association, Ohio association of black psychologists, American 1533  
psychological association, state board of education, Ohio school 1534  
psychologists association, or national association of school 1535  
psychologists. Such program or course may not be applied to meet 1536  
the requirement of division (A) of this section. 1537

(C) Each ~~person licensed under this chapter~~ license holder 1538  
shall be given a sufficient choice of continuing education 1539  
programs or courses in psychology, including programs or courses 1540  
on professional conduct and ethics when required under division 1541  
(A)(2) of this section, to ensure that the ~~person~~ license holder 1542  
has had a reasonable opportunity to participate in programs or 1543  
courses that are relevant to the ~~person's~~ license holder's 1544  
practice in terms of subject matter and level. 1545

(D) The board shall adopt rules providing for reductions of 1546  
the hours of continuing psychology education required by this 1547  
section for ~~persons~~ license holders in their first registration 1548  
period. 1549

(E) Each ~~person licensed under this chapter~~ license holder 1550  
shall retain in the ~~person's~~ license holder's records for at least 1551  
three years the receipts, vouchers, or certificates necessary to 1552  
document completion of continuing psychology education. Proof of 1553  
continuing psychology education recorded with the Ohio 1554  
psychological association or the ~~state board of education~~ Ohio 1555

school psychologists association in accordance with the procedures 1556  
established pursuant to division (A) of this section shall serve 1557  
as sufficient documentation of completion. With cause, the board 1558  
may request the documentation from the ~~person~~. ~~The board also may~~ 1559  
~~request the documentation from persons licensed under this chapter~~ 1560  
~~selected at random, without cause~~ license holder. The board may 1561  
review any continuing psychology education records recorded by the 1562  
Ohio psychological association or the ~~state board of education~~ 1563  
Ohio school psychologists association. 1564

(F) The board may excuse ~~persons licensed under this chapter~~ 1565  
license holders, as a group or as individuals, from all or any 1566  
part of the requirements of this section because of an unusual 1567  
circumstance, emergency, or special hardship. 1568

(G) The state board of psychology shall approve one or more 1569  
continuing education courses of study that assist psychologists 1570  
and school psychologists in recognizing the signs of domestic 1571  
violence and its relationship to child abuse. Psychologists and 1572  
school psychologists are not required to take the courses. 1573

(H) The board may require a license holder to evidence 1574  
completion of specific continuing education coursework as part of 1575  
the process of registering or continuing to register a person 1576  
working under the license holder's supervision under division (B) 1577  
of section 4732.22 of the Revised Code and conducting 1578  
psychological or psychological work or training supervision. 1579  
Procedures for the completion, verification, and documentation of 1580  
such continuing education shall be specified in rules adopted by 1581  
the board. A license holder completing this continuing education 1582  
may receive credit toward the four-hour requirement in division 1583  
(A)(1) of this section during the next continuing education period 1584  
following the completion of this continuing education. 1585

**Sec. 4732.142.** (A) The holder of a license issued under this 1586

chapter who retires from the practice of psychology or school 1587  
psychology may request during the biennial license registration 1588  
process that the license holder's license be placed in "licensed 1589  
psychologist-retired" or "licensed school psychologist-retired" 1590  
status. Once the license is placed in retired status, the license 1591  
holder shall not practice psychology or school psychology in this 1592  
state. A license holder selecting this status shall pay to the 1593  
board a fee of fifty dollars. 1594

(B) Procedures for reinstating a retired license shall be 1595  
established in rules adopted by the state board of psychology. 1596

~~**Sec. 4732.16**~~ **4732.15.** ~~Each applicant under section 4732.15 of~~ 1597  
~~the Revised Code for a license to be issued under this chapter~~ 1598  
~~shall pay a fee established by the state board of psychology of~~ 1599  
~~not less than seventy five nor more than one~~ of three hundred 1600  
~~fifty~~ dollars, no part of which shall be returned. ~~An applicant~~ 1601  
~~who is denied licensure under section 4732.15 of the Revised Code~~ 1602  
~~may apply for licensure under section 4732.10 of the Revised Code~~ 1603  
~~within one year from the date of the denial and upon payment of a~~ 1604  
~~fee not to exceed twenty five dollars.~~ 1605

**Sec. 4732.151.** The state board of psychology shall charge a 1606  
fee of forty dollars to a license holder for the written 1607  
verification of licensure status, including verification of the 1608  
date of licensure, the presence or absence of a history of 1609  
disciplinary action, and the expiration date of the license. 1610

**Sec. 4732.16.** (A) The state board of psychology shall 1611  
investigate alleged violations of this chapter or the rules 1612  
adopted under it. Each investigation shall be assigned by the 1613  
executive director or designated investigator to one of the 1614  
members of the board who shall serve as the supervising member of 1615

the investigation. 1616

As part of its conduct of investigations, the board may 1617  
examine witnesses, administer oaths, and issue subpoenas, except 1618  
that the board may not compel the attendance of the respondent in 1619  
an investigation. A subpoena for patient record information may be 1620  
issued only if the supervising member, executive director, 1621  
secretary, and an attorney from the office of the attorney general 1622  
determine that there is probable cause to believe that the 1623  
complaint alleges a violation of this chapter and that the records 1624  
sought are relevant to the alleged violation and material to the 1625  
investigation. No member of the board who supervises the 1626  
investigation or approves the issuance of a subpoena for patient 1627  
records shall participate in further adjudication of the case. The 1628  
subpoena may apply only to records that cover a reasonable period 1629  
of time surrounding the alleged violation. On failure of a person 1630  
to comply with a subpoena issued by the board and after reasonable 1631  
notice to that person, the board may move for an order compelling 1632  
the production of records or persons pursuant to the Rules of 1633  
Civil Procedure. 1634

A subpoena issued by the board may be served by a sheriff, 1635  
the sheriff's deputy, or a board employee designated by the board. 1636  
Service of a subpoena issued by the board may be made by 1637  
delivering a copy of the subpoena to the person named in the 1638  
subpoena, reading it to the person, or leaving it at the person's 1639  
usual place of residence. When the person being served is a person 1640  
whose practice is authorized by this chapter, service of the 1641  
subpoena may be made by certified mail, return receipt requested, 1642  
and the subpoena shall be deemed served on the date delivery is 1643  
made or the date the person refuses to accept delivery. 1644

A sheriff's deputy who serves a subpoena shall receive the 1645  
same fees as a sheriff. Each witness who appears before the board 1646

in obedience to a subpoena shall receive the fees and mileage 1647  
provided for witnesses under section 119.094 of the Revised Code. 1648

(B)(1) The board shall conduct all investigations and 1649  
proceedings in a manner that protects the confidentiality of 1650  
patients and persons who file complaints with the board. The board 1651  
shall not make public the names or any other identifying 1652  
information about patients or complainants unless proper consent 1653  
is given or, in the case of a patient, the patient privilege has 1654  
been waived by the patient. Information received by the board 1655  
pursuant to an investigation is confidential and not subject to 1656  
discovery in any civil action. 1657

(2) The board may share any information it receives pursuant 1658  
to an investigation, including patient records and patient record 1659  
information, with law enforcement agencies, other licensing 1660  
boards, and other government agencies that are prosecuting, 1661  
adjudicating, or investigating alleged violations of statutes or 1662  
administrative rules. An agency or board that receives the 1663  
information shall comply with the same requirements regarding 1664  
confidentiality as the board must comply with under division 1665  
(B)(1) of this section, notwithstanding any conflicting provision 1666  
of the Revised Code or procedure of the agency or board that 1667  
applies when it is dealing with other information in its 1668  
possession. 1669

(3) In a judicial proceeding, any information the board 1670  
receives pursuant to an investigation may be admitted into 1671  
evidence only in accordance with the Ohio Rules of Evidence, but 1672  
the court shall require that appropriate measures be taken to 1673  
ensure that confidentiality is maintained with respect to any part 1674  
of the information that contains names or other identifying 1675  
information about patients or complainants whose confidentiality 1676  
was protected by the board when the information was in the board's 1677  
possession. Measures to ensure confidentiality that may be taken 1678

by the court include sealing its records or deleting specific 1679  
information from its records. 1680

**Sec. 4732.17.** (A) The Subject to division (F) of this 1681  
section, the state board of psychology may refuse to issue a 1682  
license to any applicant, may issue a reprimand, or suspend or 1683  
revoke the license of any licensed psychologist or licensed school 1684  
psychologist, take any of the actions specified in division (C) of 1685  
this section against an applicant for or a person who holds a 1686  
license issued under this chapter on any of the following grounds 1687  
as applicable: 1688

(1) Conviction, including a plea of guilty or no contest, of 1689  
a felony, or of any offense involving moral turpitude, in a court 1690  
of this or any other state or in a federal court; 1691

(2) A judicial finding of eligibility for intervention in 1692  
lieu of conviction for a felony or any offense involving moral 1693  
turpitude in a court of this or any other state or in a federal 1694  
court; 1695

(3) Using fraud or deceit in the procurement of the license 1696  
to practice psychology or school psychology or knowingly assisting 1697  
another in the procurement of such a license through fraud or 1698  
deceit; 1699

~~(3)~~(4) Accepting commissions or rebates or other forms of 1700  
remuneration for referring persons to other professionals; 1701

~~(4)~~(5) Willful, unauthorized communication of information 1702  
received in professional confidence; 1703

~~(5)~~(6) Being negligent in the practice of psychology or 1704  
school psychology; 1705

~~(6) Using any controlled substance or alcoholic beverage to~~ 1706  
~~an extent that such use impairs the person's ability to perform~~ 1707  
~~the work of a psychologist or school psychologist with safety to~~ 1708

<del>the public</del> <u>(7) Inability to practice according to acceptable and</u>	1709
<u>prevailing standards of care by reason of a mental, emotional,</u>	1710
<u>physiological, or pharmacological condition or substance abuse;</u>	1711
<del>(7)</del> <u>(8)</u> Subject to section 4732.28 of the Revised Code,	1712
violating any rule of professional conduct promulgated by the	1713
board;	1714
<del>(8)</del> <u>(9)</u> Practicing in an area of psychology for which the	1715
person is clearly untrained or incompetent;	1716
<del>(9)</del> <u>(10)</u> An adjudication by a court, as provided in section	1717
5122.301 of the Revised Code, that the person is incompetent for	1718
the purpose of holding the license. Such person may have the	1719
person's license issued or restored only upon determination by a	1720
court that the person is competent for the purpose of holding the	1721
license and upon the decision by the board that such license be	1722
issued or restored. The board may require an examination prior to	1723
such issuance or restoration.	1724
<del>(10)</del> <u>(11)</u> Waiving the payment of all or any part of a	1725
deductible or copayment that a patient, pursuant to a health	1726
insurance or health care policy, contract, or plan that covers	1727
psychological services, would otherwise be required to pay if the	1728
waiver is used as an enticement to a patient or group of patients	1729
to receive health care services from that provider;	1730
<del>(11)</del> <u>(12)</u> Advertising that the person will waive the payment	1731
of all or any part of a deductible or copayment that a patient,	1732
pursuant to a health insurance or health care policy, contract, or	1733
plan that covers psychological services, would otherwise be	1734
required to pay;	1735
<del>(12)</del> <u>(13) Any of the following actions taken by the agency</u>	1736
<u>responsible for authorizing or certifying the person to practice</u>	1737
<u>or regulating the person's practice of a health care occupation or</u>	1738
<u>provision of health care services in this state or another</u>	1739



<u>jurisdiction, as evidenced by a certified copy of that agency's</u>	1740
<u>records and findings for any reason other than the nonpayment of</u>	1741
<u>fees:</u>	1742
<u>(a) Limitation, revocation, or suspension of the person's</u>	1743
<u>license to practice;</u>	1744
<u>(b) Acceptance of the person's license surrender;</u>	1745
<u>(c) Denial of a license to the person;</u>	1746
<u>(d) Refuse to renew or reinstate the person's license;</u>	1747
<u>(e) Imposition of probation on the person;</u>	1748
<u>(f) Issuance of an order of censure or other reprimand</u>	1749
<u>against the person;</u>	1750
<u>(g) Other negative action or finding against the person about</u>	1751
<u>which information is available to the public.</u>	1752
<u>(14) Offering or rendering psychological services after a</u>	1753
<u>license issued under this chapter has expired due to a failure to</u>	1754
<u>timely register under section 4732.14 of the Revised Code or</u>	1755
<u>complete continuing education requirements;</u>	1756
<u>(15) Offering or rendering psychological services after a</u>	1757
<u>license issued under this chapter has been placed in retired</u>	1758
<u>status pursuant to section 4732.142 of the Revised Code;</u>	1759
<u>(16) Unless the person is a school psychologist licensed by</u>	1760
<u>the state board of education:</u>	1761
<u>(a) Offering or rendering school psychological services after</u>	1762
<u>a license issued under this chapter has expired due to a failure</u>	1763
<u>to timely register under section 4732.14 of the Revised Code or</u>	1764
<u>complete continuing education requirements;</u>	1765
<u>(b) Offering or rendering school psychological services after</u>	1766
<u>a license issued under this chapter has been placed in retired</u>	1767
<u>status pursuant to section 4732.142 of the Revised Code.</u>	1768

<u>(17) Violating any adjudication order or consent agreement adopted by the board;</u>	1769
	1770
<u>(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.</u>	1771
	1772
	1773
<u>(B) Notwithstanding <del>division</del> <u>divisions</u> (A)<del>(10)</del>(11) and <del>(11)</del>(12) of this section, sanctions shall not be imposed against any <del>licensee</del> <u>license holder</u> who waives deductibles and copayments:</u>	1774
	1775
	1776
	1777
<u><del>(a)</del>(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.</u>	1778
	1779
	1780
	1781
	1782
<u><del>(b)</del>(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.</u>	1783
	1784
	1785
<u>(C) For any of the reasons specified in division (A) of this section, the board may do one or more of the following:</u>	1786
	1787
<u>(1) Refuse to issue a license to an applicant;</u>	1788
<u>(2) Issue a reprimand to a license holder;</u>	1789
<u>(3) Suspend the license of a license holder;</u>	1790
<u>(4) Revoke the license of a license holder;</u>	1791
<u>(5) Limit or restrict the areas of practice of an applicant or a license holder;</u>	1792
	1793
<u>(6) Require mental, substance abuse, or physical evaluations, or any combination of these evaluations, of an applicant or a license holder;</u>	1794
	1795
	1796
<u>(7) Require remedial education and training of an applicant</u>	1797

or a license holder. 1798

(D) When it revokes the license of a license holder under 1799  
division (C)(4) of this section, the board may specify that the 1800  
revocation is permanent. An individual subject to permanent 1801  
revocation is forever thereafter ineligible to hold a license, and 1802  
the board shall not accept an application for reinstatement of the 1803  
license or issuance of a new license. 1804

(E) When the board issues a notice of opportunity for a 1805  
hearing on the basis of division (A)(7) of this section, the 1806  
supervising member of the board, with cause and upon consultation 1807  
with the board's executive director and the board's legal counsel, 1808  
may compel the applicant or license holder to submit to mental, 1809  
cognitive, substance abuse, or medical evaluations, or a 1810  
combination of these evaluations, by a person or persons selected 1811  
by the board. Notice shall be given to the applicant or license 1812  
holder in writing signed by the supervising member, the executive 1813  
director, and the board's legal counsel. The applicant or license 1814  
holder is deemed to have given consent to submit to these 1815  
evaluations and to have waived all objections to the admissibility 1816  
of testimony or evaluation reports that constitute a privileged 1817  
communication. The expense of the evaluation or evaluations shall 1818  
be the responsibility of the applicant or license holder who is 1819  
evaluated. 1820

~~(B) Except as provided in section 4732.171 of the Revised~~ 1821  
~~Code, before (F) Before~~ the board may ~~deny, suspend, or revoke a~~ 1822  
~~license take action~~ under this section, ~~or otherwise discipline~~ 1823  
~~the holder of a license,~~ written charges shall be filed with the 1824  
board by the secretary and a hearing shall be had thereon in 1825  
accordance with Chapter 119. of the Revised Code, except as 1826  
follows: 1827

(1) On receipt of a complaint that any of the grounds listed 1828  
in division (A) of this section exist, the state board of 1829

psychology may suspend a license issued under this chapter prior 1830  
to holding a hearing in accordance with Chapter 119. of the 1831  
Revised Code if it determines, based on the complaint, that there 1832  
is an immediate threat to the public. A telephone conference call 1833  
may be used to conduct an emergency meeting for review of the 1834  
matter by a quorum of the board, taking the vote, and 1835  
memorializing the action in the minutes of the meeting. 1836

After suspending a license pursuant to division (F)(1) of 1837  
this section, the board shall notify the license holder of the 1838  
suspension in accordance with section 119.07 of the Revised Code. 1839  
If the individual whose license is suspended fails to make a 1840  
timely request for an adjudication under Chapter 119. of the 1841  
Revised Code, the board shall enter a final order permanently 1842  
revoking the license. 1843

(2) The board shall adopt rules establishing a case 1844  
management schedule for pre-hearing procedures by the hearing 1845  
examiner or presiding board member. The schedule shall include 1846  
applicable deadlines related to the hearing process, including all 1847  
of the following: 1848

(a) The date of the hearing; 1849

(b) The date for the disclosure of witnesses and exhibits; 1850

(c) The date for the disclosure of the identity of expert 1851  
witnesses and the exchange of written reports; 1852

(d) The deadline for submitting a request for the issuance of 1853  
a subpoena for the hearing as provided under Chapter 119. of the 1854  
Revised Code and division (F)(4) of this section. 1855

(3) Either party to the hearing may submit a written request 1856  
to the other party for a list of witnesses and copies of documents 1857  
intended to be introduced at the hearing. The request shall be in 1858  
writing and shall be served not less than thirty-seven days prior 1859  
to the hearing, unless the hearing officer or presiding board 1860

member grants an extension of time to make the request. Not later 1861  
than thirty days before the hearing, the responding party shall 1862  
provide the requested list of witnesses, summary of their 1863  
testimony, and copies of documents to the requesting party, unless 1864  
the hearing officer or presiding board member grants an extension. 1865  
Failure to timely provide a list or copies requested in accordance 1866  
with this section may, at the discretion of the hearing officer or 1867  
presiding board member, result in exclusion from the hearing of 1868  
the witnesses, testimony, or documents. 1869

(4) In addition to subpoenas for the production of books, 1870  
records, and papers requested under Chapter 119. of the Revised 1871  
Code, either party may ask the board to issue a subpoena for the 1872  
production of other tangible items. 1873

The person subject to a subpoena for the production of books, 1874  
records, papers, or other tangible items shall respond to the 1875  
subpoena at least twenty days prior to the date of the hearing. If 1876  
a person fails to respond to a subpoena issued by the board, after 1877  
providing reasonable notice to the person, the board, the hearing 1878  
officer, or both may proceed with enforcement of the subpoena 1879  
pursuant to section 119.09 of the Revised Code. 1880

**Sec. ~~4732.172~~ 4732.171.** (A) Except as provided in division 1881  
(B) of this section, if, at the conclusion of a hearing required 1882  
by section 4732.17 of the Revised Code, the state board of 1883  
psychology determines that a licensed psychologist or ~~licensed~~ 1884  
school psychologist licensed by the state board of psychology has 1885  
engaged in sexual conduct or had sexual contact with the ~~licensed~~ 1886  
~~psychologist's or licensed school psychologist's~~ license holder's 1887  
patient or client in violation of any prohibition contained in 1888  
Chapter 2907. of the Revised Code, the board shall do one of the 1889  
following: 1890

(1) Suspend the ~~licensed psychologist's or licensed school~~ 1891

~~psychologist's~~ license holder's license; 1892

(2) Permanently revoke the ~~licensed psychologist's or~~ 1893

~~licensed school psychologist's~~ license holder's license. 1894

(B) If it determines at the conclusion of the hearing that 1895

neither of the sanctions described in division (A) of this section 1896

is appropriate, the board shall impose another sanction it 1897

considers appropriate and issue a written finding setting forth 1898

the reasons for the sanction imposed and the reason that neither 1899

of the sanctions described in division (A) of this section is 1900

appropriate. 1901

**~~Sec. 4732.173~~ 4732.172.** Any finding made, and the record of 1902

any sanction imposed, by the state board of psychology under 1903

section ~~4732.177, or 4732.171, or 4732.172~~ of the Revised Code is a 1904

public record under section 149.43 of the Revised Code. 1905

**Sec. 4732.173.** (A) The board may approve or establish a 1906

colleague assistance program for the purpose of affording holders 1907

of licenses issued under this chapter, license applicants, and 1908

persons registered pursuant to division (B) of section 4731.22 of 1909

the Revised Code access to all of the following: 1910

(1) Resources concerning the prevention of distress; 1911

(2) Evaluation and intervention services concerning mental, 1912

emotional, substance use, and other conditions that may impair 1913

competence, objectivity, and judgment in the provision of 1914

psychological or school psychological services; 1915

(3) Consultation and mentoring services for practice 1916

oversight and remediation of professional skill deficits. 1917

The board may compel a license holder, applicant, or 1918

registered person to participate in the program in conjunction 1919

with the board's actions under section 4732.17 of the Revised 1920

Code. 1921

(B) If a program is approved or established, the board shall 1922  
adopt rules specifying the circumstances under which self-referred 1923  
participants may receive confidential services from the program. 1924

**Sec. 4732.18.** At any time after the suspension or revocation 1925  
of a license, the state board of psychology may restore the 1926  
license upon the written finding by the board that circumstances 1927  
so warrant. ~~The~~ At the time it restores a license, the board may 1928  
impose restrictions and limitations on the practice of the license 1929  
holder. 1930

The board may require a person seeking restoration of a 1931  
license to submit to mental, substance abuse, cognitive, or 1932  
physical evaluations, or a combination of these evaluations. 1933  
Evaluations shall be conducted by qualified individuals selected 1934  
by the board. The costs of any evaluative processes shall be paid 1935  
by the applicant for restoration. A person requesting restoration 1936  
of a license is deemed to have given consent to submit to a mental 1937  
or physical examination when directed to do so in writing by the 1938  
board and to have waived all objections to the admissibility of 1939  
testimony or examination reports that constitute a privileged 1940  
communication. 1941

As a further condition of license restoration, the board may 1942  
require an examination of the applicant before such restoration to 1943  
do both of the following: 1944

(A) Take the examination selected by the board under section 1945  
4732.11 of the Revised Code and receive a score acceptable to the 1946  
board; 1947

(B) Participate in board processes designed to expose the 1948  
applicant to Chapter 4732. of the Revised Code and rules 1949  
promulgated thereunder, which may include passing a written or 1950

oral examination on the Ohio laws and rules governing 1951  
psychologists and school psychologists. 1952

**Sec. 4732.21.** ~~(A) On and after December 1, 1972, no~~ Except as 1953  
provided in section 4732.22 of the Revised Code: 1954

(A) No person who is not a licensed psychologist shall offer 1955  
or render services as a psychologist or otherwise engage in the 1956  
practice of psychology ~~for a compensation or other personal gain.~~ 1957

~~(B) On and after December 1, 1972, no~~ No person who is not a 1958  
licensed psychologist ~~or,~~ a school psychologist licensed by the 1959  
state board of psychology, or a school psychologist licensed by 1960  
the state board of education shall offer or render services as a 1961  
school psychologist or otherwise engage in the practice of school 1962  
psychology ~~for a compensation or other personal gain.~~ 1963

**Sec. 4732.22.** (A) The following persons are exempted from the 1964  
licensing requirements of this chapter: 1965

~~(A)(1)~~ A certificated person who holds a license or 1966  
certificate issued by the state board of education authorizing the 1967  
practice of school psychologist psychology, while practicing 1968  
school psychology within the scope of ~~his~~ employment by a board of 1969  
education or by a private school meeting the standards prescribed 1970  
by the state board of education under division (D) of section 1971  
3301.07 of the Revised Code, or while acting as a school 1972  
psychologist within the scope of ~~his~~ employment in a program for 1973  
~~trainable mentally retarded~~ children with disabilities established 1974  
under Chapter 3323. or 5126. of the Revised Code. A person 1975  
exempted under this division shall not offer psychological 1976  
services to any other individual, organization, or group for 1977  
remuneration, monetary or otherwise, unless ~~he~~ the person is 1978  
licensed by the state board of psychology. 1979

~~(B)(2)~~ Any nonresident temporarily employed in this state to 1980



render psychological services for not more than thirty days a 1981  
year, who, in the opinion of the board, meets the standards for 1982  
entrance in division (B) of section 4732.10 of the Revised Code, 1983  
who has paid the required fee and submitted an application 1984  
prescribed by the board, and who holds whatever license or 1985  
certificate, if any, is required for such practice in ~~his~~ the 1986  
person's home state or home country. 1987

~~(C)(3)~~ Any person ~~employed by working under the supervision~~ 1988  
~~of a licensed~~ psychologist or ~~licensed~~ school psychologist 1989  
licensed under this chapter, while carrying out specific tasks, 1990  
under the ~~licensee's~~ license holder's supervision, as an extension 1991  
of the ~~licensee's~~ license holder's legal and ethical authority as 1992  
specified under this chapter if the person is registered under 1993  
division (B) of this section. All fees shall be billed under the 1994  
name of the ~~licensee,~~ and the ~~employee~~ license holder. The person 1995  
working under the license holder's supervision shall not represent 1996  
~~himself~~ self to the public as a psychologist or school 1997  
psychologist, although supervised persons and persons in training 1998  
may be ascribed such titles as "psychology trainee," "psychology 1999  
assistant," "psychology intern," or other appropriate term that 2000  
clearly implies their supervised or training status. 2001

~~(D)~~ ~~Unlicensed persons holding a master's degree or doctoral~~ 2002  
~~degree in psychology from a program approved by the board while~~ 2003  
~~working under the supervision of a licensed psychologist. The~~ 2004  
~~board shall establish rules governing such supervisory~~ 2005  
~~relationship which shall include a regulation requiring~~ 2006  
~~registration with the board of such unlicensed person.~~ 2007

~~(E)(4)~~ Any student in an accredited educational institution, 2008  
while carrying out activities that are part of ~~his~~ the student's 2009  
prescribed course of study, provided such activities are 2010  
supervised by a professional person who is qualified to perform 2011  
such activities and is licensed under this chapter or is ~~exempted~~ 2012

~~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.~~

~~(F) Duly ordained ministers while functioning in their ministerial capacity;~~

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

(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;

(6) Persons in the employ of the federal government insofar as their activities are a part of the duties of their positions;

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

(8) Persons using the term "social psychologist," "experimental psychologist," "developmental psychologist," "research psychologist," "cognitive psychologist," and other terms

used by those in academic and research settings who possess a 2044  
doctoral degree in psychology from an educational institution 2045  
accredited or recognized by national or regional accrediting 2046  
agencies as maintaining satisfactory standards and who do not use 2047  
such a term in the solicitation or rendering of professional 2048  
psychological services. 2049

(B) The license holder who is supervising a person described 2050  
in division (A)(3) of this section shall register the person with 2051  
the board. The board shall adopt rules regarding the registration 2052  
process and the supervisory relationship. 2053

Sec. 4732.221. A nonresident applicant seeking a review of 2054  
qualifications and permission of the state board of psychology to 2055  
practice psychology in Ohio for no more than thirty days per year 2056  
under division (A)(2) of section 4732.22 of the Revised Code shall 2057  
pay a fee established by the board of not less than seventy-five 2058  
dollars and not more than one hundred fifty dollars, no part of 2059  
which shall be returned. The board may adopt rules for the purpose 2060  
of recognizing a nonresident's interjurisdictional practice 2061  
credentials granted by the association of state and provincial 2062  
psychology boards and other relevant professional organizations. 2063

**Sec. 4732.31.** (A) The state board of psychology shall provide 2064  
access to the following information through the internet: 2065

(1) The names of all licensed psychologists and ~~licensed~~ all 2066  
school psychologists licensed by the state board of psychology; 2067

(2) The names of all licensed psychologists and ~~licensed~~ all 2068  
school psychologists licensed by the state board of psychology who 2069  
have been reprimanded by the board for misconduct, the names of 2070  
all licensed psychologists or school psychologists ~~who have~~ 2071  
~~current licenses but~~ licensed by the state board of psychology 2072  
whose licenses are under an active suspension imposed for 2073

misconduct, the names of all former licensed psychologists and 2074  
licensed school psychologists licensed by the state board of 2075  
psychology whose licenses have been suspended or revoked for 2076  
misconduct, and the reason for each reprimand, suspension, or 2077  
revocation; 2078

(3) Written findings made under division (B) of section 2079  
~~4732.172~~ 4732.171 of the Revised Code. 2080

(B) Division (A)(2) of this section does not apply to a 2081  
suspension of the license of a psychologist or school psychologist 2082  
that is an automatic suspension imposed under section 4732.14 of 2083  
the Revised Code. 2084

**Sec. 4732.32.** The state board of psychology shall adopt rules 2085  
governing the use of telepsychology for the purpose of protecting 2086  
the welfare of recipients of telepsychology services and 2087  
establishing requirements for the responsible use of 2088  
telepsychology in the practice of psychology and school 2089  
psychology, including supervision of persons registered with the 2090  
state board of psychology as described in division (B) of section 2091  
4732.22 of the Revised Code. 2092

**Sec. 4755.13.** ~~(A)~~ Nothing in sections 4755.04 to 4755.13 of 2093  
the Revised Code shall be construed to prevent or restrict the 2094  
practice, services, or activities of the following: 2095

~~(1)~~(A) Any person who does not claim to the public by any 2096  
title, initials, or description of services as being engaged in 2097  
the practice of occupational therapy, who is: 2098

~~(a)~~(1) A physician licensed under Chapter 4731. of the 2099  
Revised Code, or anyone employed or supervised by a licensed 2100  
physician in the delivery of treatment or services; 2101

~~(b)~~(2) A person licensed, certified, or registered under 2102  
sections 4755.40 to 4755.56 of the Revised Code or under any other 2103

chapter of the Revised Code who is practicing within the standards 2104  
and ethics of practice that represent appropriate extensions of 2105  
the person's profession; 2106

~~(e)~~(3) A qualified member of any other profession who is 2107  
practicing within the standards and ethics of the member's 2108  
profession. 2109

~~(2)~~(B) Any person employed as an occupational therapist or 2110  
occupational therapy assistant by the government of the United 2111  
States, if the person provides occupational therapy solely under 2112  
the direction or control of the organization by which the person 2113  
is employed; 2114

~~(3)~~(C) Any person pursuing a course of study leading to a 2115  
degree or certificate in occupational therapy in an accredited or 2116  
approved educational program if the activities and services 2117  
constitute a part of a supervised course of study, if the person 2118  
is designated by a title that clearly indicates the person's 2119  
status as a student or trainee; 2120

~~(4)~~(D) Any person fulfilling the supervised field work 2121  
experience requirements of section 4755.07 of the Revised Code, if 2122  
the activities and services constitute a part of the experience 2123  
necessary to meet those requirements. 2124

~~(B) Nothing in sections 4755.04 to 4755.13 of the Revised 2125  
Code authorizes any person to use psychological procedures defined 2126  
by the state board of psychology under division (C) of section 2127  
4732.23 of the Revised Code as a serious hazard to mental health 2128  
and to require professional expertise in psychology. 2129~~

**Sec. 4757.42.** Except as otherwise expressly provided in this 2130  
chapter, nothing in this chapter shall be construed as authorizing 2131  
any person to engage in the practice of psychology as defined in 2132  
division (B) of section 4732.01 of the Revised Code. ~~This section 2133~~

~~shall not be construed as contravening section 4732.23 of the~~ 2134  
~~Revised Code.~~ 2135

**Sec. 5120.55.** (A) As used in this section, "licensed health 2136  
professional" means any or all of the following: 2137

(1) A dentist who holds a current, valid license issued under 2138  
Chapter 4715. of the Revised Code to practice dentistry; 2139

(2) A licensed practical nurse who holds a current, valid 2140  
license issued under Chapter 4723. of the Revised Code that 2141  
authorizes the practice of nursing as a licensed practical nurse; 2142

(3) An optometrist who holds a current, valid certificate of 2143  
licensure issued under Chapter 4725. of the Revised Code that 2144  
authorizes the holder to engage in the practice of optometry; 2145

(4) A physician who is authorized under Chapter 4731. of the 2146  
Revised Code to practice medicine and surgery, osteopathic 2147  
medicine and surgery, or podiatry; 2148

(5) A psychologist who holds a current, valid license issued 2149  
under Chapter 4732. of the Revised Code that authorizes the 2150  
practice of psychology as a licensed psychologist; 2151

(6) A registered nurse who holds a current, valid license 2152  
issued under Chapter 4723. of the Revised Code that authorizes the 2153  
practice of nursing as a registered nurse regardless of whether 2154  
the nurse is authorized to practice as an advanced practice nurse 2155  
as defined in section 4723.01 of the Revised Code. 2156

(B)(1) The department of rehabilitation and correction may 2157  
establish a recruitment program under which the department, by 2158  
means of a contract entered into under division (C) of this 2159  
section, agrees to repay all or part of the principal and interest 2160  
of a government or other educational loan incurred by a licensed 2161  
health professional who agrees to provide services to inmates of 2162  
correctional institutions under the department's administration. 2163

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

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

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

(d) For an optometrist to be eligible to participate in the program, the optometrist must have attended a school of optometry that was, during the time of attendance, approved by the state board of optometry.

(e) For a psychologist to be eligible to participate in the program, the psychologist must have attended an educational institution that, during the time of attendance, maintained a specific degree program recognized by the state board of

psychology as acceptable for fulfilling the requirement of 2196  
division (B)~~(4)~~(3) of section 4732.10 of the Revised Code. 2197

(C) The department shall enter into a contract with each 2198  
licensed health professional it recruits under this section. Each 2199  
contract shall include at least the following terms: 2200

(1) The licensed health professional agrees to provide a 2201  
specified scope of medical, osteopathic medical, podiatric, 2202  
optometric, psychological, nursing, or dental services to inmates 2203  
of one or more specified state correctional institutions for a 2204  
specified number of hours per week for a specified number of 2205  
years. 2206

(2) The department agrees to repay all or a specified portion 2207  
of the principal and interest of a government or other educational 2208  
loan taken by the licensed health professional for the following 2209  
expenses to attend, for up to a maximum of four years, a school 2210  
that qualifies the licensed health professional to participate in 2211  
the program: 2212

(a) Tuition; 2213

(b) Other educational expenses for specific purposes, 2214  
including fees, books, and laboratory expenses, in amounts 2215  
determined to be reasonable in accordance with rules adopted under 2216  
division (D) of this section; 2217

(c) Room and board, in an amount determined to be reasonable 2218  
in accordance with rules adopted under division (D) of this 2219  
section. 2220

(3) The licensed health professional agrees to pay the 2221  
department a specified amount, which shall be no less than the 2222  
amount already paid by the department pursuant to its agreement, 2223  
as damages if the licensed health professional fails to complete 2224  
the service obligation agreed to or fails to comply with other 2225  
specified terms of the contract. The contract may vary the amount 2226



of damages based on the portion of the service obligation that remains uncompleted.	2227 2228
(4) Other terms agreed upon by the parties.	2229
The licensed health professional's lending institution or the Ohio board of regents, may be a party to the contract. The contract may include an assignment to the department of the licensed health professional's duty to repay the principal and interest of the loan.	2230 2231 2232 2233 2234
(D) If the department elects to implement the recruitment program, it shall adopt rules in accordance with Chapter 119. of the Revised Code that establish all of the following:	2235 2236 2237
(1) Criteria for designating institutions for which licensed health professionals will be recruited;	2238 2239
(2) Criteria for selecting licensed health professionals for participation in the program;	2240 2241
(3) Criteria for determining the portion of a loan which the department will agree to repay;	2242 2243
(4) Criteria for determining reasonable amounts of the expenses described in divisions (C)(2)(b) and (c) of this section;	2244 2245
(5) Procedures for monitoring compliance by a licensed health professional with the terms of the contract the licensed health professional enters into under this section;	2246 2247 2248
(6) Any other criteria or procedures necessary to implement the program.	2249 2250
<b>Sec. 5122.01.</b> As used in this chapter and Chapter 5119. of the Revised Code:	2251 2252
(A) "Mental illness" means a substantial disorder of thought, mood, perception, orientation, or memory that grossly impairs judgment, behavior, capacity to recognize reality, or ability to	2253 2254 2255

meet the ordinary demands of life. 2256

(B) "Mentally ill person subject to hospitalization by court 2257  
order" means a mentally ill person who, because of the person's 2258  
illness: 2259

(1) Represents a substantial risk of physical harm to self as 2260  
manifested by evidence of threats of, or attempts at, suicide or 2261  
serious self-inflicted bodily harm; 2262

(2) Represents a substantial risk of physical harm to others 2263  
as manifested by evidence of recent homicidal or other violent 2264  
behavior, evidence of recent threats that place another in 2265  
reasonable fear of violent behavior and serious physical harm, or 2266  
other evidence of present dangerousness; 2267

(3) Represents a substantial and immediate risk of serious 2268  
physical impairment or injury to self as manifested by evidence 2269  
that the person is unable to provide for and is not providing for 2270  
the person's basic physical needs because of the person's mental 2271  
illness and that appropriate provision for those needs cannot be 2272  
made immediately available in the community; or 2273

(4) Would benefit from treatment in a hospital for the 2274  
person's mental illness and is in need of such treatment as 2275  
manifested by evidence of behavior that creates a grave and 2276  
imminent risk to substantial rights of others or the person. 2277

(C)(1) "Patient" means, subject to division (C)(2) of this 2278  
section, a person who is admitted either voluntarily or 2279  
involuntarily to a hospital or other place under section 2945.39, 2280  
2945.40, 2945.401, or 2945.402 of the Revised Code subsequent to a 2281  
finding of not guilty by reason of insanity or incompetence to 2282  
stand trial or under this chapter, who is under observation or 2283  
receiving treatment in such place. 2284

(2) "Patient" does not include a person admitted to a 2285  
hospital or other place under section 2945.39, 2945.40, 2945.401, 2286

or 2945.402 of the Revised Code to the extent that the reference 2287  
in this chapter to patient, or the context in which the reference 2288  
occurs, is in conflict with any provision of sections 2945.37 to 2289  
2945.402 of the Revised Code. 2290

(D) "Licensed physician" means a person licensed under the 2291  
laws of this state to practice medicine or a medical officer of 2292  
the government of the United States while in this state in the 2293  
performance of the person's official duties. 2294

(E) "Psychiatrist" means a licensed physician who has 2295  
satisfactorily completed a residency training program in 2296  
psychiatry, as approved by the residency review committee of the 2297  
American medical association, the committee on post-graduate 2298  
education of the American osteopathic association, or the American 2299  
osteopathic board of neurology and psychiatry, or who on July 1, 2300  
1989, has been recognized as a psychiatrist by the Ohio state 2301  
medical association or the Ohio osteopathic association on the 2302  
basis of formal training and five or more years of medical 2303  
practice limited to psychiatry. 2304

(F) "Hospital" means a hospital or inpatient unit licensed by 2305  
the department of mental health under section 5119.20 of the 2306  
Revised Code, and any institution, hospital, or other place 2307  
established, controlled, or supervised by the department under 2308  
Chapter 5119. of the Revised Code. 2309

(G) "Public hospital" means a facility that is tax-supported 2310  
and under the jurisdiction of the department of mental health. 2311

(H) "Community mental health agency" means an agency that 2312  
provides community mental health services that are certified by 2313  
the director of mental health under section 5119.611 of the 2314  
Revised Code. 2315

(I) "Licensed clinical psychologist" means a person who holds 2316  
a current valid psychologist license issued under section 4732.12 2317

~~er 4732.15 of the Revised Code, and in addition, meets either of~~ 2318  
~~the following criteria:~~ 2319

~~(1) Meets~~ the educational requirements set forth in division 2320  
(B) of section 4732.10 of the Revised Code and has a minimum of 2321  
two years' full-time professional experience, or the equivalent as 2322  
determined by rule of the state board of psychology, at least one 2323  
year of which shall be a predoctoral internship, in clinical 2324  
psychological work in a public or private hospital or clinic or in 2325  
private practice, diagnosing and treating problems of mental 2326  
illness or mental retardation under the supervision of a 2327  
psychologist who is licensed or who holds a diploma issued by the 2328  
American board of professional psychology, or whose qualifications 2329  
are substantially similar to those required for licensure by the 2330  
state board of psychology when the supervision has occurred prior 2331  
to enactment of laws governing the practice of psychology. 2332

~~(2) Meets the educational requirements set forth in division~~ 2333  
~~(B) of section 4732.15 of the Revised Code and has a minimum of~~ 2334  
~~four years' full-time professional experience, or the equivalent~~ 2335  
~~as determined by rule of the state board of psychology, in~~ 2336  
~~clinical psychological work in a public or private hospital or~~ 2337  
~~clinic or in private practice, diagnosing and treating problems of~~ 2338  
~~mental illness or mental retardation under supervision, as set~~ 2339  
~~forth in division (I)(1) of this section.~~ 2340

(J) "Health officer" means any public health physician; 2341  
public health nurse; or other person authorized by or designated 2342  
by a city health district; a general health district; or a board 2343  
of alcohol, drug addiction, and mental health services to perform 2344  
the duties of a health officer under this chapter. 2345

(K) "Chief clinical officer" means the medical director of a 2346  
hospital, or a community mental health agency, or a board of 2347  
alcohol, drug addiction, and mental health services, or, if there 2348  
is no medical director, the licensed physician responsible for the 2349

treatment a hospital or community mental health agency provides. 2350

The chief clinical officer may delegate to the attending physician 2351  
responsible for a patient's care the duties imposed on the chief 2352  
clinical officer by this chapter. Within a community mental health 2353  
agency, the chief clinical officer shall be designated by the 2354  
governing body of the agency and shall be a licensed physician or 2355  
licensed clinical psychologist who supervises diagnostic and 2356  
treatment services. A licensed physician or licensed clinical 2357  
psychologist designated by the chief clinical officer may perform 2358  
the duties and accept the responsibilities of the chief clinical 2359  
officer in the chief clinical officer's absence. 2360

(L) "Working day" or "court day" means Monday, Tuesday, 2361  
Wednesday, Thursday, and Friday, except when such day is a 2362  
holiday. 2363

(M) "Indigent" means unable without deprivation of 2364  
satisfaction of basic needs to provide for the payment of an 2365  
attorney and other necessary expenses of legal representation, 2366  
including expert testimony. 2367

(N) "Respondent" means the person whose detention, 2368  
commitment, hospitalization, continued hospitalization or 2369  
commitment, or discharge is being sought in any proceeding under 2370  
this chapter. 2371

(O) "Ohio protection and advocacy system" has the same 2372  
meaning as in section 5123.60 of the Revised Code. 2373

(P) "Independent expert evaluation" means an evaluation 2374  
conducted by a licensed clinical psychologist, psychiatrist, or 2375  
licensed physician who has been selected by the respondent or the 2376  
respondent's counsel and who consents to conducting the 2377  
evaluation. 2378

(Q) "Court" means the probate division of the court of common 2379  
pleas. 2380

(R) "Expunge" means:	2381
(1) The removal and destruction of court files and records, originals and copies, and the deletion of all index references;	2382 2383
(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;	2384 2385 2386
(3) Otherwise insuring that any examination of court files and records in question shall show no record whatever with respect to the person;	2387 2388 2389
(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.	2390 2391 2392
(S) "Residence" means a person's physical presence in a county with intent to remain there, except that:	2393 2394
(1) If a person is receiving a mental health service at a facility that includes nighttime sleeping accommodations, residence means that county in which the person maintained the person's primary place of residence at the time the person entered the facility;	2395 2396 2397 2398 2399
(2) If a person is committed pursuant to section 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code, residence means the county where the criminal charges were filed.	2400 2401 2402
When the residence of a person is disputed, the matter of residence shall be referred to the department of mental health for investigation and determination. Residence shall not be a basis for a board's denying services to any person present in the board's service district, and the board shall provide services for a person whose residence is in dispute while residence is being determined and for a person in an emergency situation.	2403 2404 2405 2406 2407 2408 2409
(T) "Admission" to a hospital or other place means that a	2410

patient is accepted for and stays at least one night at the 2411  
hospital or other place. 2412

(U) "Prosecutor" means the prosecuting attorney, village 2413  
solicitor, city director of law, or similar chief legal officer 2414  
who prosecuted a criminal case in which a person was found not 2415  
guilty by reason of insanity, who would have had the authority to 2416  
prosecute a criminal case against a person if the person had not 2417  
been found incompetent to stand trial, or who prosecuted a case in 2418  
which a person was found guilty. 2419

(V) "Treatment plan" means a written statement of reasonable 2420  
objectives and goals for an individual established by the 2421  
treatment team, with specific criteria to evaluate progress 2422  
towards achieving those objectives. The active participation of 2423  
the patient in establishing the objectives and goals shall be 2424  
documented. The treatment plan shall be based on patient needs and 2425  
include services to be provided to the patient while the patient 2426  
is hospitalized and after the patient is discharged. The treatment 2427  
plan shall address services to be provided upon discharge, 2428  
including but not limited to housing, financial, and vocational 2429  
services. 2430

(W) "Community control sanction" has the same meaning as in 2431  
section 2929.01 of the Revised Code. 2432

(X) "Post-release control sanction" has the same meaning as 2433  
in section 2967.01 of the Revised Code. 2434

**Section 2.** That existing sections 102.02, 102.022, 102.03, 2435  
2152.54, 2919.271, 2945.37, 4732.01, 4732.02, 4732.03, 4732.06, 2436  
4732.07, 4732.09, 4732.10, 4732.11, 4732.12, 4732.13, 4732.14, 2437  
4732.141, 4732.16, 4732.17, 4732.172, 4732.173, 4732.18, 4732.21, 2438  
4732.22, 4732.31, 4755.13, 4757.42, 5120.55, and 5122.01 and 2439  
sections 4732.15, 4732.171, and 4732.23 of the Revised Code are 2440  
hereby repealed. 2441