

As Reported by the House Health and Aging Committee

129th General Assembly

Regular Session

2011-2012

Sub. H. B. No. 567

Representative Sears

**Cosponsors: Representatives Gonzales, Hackett, Hill, Stebelton, Thompson,
Carney, Celeste, Garland**

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A B I L L

To amend sections 1701.03, 1705.03, 1705.04, 1705.53, 1
1785.01, 1785.02, 1785.03, 2305.234, 2305.51, 2
2921.22, 3107.014, 3701.74, 3721.21, 4723.16, 3
4725.33, 4729.161, 4731.226, 4731.65, 4732.28, 4
4734.17, 4755.471, 4757.03, 4757.10, 4757.16, 5
4757.22, 4757.23, 4757.27, 4757.28, 4757.29, 6
4757.30, 4757.31, 4757.33, 4757.36, 4757.41, 7
5101.61, and 5123.61; to enact sections 4757.13 8
and 4757.37; and to repeal section 4757.12 of the 9
Revised Code to modify counselor, social worker, 10
and marriage and family therapist licensing law; 11
to provide certain professional rights to such 12
licensees; and to permit the Department of 13
Developmental Disabilities to conduct assessments 14
of residents of intermediate care facilities for 15
individuals with intellectual disabilities, for 16
the first quarter of calendar year 2013. 17

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

Section 1. That sections 1701.03, 1705.03, 1705.04, 1705.53, 18
1785.01, 1785.02, 1785.03, 2305.234, 2305.51, 2921.22, 3107.014, 19

3701.74, 3721.21, 4723.16, 4725.33, 4729.161, 4731.226, 4731.65, 20
4732.28, 4734.17, 4755.471, 4757.03, 4757.10, 4757.16, 4757.22, 21
4757.23, 4757.27, 4757.28, 4757.29, 4757.30, 4757.31, 4757.33, 22
4757.36, 4757.41, 5101.61, and 5123.61 be amended and sections 23
4757.13 and 4757.37 be enacted to read as follows: 24

Sec. 1701.03. (A) A corporation may be formed under this 25
chapter for any purpose or combination of purposes for which 26
individuals lawfully may associate themselves, except that, if the 27
Revised Code contains special provisions pertaining to the 28
formation of any designated type of corporation other than a 29
professional association, as defined in section 1785.01 of the 30
Revised Code, a corporation of that type shall be formed in 31
accordance with the special provisions. 32

(B) On and after July 1, 1994, a corporation may be formed 33
under this chapter for the purpose of carrying on the practice of 34
any profession, including, but not limited to, a corporation for 35
the purpose of providing public accounting or certified public 36
accounting services, a corporation for the erection, owning, and 37
conducting of a sanitarium for receiving and caring for patients, 38
medical and hygienic treatment of patients, and instruction of 39
nurses in the treatment of disease and in hygiene, a corporation 40
for the purpose of providing architectural, landscape 41
architectural, professional engineering, or surveying services or 42
any combination of those types of services, and a corporation for 43
the purpose of providing a combination of the professional 44
services, as defined in section 1785.01 of the Revised Code, of 45
optometrists authorized under Chapter 4725. of the Revised Code, 46
chiropractors authorized under Chapter 4734. of the Revised Code 47
to practice chiropractic or acupuncture, psychologists authorized 48
under Chapter 4732. of the Revised Code, professional clinical 49
counselors, professional counselors, independent social workers, 50

social workers, independent marriage and family therapists, or 51
marriage and family therapists authorized under Chapter 4757. of 52
the Revised Code, registered or licensed practical nurses 53
authorized under Chapter 4723. of the Revised Code, pharmacists 54
authorized under Chapter 4729. of the Revised Code, physical 55
therapists authorized under sections 4755.40 to 4755.56 of the 56
Revised Code, mechanotherapists authorized under section 4731.151 57
of the Revised Code, and doctors of medicine and surgery, 58
osteopathic medicine and surgery, or podiatric medicine and 59
surgery authorized under Chapter 4731. of the Revised Code. This 60
chapter does not restrict, limit, or otherwise affect the 61
authority or responsibilities of any agency, board, commission, 62
department, office, or other entity to license, register, and 63
otherwise regulate the professional conduct of individuals or 64
organizations of any kind rendering professional services, as 65
defined in section 1785.01 of the Revised Code, in this state or 66
to regulate the practice of any profession that is within the 67
jurisdiction of the agency, board, commission, department, office, 68
or other entity, notwithstanding that an individual is a director, 69
officer, employee, or other agent of a corporation formed under 70
this chapter and is rendering professional services or engaging in 71
the practice of a profession through a corporation formed under 72
this chapter or that the organization is a corporation formed 73
under this chapter. 74

(C) Nothing in division (A) or (B) of this section precludes 75
the organization of a professional association in accordance with 76
this chapter and Chapter 1785. of the Revised Code or the 77
formation of a limited liability company under Chapter 1705. of 78
the Revised Code with respect to a business, as defined in section 79
1705.01 of the Revised Code. 80

(D) No corporation formed for the purpose of providing a 81
combination of the professional services, as defined in section 82

1785.01 of the Revised Code, of optometrists authorized under 83
Chapter 4725. of the Revised Code, chiropractors authorized under 84
Chapter 4734. of the Revised Code to practice chiropractic or 85
acupuncture, psychologists authorized under Chapter 4732. of the 86
Revised Code, professional clinical counselors, professional 87
counselors, independent social workers, social workers, 88
independent marriage and family therapists, or marriage and family 89
therapists authorized under Chapter 4757. of the Revised Code, 90
registered or licensed practical nurses authorized under Chapter 91
4723. of the Revised Code, pharmacists authorized under Chapter 92
4729. of the Revised Code, physical therapists authorized under 93
sections 4755.40 to 4755.56 of the Revised Code, mechanotherapists 94
authorized under section 4731.151 of the Revised Code, and doctors 95
of medicine and surgery, osteopathic medicine and surgery, or 96
podiatric medicine and surgery authorized under Chapter 4731. of 97
the Revised Code shall control the professional clinical judgment 98
exercised within accepted and prevailing standards of practice of 99
a licensed, certificated, or otherwise legally authorized 100
optometrist, chiropractor, chiropractor practicing acupuncture 101
through the state chiropractic board, professional clinical 102
counselor, professional counselor, independent social worker, 103
social worker, independent marriage and family therapist, marriage 104
and family therapist, psychologist, nurse, pharmacist, physical 105
therapist, mechanotherapist, or doctor of medicine and surgery, 106
osteopathic medicine and surgery, or podiatric medicine and 107
surgery in rendering care, treatment, or professional advice to an 108
individual patient. 109

This division does not prevent a hospital, as defined in 110
section 3727.01 of the Revised Code, insurer, as defined in 111
section 3999.36 of the Revised Code, or intermediary organization, 112
as defined in section 1751.01 of the Revised Code, from entering 113
into a contract with a corporation described in this division that 114
includes a provision requiring utilization review, quality 115

assurance, peer review, or other performance or quality standards. 116
Those activities shall not be construed as controlling the 117
professional clinical judgment of an individual practitioner 118
listed in this division. 119

Sec. 1705.03. (A) A limited liability company may sue and be 120
sued. 121

(B) Unless otherwise provided in its articles of 122
organization, a limited liability company may take property of any 123
description or any interest in property of any description by 124
gift, devise, or bequest and may make donations for the public 125
welfare or for charitable, scientific, or educational purposes. 126

(C) In carrying out the purposes stated in its articles of 127
organization or operating agreement and subject to limitations 128
prescribed by law or in its articles of organization or its 129
operating agreement, a limited liability company may do all of the 130
following: 131

(1) Purchase or otherwise acquire, lease as lessee or lessor, 132
invest in, hold, use, encumber, sell, exchange, transfer, and 133
dispose of property of any description or any interest in property 134
of any description; 135

(2) Make contracts; 136

(3) Form or acquire the control of other domestic or foreign 137
limited liability companies; 138

(4) Be a shareholder, partner, member, associate, or 139
participant in other profit or nonprofit enterprises or ventures; 140

(5) Conduct its affairs in this state and elsewhere; 141

(6) Render in this state and elsewhere a professional 142
service, the kinds of professional services authorized under 143
Chapters 4703. and 4733. of the Revised Code, or a combination of 144
the professional services of optometrists authorized under Chapter 145

4725. of the Revised Code, chiropractors authorized under Chapter	146
4734. of the Revised Code to practice chiropractic or acupuncture,	147
<u>professional clinical counselors, professional counselors,</u>	148
<u>independent social workers, social workers, independent marriage</u>	149
<u>and family therapists, or marriage and family therapists</u>	150
<u>authorized under Chapter 4757. of the Revised Code,</u> psychologists	151
authorized under Chapter 4732. of the Revised Code, registered or	152
licensed practical nurses authorized under Chapter 4723. of the	153
Revised Code, pharmacists authorized under Chapter 4729. of the	154
Revised Code, physical therapists authorized under sections	155
4755.40 to 4755.56 of the Revised Code, occupational therapists	156
authorized under sections 4755.04 to 4755.13 of the Revised Code,	157
mechanotherapists authorized under section 4731.151 of the Revised	158
Code, and doctors of medicine and surgery, osteopathic medicine	159
and surgery, or podiatric medicine and surgery authorized under	160
Chapter 4731. of the Revised Code;	161
(7) Borrow money;	162
(8) Issue, sell, and pledge its notes, bonds, and other	163
evidences of indebtedness;	164
(9) Secure any of its obligations by mortgage, pledge, or	165
deed of trust of all or any of its property;	166
(10) Guarantee or secure obligations of any person;	167
(11) Do all things permitted by law and exercise all	168
authority within or incidental to the purposes stated in its	169
articles of organization.	170
(D) In addition to the authority conferred by division (C) of	171
this section and irrespective of the purposes stated in its	172
articles of organization or operating agreement but subject to any	173
limitations stated in those articles or its operating agreement, a	174
limited liability company may invest funds not currently needed in	175
its business in any securities if the investment does not cause	176

the company to acquire control of another enterprise whose 177
activities and operations are not incidental to the purposes 178
stated in the articles of organization of the company. 179

(E)(1) No lack of authority or limitation upon the authority 180
of a limited liability company shall be asserted in any action 181
except as follows: 182

(a) By the state in an action by it against the company; 183

(b) By or on behalf of the company in an action against a 184
manager, an officer, or any member as a member; 185

(c) By a member as a member in an action against the company, 186
a manager, an officer, or any member as a member; 187

(d) In an action involving an alleged improper issue of a 188
membership interest in the company. 189

(2) Division (E)(1) of this section applies to any action 190
commenced in this state upon any contract made in this state by a 191
foreign limited liability company. 192

Sec. 1705.04. (A) One or more persons, without regard to 193
residence, domicile, or state of organization, may form a limited 194
liability company. The articles of organization shall be signed 195
and filed with the secretary of state and shall set forth all of 196
the following: 197

(1) The name of the company; 198

(2) Except as provided in division (B) of this section, the 199
period of its duration, which may be perpetual; 200

(3) Any other provisions that are from the operating 201
agreement or that are not inconsistent with applicable law and 202
that the members elect to set out in the articles for the 203
regulation of the affairs of the company. 204

The legal existence of the company begins upon the filing of 205

the articles of organization or on a later date specified in the 206
articles of organization that is not more than ninety days after 207
the filing. 208

(B) If the articles of organization or operating agreement do 209
not set forth the period of the duration of the limited liability 210
company, its duration shall be perpetual. 211

(C) If a limited liability company is formed under this 212
chapter for the purpose of rendering a professional service, the 213
kinds of professional services authorized under Chapters 4703. and 214
4733. of the Revised Code, or a combination of the professional 215
services of optometrists authorized under Chapter 4725. of the 216
Revised Code, chiropractors authorized under Chapter 4734. of the 217
Revised Code to practice chiropractic or acupuncture, professional 218
clinical counselors, professional counselors, independent social 219
workers, social workers, independent marriage and family 220
therapists, or marriage and family therapists authorized under 221
Chapter 4757. of the Revised Code, psychologists authorized under 222
Chapter 4732. of the Revised Code, registered or licensed 223
practical nurses authorized under Chapter 4723. of the Revised 224
Code, pharmacists authorized under Chapter 4729. of the Revised 225
Code, physical therapists authorized under sections 4755.40 to 226
4755.56 of the Revised Code, occupational therapists authorized 227
under sections 4755.04 to 4755.13 of the Revised Code, 228
mechanotherapists authorized under section 4731.151 of the Revised 229
Code, and doctors of medicine and surgery, osteopathic medicine 230
and surgery, or podiatric medicine and surgery authorized under 231
Chapter 4731. of the Revised Code, the following apply: 232

(1) Each member, employee, or other agent of the company who 233
renders a professional service in this state and, if the 234
management of the company is not reserved to its members, each 235
manager of the company who renders a professional service in this 236
state shall be licensed, certificated, or otherwise legally 237

authorized to render in this state the same kind of professional 238
service; if applicable, the kinds of professional services 239
authorized under Chapters 4703. and 4733. of the Revised Code; or, 240
if applicable, any of the kinds of professional services of 241
optometrists authorized under Chapter 4725. of the Revised Code, 242
chiropractors authorized under Chapter 4734. of the Revised Code 243
to practice chiropractic or acupuncture, professional clinical 244
counselors, professional counselors, independent social workers, 245
social workers, independent marriage and family therapists, or 246
marriage and family therapists authorized under Chapter 4757. of 247
the Revised Code, psychologists authorized under Chapter 4732. of 248
the Revised Code, registered or licensed practical nurses 249
authorized under Chapter 4723. of the Revised Code, pharmacists 250
authorized under Chapter 4729. of the Revised Code, physical 251
therapists authorized under sections 4755.40 to 4755.56 of the 252
Revised Code, occupational therapists authorized under sections 253
4755.04 to 4755.13 of the Revised Code, mechanotherapists 254
authorized under section 4731.151 of the Revised Code, or doctors 255
of medicine and surgery, osteopathic medicine and surgery, or 256
podiatric medicine and surgery authorized under Chapter 4731. of 257
the Revised Code. 258

(2) Each member, employee, or other agent of the company who 259
renders a professional service in another state and, if the 260
management of the company is not reserved to its members, each 261
manager of the company who renders a professional service in 262
another state shall be licensed, certificated, or otherwise 263
legally authorized to render that professional service in the 264
other state. 265

(D) Except for the provisions of this chapter pertaining to 266
the personal liability of members, employees, or other agents of a 267
limited liability company and, if the management of the company is 268
not reserved to its members, the personal liability of managers of 269

the company, this chapter does not restrict, limit, or otherwise 270
affect the authority or responsibilities of any agency, board, 271
commission, department, office, or other entity to license, 272
certificate, register, and otherwise regulate the professional 273
conduct of individuals or organizations of any kind rendering 274
professional services in this state or to regulate the practice of 275
any profession that is within the jurisdiction of the agency, 276
board, commission, department, office, or other entity, 277
notwithstanding that the individual is a member or manager of a 278
limited liability company and is rendering the professional 279
services or engaging in the practice of the profession through the 280
limited liability company or that the organization is a limited 281
liability company. 282

(E) No limited liability company formed for the purpose of 283
providing a combination of the professional services, as defined 284
in section 1785.01 of the Revised Code, of optometrists authorized 285
under Chapter 4725. of the Revised Code, chiropractors authorized 286
under Chapter 4734. of the Revised Code to practice chiropractic 287
or acupuncture, professional clinical counselors, professional 288
counselors, independent social workers, social workers, 289
independent marriage and family therapists, or marriage and family 290
therapists authorized under Chapter 4757. of the Revised Code, 291
psychologists authorized under Chapter 4732. of the Revised Code, 292
registered or licensed practical nurses authorized under Chapter 293
4723. of the Revised Code, pharmacists authorized under Chapter 294
4729. of the Revised Code, physical therapists authorized under 295
sections 4755.40 to 4755.56 of the Revised Code, occupational 296
therapists authorized under sections 4755.04 to 4755.13 of the 297
Revised Code, mechanotherapists authorized under section 4731.151 298
of the Revised Code, and doctors of medicine and surgery, 299
osteopathic medicine and surgery, or podiatric medicine and 300
surgery authorized under Chapter 4731. of the Revised Code shall 301
control the professional clinical judgment exercised within 302

accepted and prevailing standards of practice of a licensed, 303
certificated, or otherwise legally authorized optometrist, 304
chiropractor, chiropractor practicing acupuncture through the 305
state chiropractic board, professional clinical counselor, 306
professional counselor, independent social worker, social worker, 307
independent marriage and family therapist, marriage and family 308
therapist, psychologist, nurse, pharmacist, physical therapist, 309
occupational therapist, mechanotherapist, or doctor of medicine 310
and surgery, osteopathic medicine and surgery, or podiatric 311
medicine and surgery in rendering care, treatment, or professional 312
advice to an individual patient. 313

This division does not prevent a hospital, as defined in 314
section 3727.01 of the Revised Code, insurer, as defined in 315
section 3999.36 of the Revised Code, or intermediary organization, 316
as defined in section 1751.01 of the Revised Code, from entering 317
into a contract with a limited liability company described in this 318
division that includes a provision requiring utilization review, 319
quality assurance, peer review, or other performance or quality 320
standards. Those activities shall not be construed as controlling 321
the professional clinical judgment of an individual practitioner 322
listed in this division. 323

Sec. 1705.53. Subject to any contrary provisions of the Ohio 324
Constitution, the laws of the state under which a foreign limited 325
liability company is organized govern its organization and 326
internal affairs and the liability of its members. A foreign 327
limited liability company may not be denied a certificate of 328
registration as a foreign limited liability company in this state 329
because of any difference between the laws of the state under 330
which it is organized and the laws of this state. However, a 331
foreign limited liability company that applies for registration 332
under this chapter to render a professional service in this state, 333
as a condition to obtaining and maintaining a certificate of 334

registration, shall comply with the requirements of division (C) 335
of section 1705.04 of the Revised Code and shall comply with the 336
requirements of Chapters 4703. and 4733. of the Revised Code if 337
the kinds of professional services authorized under those chapters 338
are to be rendered or with the requirements of Chapters 4723., 339
4725., 4729., 4731., 4732., 4734., ~~and 4755.~~ and 4757. of the 340
Revised Code if a combination of the professional services of 341
optometrists authorized under Chapter 4725. of the Revised Code, 342
chiropractors authorized under Chapter 4734. of the Revised Code 343
to practice chiropractic or acupuncture, professional clinical 344
counselors, professional counselors, independent social workers, 345
social workers, independent marriage and family therapists, or 346
marriage and family therapists authorized under Chapter 4757. of 347
the Revised Code, psychologists authorized under Chapter 4732. of 348
the Revised Code, registered or licensed practical nurses 349
authorized under Chapter 4723. of the Revised Code, pharmacists 350
authorized under Chapter 4729. of the Revised Code, physical 351
therapists authorized under sections 4755.40 to 4755.56 of the 352
Revised Code, occupational therapists authorized under sections 353
4755.04 to 4755.13 of the Revised Code, mechanotherapists 354
authorized under section 4731.151 of the Revised Code, and doctors 355
of medicine and surgery, osteopathic medicine and surgery, or 356
podiatric medicine and surgery authorized under Chapter 4731. of 357
the Revised Code are to be rendered. 358

Sec. 1785.01. As used in this chapter: 359

(A) "Professional service" means any type of professional 360
service that may be performed only pursuant to a license, 361
certificate, or other legal authorization issued pursuant to 362
Chapter 4701., 4703., 4705., 4715., 4723., 4725., 4729., 4730., 363
4731., 4732., 4733., 4734., ~~or 4741.~~ or 4757., sections 4755.04 364
to 4755.13, or 4755.40 to 4755.56 of the Revised Code to certified 365
public accountants, licensed public accountants, architects, 366

attorneys, dentists, nurses, optometrists, pharmacists, physician 367
assistants, doctors of medicine and surgery, doctors of 368
osteopathic medicine and surgery, doctors of podiatric medicine 369
and surgery, practitioners of the limited branches of medicine 370
specified in section 4731.15 of the Revised Code, 371
mechanotherapists, professional clinical counselors, professional 372
counselors, independent social workers, social workers, 373
independent marriage and family therapists, marriage and family 374
therapists, psychologists, professional engineers, chiropractors, 375
chiropractors practicing acupuncture through the state 376
chiropractic board, veterinarians, occupational therapists, 377
physical therapists, and occupational therapists. 378

(B) "Professional association" means an association organized 379
under this chapter for the sole purpose of rendering one of the 380
professional services authorized under Chapter 4701., 4703., 381
4705., 4715., 4723., 4725., 4729., 4730., 4731., 4732., 4733., 382
4734., ~~or~~ 4741., or 4757., sections 4755.04 to 4755.13, or 4755.40 383
to 4755.56 of the Revised Code, a combination of the professional 384
services authorized under Chapters 4703. and 4733. of the Revised 385
Code, or a combination of the professional services of 386
optometrists authorized under Chapter 4725. of the Revised Code, 387
chiropractors authorized under Chapter 4734. of the Revised Code 388
to practice chiropractic or acupuncture, professional clinical 389
counselors, professional counselors, independent social workers, 390
social workers, independent marriage and family therapists, or 391
marriage and family therapists authorized under Chapter 4757. of 392
the Revised Code, psychologists authorized under Chapter 4732. of 393
the Revised Code, registered or licensed practical nurses 394
authorized under Chapter 4723. of the Revised Code, pharmacists 395
authorized under Chapter 4729. of the Revised Code, physical 396
therapists authorized under sections 4755.40 to 4755.56 of the 397
Revised Code, occupational therapists authorized under sections 398
4755.04 to 4755.13 of the Revised Code, mechanotherapists 399

authorized under section 4731.151 of the Revised Code, and doctors 400
of medicine and surgery, osteopathic medicine and surgery, or 401
podiatric medicine and surgery authorized under Chapter 4731. of 402
the Revised Code. 403

Sec. 1785.02. An individual or group of individuals each of 404
whom is licensed, certificated, or otherwise legally authorized to 405
render within this state the same kind of professional service, a 406
group of individuals each of whom is licensed, certificated, or 407
otherwise legally authorized to render within this state the 408
professional service authorized under Chapter 4703. or 4733. of 409
the Revised Code, or a group of individuals each of whom is 410
licensed, certificated, or otherwise legally authorized to render 411
within this state the professional service of optometrists 412
authorized under Chapter 4725. of the Revised Code, chiropractors 413
authorized under Chapter 4734. of the Revised Code to practice 414
chiropractic or acupuncture, professional clinical counselors, 415
professional counselors, independent social workers, social 416
workers, independent marriage and family therapists, or marriage 417
and family therapists authorized under Chapter 4757. of the 418
Revised Code, psychologists authorized under Chapter 4732. of the 419
Revised Code, registered or licensed practical nurses authorized 420
under Chapter 4723. of the Revised Code, pharmacists authorized 421
under Chapter 4729. of the Revised Code, physical therapists 422
authorized under sections 4755.40 to 4755.56 of the Revised Code, 423
occupational therapists authorized under sections 4755.04 to 424
4755.13 of the Revised Code, mechanotherapists authorized under 425
section 4731.151 of the Revised Code, or doctors of medicine and 426
surgery, osteopathic medicine and surgery, or podiatric medicine 427
and surgery authorized under Chapter 4731. of the Revised Code may 428
organize and become a shareholder or shareholders of a 429
professional association. Any group of individuals described in 430
this section who may be rendering one of the professional services 431

as an organization created otherwise than pursuant to this chapter 432
may incorporate under and pursuant to this chapter by amending the 433
agreement establishing the organization in a manner that the 434
agreement as amended constitutes articles of incorporation 435
prepared and filed in the manner prescribed in section 1785.08 of 436
the Revised Code and by otherwise complying with the applicable 437
requirements of this chapter. 438

Sec. 1785.03. A professional association may render a 439
particular professional service only through officers, employees, 440
and agents who are themselves duly licensed, certificated, or 441
otherwise legally authorized to render the professional service 442
within this state. As used in this section, "employee" does not 443
include clerks, bookkeepers, technicians, or other individuals who 444
are not usually and ordinarily considered by custom and practice 445
to be rendering a particular professional service for which a 446
license, certificate, or other legal authorization is required and 447
does not include any other person who performs all of that 448
person's employment under the direct supervision and control of an 449
officer, agent, or employee who renders a particular professional 450
service to the public on behalf of the professional association. 451

No professional association formed for the purpose of 452
providing a combination of the professional services, as defined 453
in section 1785.01 of the Revised Code, of optometrists authorized 454
under Chapter 4725. of the Revised Code, chiropractors authorized 455
under Chapter 4734. of the Revised Code to practice chiropractic 456
or acupuncture, professional clinical counselors, professional 457
counselors, independent social workers, social workers, 458
independent marriage and family therapists, or marriage and family 459
therapists authorized under Chapter 4757. of the Revised Code, 460
psychologists authorized under Chapter 4732. of the Revised Code, 461
registered or licensed practical nurses authorized under Chapter 462
4723. of the Revised Code, pharmacists authorized under Chapter 463

4729. of the Revised Code, physical therapists authorized under 464
sections 4755.40 to 4755.56 of the Revised Code, occupational 465
therapists authorized under sections 4755.04 to 4755.13 of the 466
Revised Code, mechanotherapists authorized under section 4731.151 467
of the Revised Code, and doctors of medicine and surgery, 468
osteopathic medicine and surgery, or podiatric medicine and 469
surgery authorized under Chapter 4731. of the Revised Code shall 470
control the professional clinical judgment exercised within 471
accepted and prevailing standards of practice of a licensed, 472
certificated, or otherwise legally authorized optometrist, 473
chiropractor, chiropractor practicing acupuncture through the 474
state chiropractic board, professional clinical counselor, 475
professional counselor, independent social worker, social worker, 476
independent marriage and family therapist, marriage and family 477
therapist, psychologist, nurse, pharmacist, physical therapist, 478
occupational therapist, mechanotherapist, or doctor of medicine 479
and surgery, osteopathic medicine and surgery, or podiatric 480
medicine and surgery in rendering care, treatment, or professional 481
advice to an individual patient. 482

This division does not prevent a hospital, as defined in 483
section 3727.01 of the Revised Code, insurer, as defined in 484
section 3999.36 of the Revised Code, or intermediary organization, 485
as defined in section 1751.01 of the Revised Code, from entering 486
into a contract with a professional association described in this 487
division that includes a provision requiring utilization review, 488
quality assurance, peer review, or other performance or quality 489
standards. Those activities shall not be construed as controlling 490
the professional clinical judgment of an individual practitioner 491
listed in this division. 492

Sec. 2305.234. (A) As used in this section: 493

(1) "Chiropractic claim," "medical claim," and "optometric 494

claim" have the same meanings as in section 2305.113 of the Revised Code.

(2) "Dental claim" has the same meaning as in section 2305.113 of the Revised Code, except that it does not include any claim arising out of a dental operation or any derivative claim for relief that arises out of a dental operation.

(3) "Governmental health care program" has the same meaning as in section 4731.65 of the Revised Code.

(4) "Health care facility or location" means a hospital, clinic, ambulatory surgical facility, office of a health care professional or associated group of health care professionals, training institution for health care professionals, or any other place where medical, dental, or other health-related diagnosis, care, or treatment is provided to a person.

(5) "Health care professional" means any of the following who provide medical, dental, or other health-related diagnosis, care, or treatment:

(a) Physicians authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery;

(b) Registered nurses and licensed practical nurses licensed under Chapter 4723. of the Revised Code and individuals who hold a certificate of authority issued under that chapter that authorizes the practice of nursing as a certified registered nurse anesthetist, clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner;

(c) Physician assistants authorized to practice under Chapter 4730. of the Revised Code;

(d) Dentists and dental hygienists licensed under Chapter 4715. of the Revised Code;

(e) Physical therapists, physical therapist assistants, occupational therapists, and occupational therapy assistants licensed under Chapter 4755. of the Revised Code;	525 526 527
(f) Chiropractors licensed under Chapter 4734. of the Revised Code;	528 529
(g) Optometrists licensed under Chapter 4725. of the Revised Code;	530 531
(h) Podiatrists authorized under Chapter 4731. of the Revised Code to practice podiatry;	532 533
(i) Dietitians licensed under Chapter 4759. of the Revised Code;	534 535
(j) Pharmacists licensed under Chapter 4729. of the Revised Code;	536 537
(k) Emergency medical technicians-basic, emergency medical technicians-intermediate, and emergency medical technicians-paramedic, certified under Chapter 4765. of the Revised Code;	538 539 540 541
(l) Respiratory care professionals licensed under Chapter 4761. of the Revised Code;	542 543
(m) Speech-language pathologists and audiologists licensed under Chapter 4753. of the Revised Code;	544 545
<u>(n) Professional clinical counselors, professional counselors, independent social workers, social workers, independent marriage and family therapists, or marriage and family therapists authorized for their respective practices under Chapter 4757. of the Revised Code;</u>	546 547 548 549 550
<u>(o) Psychologists licensed under Chapter 4732. of the Revised Code;</u>	551 552
<u>(p) Individuals licensed or certified under Chapter 4758. of the Revised Code who are acting within the scope of their license</u>	553 554

or certificate as members of the profession of chemical dependency 555
counseling or alcohol and other drug prevention services. 556

(6) "Health care worker" means a person other than a health 557
care professional who provides medical, dental, or other 558
health-related care or treatment under the direction of a health 559
care professional with the authority to direct that individual's 560
activities, including medical technicians, medical assistants, 561
dental assistants, orderlies, aides, and individuals acting in 562
similar capacities. 563

(7) "Indigent and uninsured person" means a person who meets 564
all of the following requirements: 565

(a) The person's income is not greater than two hundred per 566
cent of the current poverty line as defined by the United States 567
office of management and budget and revised in accordance with 568
section 673(2) of the "Omnibus Budget Reconciliation Act of 1981," 569
95 Stat. 511, 42 U.S.C. 9902, as amended. 570

(b) The person is not eligible to receive medical assistance 571
under Chapter 5111. of the Revised Code or assistance under any 572
other governmental health care program. 573

(c) Either of the following applies: 574

(i) The person is not a policyholder, certificate holder, 575
insured, contract holder, subscriber, enrollee, member, 576
beneficiary, or other covered individual under a health insurance 577
or health care policy, contract, or plan. 578

(ii) The person is a policyholder, certificate holder, 579
insured, contract holder, subscriber, enrollee, member, 580
beneficiary, or other covered individual under a health insurance 581
or health care policy, contract, or plan, but the insurer, policy, 582
contract, or plan denies coverage or is the subject of insolvency 583
or bankruptcy proceedings in any jurisdiction. 584

(8) "Nonprofit health care referral organization" means an 585
entity that is not operated for profit and refers patients to, or 586
arranges for the provision of, health-related diagnosis, care, or 587
treatment by a health care professional or health care worker. 588

(9) "Operation" means any procedure that involves cutting or 589
otherwise infiltrating human tissue by mechanical means, including 590
surgery, laser surgery, ionizing radiation, therapeutic 591
ultrasound, or the removal of intraocular foreign bodies. 592
"Operation" does not include the administration of medication by 593
injection, unless the injection is administered in conjunction 594
with a procedure infiltrating human tissue by mechanical means 595
other than the administration of medicine by injection. 596
"Operation" does not include routine dental restorative 597
procedures, the scaling of teeth, or extractions of teeth that are 598
not impacted. 599

(10) "Tort action" means a civil action for damages for 600
injury, death, or loss to person or property other than a civil 601
action for damages for a breach of contract or another agreement 602
between persons or government entities. 603

(11) "Volunteer" means an individual who provides any 604
medical, dental, or other health-care related diagnosis, care, or 605
treatment without the expectation of receiving and without receipt 606
of any compensation or other form of remuneration from an indigent 607
and uninsured person, another person on behalf of an indigent and 608
uninsured person, any health care facility or location, any 609
nonprofit health care referral organization, or any other person 610
or government entity. 611

(12) "Community control sanction" has the same meaning as in 612
section 2929.01 of the Revised Code. 613

(13) "Deep sedation" means a drug-induced depression of 614
consciousness during which a patient cannot be easily aroused but 615

responds purposefully following repeated or painful stimulation, a 616
patient's ability to independently maintain ventilatory function 617
may be impaired, a patient may require assistance in maintaining a 618
patent airway and spontaneous ventilation may be inadequate, and 619
cardiovascular function is usually maintained. 620

(14) "General anesthesia" means a drug-induced loss of 621
consciousness during which a patient is not arousable, even by 622
painful stimulation, the ability to independently maintain 623
ventilatory function is often impaired, a patient often requires 624
assistance in maintaining a patent airway, positive pressure 625
ventilation may be required because of depressed spontaneous 626
ventilation or drug-induced depression of neuromuscular function, 627
and cardiovascular function may be impaired. 628

(B)(1) Subject to divisions (F) and (G)(3) of this section, a 629
health care professional who is a volunteer and complies with 630
division (B)(2) of this section is not liable in damages to any 631
person or government entity in a tort or other civil action, 632
including an action on a medical, dental, chiropractic, 633
optometric, or other health-related claim, for injury, death, or 634
loss to person or property that allegedly arises from an action or 635
omission of the volunteer in the provision to an indigent and 636
uninsured person of medical, dental, or other health-related 637
diagnosis, care, or treatment, including the provision of samples 638
of medicine and other medical products, unless the action or 639
omission constitutes willful or wanton misconduct. 640

(2) To qualify for the immunity described in division (B)(1) 641
of this section, a health care professional shall do all of the 642
following prior to providing diagnosis, care, or treatment: 643

(a) Determine, in good faith, that the indigent and uninsured 644
person is mentally capable of giving informed consent to the 645
provision of the diagnosis, care, or treatment and is not subject 646
to duress or under undue influence; 647

(b) Inform the person of the provisions of this section, 648
including notifying the person that, by giving informed consent to 649
the provision of the diagnosis, care, or treatment, the person 650
cannot hold the health care professional liable for damages in a 651
tort or other civil action, including an action on a medical, 652
dental, chiropractic, optometric, or other health-related claim, 653
unless the action or omission of the health care professional 654
constitutes willful or wanton misconduct; 655

(c) Obtain the informed consent of the person and a written 656
waiver, signed by the person or by another individual on behalf of 657
and in the presence of the person, that states that the person is 658
mentally competent to give informed consent and, without being 659
subject to duress or under undue influence, gives informed consent 660
to the provision of the diagnosis, care, or treatment subject to 661
the provisions of this section. A written waiver under division 662
(B)(2)(c) of this section shall state clearly and in conspicuous 663
type that the person or other individual who signs the waiver is 664
signing it with full knowledge that, by giving informed consent to 665
the provision of the diagnosis, care, or treatment, the person 666
cannot bring a tort or other civil action, including an action on 667
a medical, dental, chiropractic, optometric, or other 668
health-related claim, against the health care professional unless 669
the action or omission of the health care professional constitutes 670
willful or wanton misconduct. 671

(3) A physician or podiatrist who is not covered by medical 672
malpractice insurance, but complies with division (B)(2) of this 673
section, is not required to comply with division (A) of section 674
4731.143 of the Revised Code. 675

(C) Subject to divisions (F) and (G)(3) of this section, 676
health care workers who are volunteers are not liable in damages 677
to any person or government entity in a tort or other civil 678
action, including an action upon a medical, dental, chiropractic, 679

optometric, or other health-related claim, for injury, death, or 680
loss to person or property that allegedly arises from an action or 681
omission of the health care worker in the provision to an indigent 682
and uninsured person of medical, dental, or other health-related 683
diagnosis, care, or treatment, unless the action or omission 684
constitutes willful or wanton misconduct. 685

(D) Subject to divisions (F) and (G)(3) of this section, a 686
nonprofit health care referral organization is not liable in 687
damages to any person or government entity in a tort or other 688
civil action, including an action on a medical, dental, 689
chiropractic, optometric, or other health-related claim, for 690
injury, death, or loss to person or property that allegedly arises 691
from an action or omission of the nonprofit health care referral 692
organization in referring indigent and uninsured persons to, or 693
arranging for the provision of, medical, dental, or other 694
health-related diagnosis, care, or treatment by a health care 695
professional described in division (B)(1) of this section or a 696
health care worker described in division (C) of this section, 697
unless the action or omission constitutes willful or wanton 698
misconduct. 699

(E) Subject to divisions (F) and (G)(3) of this section and 700
to the extent that the registration requirements of section 701
3701.071 of the Revised Code apply, a health care facility or 702
location associated with a health care professional described in 703
division (B)(1) of this section, a health care worker described in 704
division (C) of this section, or a nonprofit health care referral 705
organization described in division (D) of this section is not 706
liable in damages to any person or government entity in a tort or 707
other civil action, including an action on a medical, dental, 708
chiropractic, optometric, or other health-related claim, for 709
injury, death, or loss to person or property that allegedly arises 710
from an action or omission of the health care professional or 711

worker or nonprofit health care referral organization relative to 712
the medical, dental, or other health-related diagnosis, care, or 713
treatment provided to an indigent and uninsured person on behalf 714
of or at the health care facility or location, unless the action 715
or omission constitutes willful or wanton misconduct. 716

(F)(1) Except as provided in division (F)(2) of this section, 717
the immunities provided by divisions (B), (C), (D), and (E) of 718
this section are not available to a health care professional, 719
health care worker, nonprofit health care referral organization, 720
or health care facility or location if, at the time of an alleged 721
injury, death, or loss to person or property, the health care 722
professionals or health care workers involved are providing one of 723
the following: 724

(a) Any medical, dental, or other health-related diagnosis, 725
care, or treatment pursuant to a community service work order 726
entered by a court under division (B) of section 2951.02 of the 727
Revised Code or imposed by a court as a community control 728
sanction; 729

(b) Performance of an operation to which any one of the 730
following applies: 731

(i) The operation requires the administration of deep 732
sedation or general anesthesia. 733

(ii) The operation is a procedure that is not typically 734
performed in an office. 735

(iii) The individual involved is a health care professional, 736
and the operation is beyond the scope of practice or the 737
education, training, and competence, as applicable, of the health 738
care professional. 739

(c) Delivery of a baby or any other purposeful termination of 740
a human pregnancy. 741

(2) Division (F)(1) of this section does not apply when a health care professional or health care worker provides medical, dental, or other health-related diagnosis, care, or treatment that is necessary to preserve the life of a person in a medical emergency.

(G)(1) This section does not create a new cause of action or substantive legal right against a health care professional, health care worker, nonprofit health care referral organization, or health care facility or location.

(2) This section does not affect any immunities from civil liability or defenses established by another section of the Revised Code or available at common law to which a health care professional, health care worker, nonprofit health care referral organization, or health care facility or location may be entitled in connection with the provision of emergency or other medical, dental, or other health-related diagnosis, care, or treatment.

(3) This section does not grant an immunity from tort or other civil liability to a health care professional, health care worker, nonprofit health care referral organization, or health care facility or location for actions that are outside the scope of authority of health care professionals or health care workers.

(4) This section does not affect any legal responsibility of a health care professional, health care worker, or nonprofit health care referral organization to comply with any applicable law of this state or rule of an agency of this state.

(5) This section does not affect any legal responsibility of a health care facility or location to comply with any applicable law of this state, rule of an agency of this state, or local code, ordinance, or regulation that pertains to or regulates building, housing, air pollution, water pollution, sanitation, health, fire, zoning, or safety.

Sec. 2305.51. (A)(1) As used in this section:	773
(a) "Civil Rights" has the same meaning as in section 5122.301 of the Revised Code.	774 775
(b) "Mental health client or patient" means an individual who is receiving mental health services from a mental health professional or organization.	776 777 778
(c) "Mental health organization" means an organization that engages one or more mental health professionals to provide mental health services to one or more mental health clients or patients.	779 780 781
(d) "Mental health professional" means an individual who is licensed, certified, or registered under the Revised Code, or otherwise authorized in this state, to provide mental health services for compensation, remuneration, or other personal gain.	782 783 784 785
(e) "Mental health service" means a service provided to an individual or group of individuals involving the application of medical, psychiatric, psychological, <u>professional</u> counseling, social work, <u>marriage and family therapy</u> , or nursing principles or procedures to either of the following:	786 787 788 789 790
(i) The assessment, diagnosis, prevention, treatment, or amelioration of mental, emotional, psychiatric, psychological, or psychosocial disorders or diseases, as described in the most recent edition of the diagnostic and statistical manual of mental disorders published by the American psychiatric association;	791 792 793 794 795
(ii) The assessment or improvement of mental, emotional, psychiatric, psychological, or psychosocial adjustment or functioning, regardless of whether there is a diagnosable, pre-existing disorder or disease.	796 797 798 799
(f) "Knowledgeable person" means an individual who has reason to believe that a mental health client or patient has the intent and ability to carry out an explicit threat of inflicting imminent	800 801 802

and serious physical harm to or causing the death of a clearly 803
identifiable potential victim or victims and who is either an 804
immediate family member of the client or patient or an individual 805
who otherwise personally knows the client or patient. 806

(2) For the purpose of this section, in the case of a threat 807
to a readily identifiable structure, "clearly identifiable 808
potential victim" includes any potential occupant of the 809
structure. 810

(B) A mental health professional or mental health 811
organization may be held liable in damages in a civil action, or 812
may be made subject to disciplinary action by an entity with 813
licensing or other regulatory authority over the professional or 814
organization, for serious physical harm or death resulting from 815
failing to predict, warn of, or take precautions to provide 816
protection from the violent behavior of a mental health client or 817
patient, only if the client or patient or a knowledgeable person 818
has communicated to the professional or organization an explicit 819
threat of inflicting imminent and serious physical harm to or 820
causing the death of one or more clearly identifiable potential 821
victims, the professional or organization has reason to believe 822
that the client or patient has the intent and ability to carry out 823
the threat, and the professional or organization fails to take one 824
or more of the following actions in a timely manner: 825

(1) Exercise any authority the professional or organization 826
possesses to hospitalize the client or patient on an emergency 827
basis pursuant to section 5122.10 of the Revised Code; 828

(2) Exercise any authority the professional or organization 829
possesses to have the client or patient involuntarily or 830
voluntarily hospitalized under Chapter 5122. of the Revised Code; 831

(3) Establish and undertake a documented treatment plan that 832
is reasonably calculated, according to appropriate standards of 833

professional practice, to eliminate the possibility that the 834
client or patient will carry out the threat, and, concurrent with 835
establishing and undertaking the treatment plan, initiate 836
arrangements for a second opinion risk assessment through a 837
management consultation about the treatment plan with, in the case 838
of a mental health organization, the clinical director of the 839
organization, or, in the case of a mental health professional who 840
is not acting as part of a mental health organization, any mental 841
health professional who is licensed to engage in independent 842
practice; 843

(4) Communicate to a law enforcement agency with jurisdiction 844
in the area where each potential victim resides, where a structure 845
threatened by a mental health client or patient is located, or 846
where the mental health client or patient resides, and if 847
feasible, communicate to each potential victim or a potential 848
victim's parent or guardian if the potential victim is a minor or 849
has been adjudicated incompetent, all of the following 850
information: 851

(a) The nature of the threat; 852

(b) The identity of the mental health client or patient 853
making the threat; 854

(c) The identity of each potential victim of the threat. 855

(C) All of the following apply when a mental health 856
professional or organization takes one or more of the actions set 857
forth in divisions (B)(1) to (4) of this section: 858

(1) The mental health professional or organization shall 859
consider each of the alternatives set forth and shall document the 860
reasons for choosing or rejecting each alternative. 861

(2) The mental health professional or organization may give 862
special consideration to those alternatives which, consistent with 863
public safety, would least abridge the rights of the mental health 864

client or patient established under the Revised Code, including 865
the rights specified in sections 5122.27 to 5122.31 of the Revised 866
Code. 867

(3) The mental health professional or organization is not 868
required to take an action that, in the exercise of reasonable 869
professional judgment, would physically endanger the professional 870
or organization, increase the danger to a potential victim, or 871
increase the danger to the mental health client or patient. 872

(4) The mental health professional or organization is not 873
liable in damages in a civil action, and shall not be made subject 874
to disciplinary action by any entity with licensing or other 875
regulatory authority over the professional or organization, for 876
disclosing any confidential information about a mental health 877
client or patient that is disclosed for the purpose of taking any 878
of the actions. 879

(D) The immunities from civil liability and disciplinary 880
action conferred by this section are in addition to and not in 881
limitation of any immunity conferred on a mental health 882
professional or organization by any other section of the Revised 883
Code or by judicial precedent. 884

(E) This section does not affect the civil rights of a mental 885
health client or patient under Ohio or Federal Law. 886

Sec. 2921.22. (A)(1) Except as provided in division (A)(2) of 887
this section, no person, knowing that a felony has been or is 888
being committed, shall knowingly fail to report such information 889
to law enforcement authorities. 890

(2) No person, knowing that a violation of division (B) of 891
section 2913.04 of the Revised Code has been, or is being 892
committed or that the person has received information derived from 893
such a violation, shall knowingly fail to report the violation to 894

law enforcement authorities. 895

(B) Except for conditions that are within the scope of 896
division (E) of this section, no physician, limited practitioner, 897
nurse, or other person giving aid to a sick or injured person 898
shall negligently fail to report to law enforcement authorities 899
any gunshot or stab wound treated or observed by the physician, 900
limited practitioner, nurse, or person, or any serious physical 901
harm to persons that the physician, limited practitioner, nurse, 902
or person knows or has reasonable cause to believe resulted from 903
an offense of violence. 904

(C) No person who discovers the body or acquires the first 905
knowledge of the death of a person shall fail to report the death 906
immediately to a physician whom the person knows to be treating 907
the deceased for a condition from which death at such time would 908
not be unexpected, or to a law enforcement officer, an ambulance 909
service, an emergency squad, or the coroner in a political 910
subdivision in which the body is discovered, the death is believed 911
to have occurred, or knowledge concerning the death is obtained. 912

(D) No person shall fail to provide upon request of the 913
person to whom a report required by division (C) of this section 914
was made, or to any law enforcement officer who has reasonable 915
cause to assert the authority to investigate the circumstances 916
surrounding the death, any facts within the person's knowledge 917
that may have a bearing on the investigation of the death. 918

(E)(1) As used in this division, "burn injury" means any of 919
the following: 920

(a) Second or third degree burns; 921

(b) Any burns to the upper respiratory tract or laryngeal 922
edema due to the inhalation of superheated air; 923

(c) Any burn injury or wound that may result in death; 924

(d) Any physical harm to persons caused by or as the result 925
of the use of fireworks, novelties and trick noisemakers, and wire 926
sparklers, as each is defined by section 3743.01 of the Revised 927
Code. 928

(2) No physician, nurse, or limited practitioner who, outside 929
a hospital, sanitarium, or other medical facility, attends or 930
treats a person who has sustained a burn injury that is inflicted 931
by an explosion or other incendiary device or that shows evidence 932
of having been inflicted in a violent, malicious, or criminal 933
manner shall fail to report the burn injury immediately to the 934
local arson, or fire and explosion investigation, bureau, if there 935
is a bureau of this type in the jurisdiction in which the person 936
is attended or treated, or otherwise to local law enforcement 937
authorities. 938

(3) No manager, superintendent, or other person in charge of 939
a hospital, sanitarium, or other medical facility in which a 940
person is attended or treated for any burn injury that is 941
inflicted by an explosion or other incendiary device or that shows 942
evidence of having been inflicted in a violent, malicious, or 943
criminal manner shall fail to report the burn injury immediately 944
to the local arson, or fire and explosion investigation, bureau, 945
if there is a bureau of this type in the jurisdiction in which the 946
person is attended or treated, or otherwise to local law 947
enforcement authorities. 948

(4) No person who is required to report any burn injury under 949
division (E)(2) or (3) of this section shall fail to file, within 950
three working days after attending or treating the victim, a 951
written report of the burn injury with the office of the state 952
fire marshal. The report shall comply with the uniform standard 953
developed by the state fire marshal pursuant to division (A)(15) 954
of section 3737.22 of the Revised Code. 955

(5) Anyone participating in the making of reports under 956

division (E) of this section or anyone participating in a judicial proceeding resulting from the reports is immune from any civil or criminal liability that otherwise might be incurred or imposed as a result of such actions. Notwithstanding section 4731.22 of the Revised Code, the physician-patient relationship is not a ground for excluding evidence regarding a person's burn injury or the cause of the burn injury in any judicial proceeding resulting from a report submitted under division (E) of this section.

(F)(1) Any doctor of medicine or osteopathic medicine, hospital intern or resident, registered or licensed practical nurse, psychologist, social worker, independent social worker, social work assistant, professional clinical counselor, ~~or~~ professional counselor, marriage and family therapist, or independent marriage and family therapist who knows or has reasonable cause to believe that a patient or client has been the victim of domestic violence, as defined in section 3113.31 of the Revised Code, shall note that knowledge or belief and the basis for it in the patient's or client's records.

(2) Notwithstanding section 4731.22 of the Revised Code, the doctor-patient privilege shall not be a ground for excluding any information regarding the report containing the knowledge or belief noted under division (F)(1) of this section, and the information may be admitted as evidence in accordance with the Rules of Evidence.

(G) Divisions (A) and (D) of this section do not require disclosure of information, when any of the following applies:

(1) The information is privileged by reason of the relationship between attorney and client; doctor and patient; licensed psychologist or licensed school psychologist and client; professional clinical counselor, professional counselor, independent social worker, social worker, independent marriage and family therapist, or marriage and family therapist and client;

member of the clergy, rabbi, minister, or priest and any person 989
communicating information confidentially to the member of the 990
clergy, rabbi, minister, or priest for a religious counseling 991
purpose of a professional character; husband and wife; or a 992
communications assistant and those who are a party to a 993
telecommunications relay service call. 994

(2) The information would tend to incriminate a member of the 995
actor's immediate family. 996

(3) Disclosure of the information would amount to revealing a 997
news source, privileged under section 2739.04 or 2739.12 of the 998
Revised Code. 999

(4) Disclosure of the information would amount to disclosure 1000
by a member of the ordained clergy of an organized religious body 1001
of a confidential communication made to that member of the clergy 1002
in that member's capacity as a member of the clergy by a person 1003
seeking the aid or counsel of that member of the clergy. 1004

(5) Disclosure would amount to revealing information acquired 1005
by the actor in the course of the actor's duties in connection 1006
with a bona fide program of treatment or services for drug 1007
dependent persons or persons in danger of drug dependence, which 1008
program is maintained or conducted by a hospital, clinic, person, 1009
agency, or organization certified pursuant to section 3793.06 of 1010
the Revised Code. 1011

(6) Disclosure would amount to revealing information acquired 1012
by the actor in the course of the actor's duties in connection 1013
with a bona fide program for providing counseling services to 1014
victims of crimes that are violations of section 2907.02 or 1015
2907.05 of the Revised Code or to victims of felonious sexual 1016
penetration in violation of former section 2907.12 of the Revised 1017
Code. As used in this division, "counseling services" include 1018
services provided in an informal setting by a person who, by 1019

education or experience, is competent to provide those services.	1020
(H) No disclosure of information pursuant to this section	1021
gives rise to any liability or recrimination for a breach of	1022
privilege or confidence.	1023
(I) Whoever violates division (A) or (B) of this section is	1024
guilty of failure to report a crime. Violation of division (A)(1)	1025
of this section is a misdemeanor of the fourth degree. Violation	1026
of division (A)(2) or (B) of this section is a misdemeanor of the	1027
second degree.	1028
(J) Whoever violates division (C) or (D) of this section is	1029
guilty of failure to report knowledge of a death, a misdemeanor of	1030
the fourth degree.	1031
(K)(1) Whoever negligently violates division (E) of this	1032
section is guilty of a minor misdemeanor.	1033
(2) Whoever knowingly violates division (E) of this section	1034
is guilty of a misdemeanor of the second degree.	1035
Sec. 3107.014. (A) Except as provided in division (B) of this	1036
section, only an individual who meets all of the following	1037
requirements may perform the duties of an assessor under sections	1038
3107.031, 3107.032, 3107.082, 3107.09, 3107.101, 3107.12,	1039
5103.0324, and 5103.152 of the Revised Code:	1040
(1) The individual must be in the employ of, appointed by, or	1041
under contract with a court, public children services agency,	1042
private child placing agency, or private noncustodial agency;	1043
(2) The individual must be one of the following:	1044
(a) A professional counselor, social worker, or marriage and	1045
family therapist licensed under Chapter 4757. of the Revised Code;	1046
(b) A psychologist licensed under Chapter 4732. of the	1047
Revised Code;	1048

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

(d) A civil service employee engaging in social work without a license under Chapter 4757. of the Revised Code, as permitted by division (A)(5) of section 4757.41 of the Revised Code;

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

(f) An employee of a court or public children services agency who is employed to conduct the duties of an assessor.

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

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

(C) A court, public children services agency, private child placing agency, or private noncustodial agency may employ,

appoint, or contract with an assessor in the county in which a 1080
petition for adoption is filed and in any other county or location 1081
outside this state where information needed to complete or 1082
supplement the assessor's duties may be obtained. More than one 1083
assessor may be utilized for an adoption. 1084

(D) Not later than January 1, 2008, the department of job and 1085
family services shall develop and maintain an assessor registry. 1086
The registry shall list all individuals who are employed, 1087
appointed by, or under contract with a court, public children 1088
services agency, private child placing agency, or private 1089
noncustodial agency and meet the requirements of an assessor as 1090
described in this section. A public children services agency, 1091
private child placing agency, private noncustodial agency, court, 1092
or any other person may contact the department to determine if an 1093
individual is listed in the assessor registry. An individual 1094
listed in the assessor registry shall immediately inform the 1095
department when that individual is no longer employed, appointed 1096
by, or under contract with a court, public children services 1097
agency, private child placing agency, or private noncustodial 1098
agency to perform the duties of an assessor as described in this 1099
section. The director of job and family services shall adopt rules 1100
in accordance with Chapter 119. of the Revised Code necessary for 1101
the implementation, contents, and maintenance of the registry, and 1102
any sanctions related to the provision of information, or the 1103
failure to provide information, that is needed for the proper 1104
operation of the assessor registry. 1105

Sec. 3701.74. (A) As used in this section and section 1106
3701.741 of the Revised Code: 1107

(1) "Ambulatory care facility" means a facility that provides 1108
medical, diagnostic, or surgical treatment to patients who do not 1109
require hospitalization, including a dialysis center, ambulatory 1110

surgical facility, cardiac catheterization facility, diagnostic	1111
imaging center, extracorporeal shock wave lithotripsy center, home	1112
health agency, inpatient hospice, birthing center, radiation	1113
therapy center, emergency facility, and an urgent care center.	1114
"Ambulatory care facility" does not include the private office of	1115
a physician or dentist, whether the office is for an individual or	1116
group practice.	1117
(2) "Chiropractor" means an individual licensed under Chapter	1118
4734. of the Revised Code to practice chiropractic.	1119
(3) "Emergency facility" means a hospital emergency	1120
department or any other facility that provides emergency medical	1121
services.	1122
(4) "Health care practitioner" means all of the following:	1123
(a) A dentist or dental hygienist licensed under Chapter	1124
4715. of the Revised Code;	1125
(b) A registered or licensed practical nurse licensed under	1126
Chapter 4723. of the Revised Code;	1127
(c) An optometrist licensed under Chapter 4725. of the	1128
Revised Code;	1129
(d) A dispensing optician, spectacle dispensing optician,	1130
contact lens dispensing optician, or spectacle-contact lens	1131
dispensing optician licensed under Chapter 4725. of the Revised	1132
Code;	1133
(e) A pharmacist licensed under Chapter 4729. of the Revised	1134
Code;	1135
(f) A physician;	1136
(g) A physician assistant authorized under Chapter 4730. of	1137
the Revised Code to practice as a physician assistant;	1138
(h) A practitioner of a limited branch of medicine issued a	1139
certificate under Chapter 4731. of the Revised Code;	1140

(i) A psychologist licensed under Chapter 4732. of the Revised Code;	1141 1142
(j) A chiropractor;	1143
(k) A hearing aid dealer or fitter licensed under Chapter 4747. of the Revised Code;	1144 1145
(l) A speech-language pathologist or audiologist licensed under Chapter 4753. of the Revised Code;	1146 1147
(m) An occupational therapist or occupational therapy assistant licensed under Chapter 4755. of the Revised Code;	1148 1149
(n) A physical therapist or physical therapy assistant licensed under Chapter 4755. of the Revised Code;	1150 1151
(o) A professional clinical counselor, professional counselor, social worker, or independent social worker, <u>independent marriage and family therapist, or marriage and family therapist</u> licensed, or a social work assistant registered, under Chapter 4757. of the Revised Code;	1152 1153 1154 1155 1156
(p) A dietitian licensed under Chapter 4759. of the Revised Code;	1157 1158
(q) A respiratory care professional licensed under Chapter 4761. of the Revised Code;	1159 1160
(r) An emergency medical technician-basic, emergency medical technician-intermediate, or emergency medical technician-paramedic certified under Chapter 4765. of the Revised Code.	1161 1162 1163
(5) "Health care provider" means a hospital, ambulatory care facility, long-term care facility, pharmacy, emergency facility, or health care practitioner.	1164 1165 1166
(6) "Hospital" has the same meaning as in section 3727.01 of the Revised Code.	1167 1168
(7) "Long-term care facility" means a nursing home,	1169

residential care facility, or home for the aging, as those terms 1170
are defined in section 3721.01 of the Revised Code; a residential 1171
facility licensed under section 5119.22 of the Revised Code that 1172
provides accommodations, supervision, and personal care services 1173
for three to sixteen unrelated adults; a nursing facility or 1174
intermediate care facility for the mentally retarded, as those 1175
terms are defined in section 5111.20 of the Revised Code; a 1176
facility or portion of a facility certified as a skilled nursing 1177
facility under Title XVIII of the "Social Security Act," 49 Stat. 1178
286 (1965), 42 U.S.C.A. 1395, as amended. 1179

(8) "Medical record" means data in any form that pertains to 1180
a patient's medical history, diagnosis, prognosis, or medical 1181
condition and that is generated and maintained by a health care 1182
provider in the process of the patient's health care treatment. 1183

(9) "Medical records company" means a person who stores, 1184
locates, or copies medical records for a health care provider, or 1185
is compensated for doing so by a health care provider, and charges 1186
a fee for providing medical records to a patient or patient's 1187
representative. 1188

(10) "Patient" means either of the following: 1189

(a) An individual who received health care treatment from a 1190
health care provider; 1191

(b) A guardian, as defined in section 1337.11 of the Revised 1192
Code, of an individual described in division (A)(10)(a) of this 1193
section. 1194

(11) "Patient's personal representative" means a minor 1195
patient's parent or other person acting in loco parentis, a 1196
court-appointed guardian, or a person with durable power of 1197
attorney for health care for a patient, the executor or 1198
administrator of the patient's estate, or the person responsible 1199
for the patient's estate if it is not to be probated. "Patient's 1200

personal representative" does not include an insurer authorized 1201
under Title XXXIX of the Revised Code to do the business of 1202
sickness and accident insurance in this state, a health insuring 1203
corporation holding a certificate of authority under Chapter 1751. 1204
of the Revised Code, or any other person not named in this 1205
division. 1206

(12) "Pharmacy" has the same meaning as in section 4729.01 of 1207
the Revised Code. 1208

(13) "Physician" means a person authorized under Chapter 1209
4731. of the Revised Code to practice medicine and surgery, 1210
osteopathic medicine and surgery, or podiatric medicine and 1211
surgery. 1212

(14) "Authorized person" means a person to whom a patient has 1213
given written authorization to act on the patient's behalf 1214
regarding the patient's medical record. 1215

(B) A patient, a patient's personal representative or an 1216
authorized person who wishes to examine or obtain a copy of part 1217
or all of a medical record shall submit to the health care 1218
provider a written request signed by the patient, personal 1219
representative, or authorized person dated not more than one year 1220
before the date on which it is submitted. The request shall 1221
indicate whether the copy is to be sent to the requestor, 1222
physician or chiropractor, or held for the requestor at the office 1223
of the health care provider. Within a reasonable time after 1224
receiving a request that meets the requirements of this division 1225
and includes sufficient information to identify the record 1226
requested, a health care provider that has the patient's medical 1227
records shall permit the patient to examine the record during 1228
regular business hours without charge or, on request, shall 1229
provide a copy of the record in accordance with section 3701.741 1230
of the Revised Code, except that if a physician, psychologist, 1231
professional clinical counselor, professional counselor, 1232

independent social worker, social worker, independent marriage and 1233
family therapist, marriage and family therapist, or chiropractor 1234
who has treated the patient determines for clearly stated 1235
treatment reasons that disclosure of the requested record is 1236
likely to have an adverse effect on the patient, the health care 1237
provider shall provide the record to a physician, psychologist, 1238
professional clinical counselor, professional counselor, 1239
independent social worker, social worker, independent marriage and 1240
family therapist, marriage and family therapist, or chiropractor 1241
designated by the patient. The health care provider shall take 1242
reasonable steps to establish the identity of the person making 1243
the request to examine or obtain a copy of the patient's record. 1244

(C) If a health care provider fails to furnish a medical 1245
record as required by division (B) of this section, the patient, 1246
personal representative, or authorized person who requested the 1247
record may bring a civil action to enforce the patient's right of 1248
access to the record. 1249

(D)(1) This section does not apply to medical records whose 1250
release is covered by section 173.20 or 3721.13 of the Revised 1251
Code, by Chapter 1347. or 5122. of the Revised Code, by 42 C.F.R. 1252
part 2, "Confidentiality of Alcohol and Drug Abuse Patient 1253
Records," or by 42 C.F.R. 483.10. 1254

(2) Nothing in this section is intended to supersede the 1255
confidentiality provisions of sections 2305.24, 2305.25, 2305.251, 1256
and 2305.252 of the Revised Code. 1257

Sec. 3721.21. As used in sections 3721.21 to 3721.34 of the 1258
Revised Code: 1259

(A) "Long-term care facility" means either of the following: 1260

(1) A nursing home as defined in section 3721.01 of the 1261
Revised Code; 1262

(2) A facility or part of a facility that is certified as a skilled nursing facility or a nursing facility under Title XVIII or XIX of the "Social Security Act."	1263 1264 1265
(B) "Residential care facility" has the same meaning as in section 3721.01 of the Revised Code.	1266 1267
(C) "Abuse" means knowingly causing physical harm or recklessly causing serious physical harm to a resident by physical contact with the resident or by use of physical or chemical restraint, medication, or isolation as punishment, for staff convenience, excessively, as a substitute for treatment, or in amounts that preclude habilitation and treatment.	1268 1269 1270 1271 1272 1273
(D) "Neglect" means recklessly failing to provide a resident with any treatment, care, goods, or service necessary to maintain the health or safety of the resident when the failure results in serious physical harm to the resident. "Neglect" does not include allowing a resident, at the resident's option, to receive only treatment by spiritual means through prayer in accordance with the tenets of a recognized religious denomination.	1274 1275 1276 1277 1278 1279 1280
(E) "Misappropriation" means depriving, defrauding, or otherwise obtaining the real or personal property of a resident by any means prohibited by the Revised Code, including violations of Chapter 2911. or 2913. of the Revised Code.	1281 1282 1283 1284
(F) "Resident" includes a resident, patient, former resident or patient, or deceased resident or patient of a long-term care facility or a residential care facility.	1285 1286 1287
(G) "Physical restraint" has the same meaning as in section 3721.10 of the Revised Code.	1288 1289
(H) "Chemical restraint" has the same meaning as in section 3721.10 of the Revised Code.	1290 1291
(I) "Nursing and nursing-related services" means the personal	1292

care services and other services not constituting skilled nursing 1293
care that are specified in rules the director of health shall 1294
adopt in accordance with Chapter 119. of the Revised Code. 1295

(J) "Personal care services" has the same meaning as in 1296
section 3721.01 of the Revised Code. 1297

(K)(1) Except as provided in division (K)(2) of this section, 1298
"nurse aide" means an individual who provides nursing and 1299
nursing-related services to residents in a long-term care 1300
facility, either as a member of the staff of the facility for 1301
monetary compensation or as a volunteer without monetary 1302
compensation. 1303

(2) "Nurse aide" does not include either of the following: 1304

(a) A licensed health professional practicing within the 1305
scope of the professional's license; 1306

(b) An individual providing nursing and nursing-related 1307
services in a religious nonmedical health care institution, if the 1308
individual has been trained in the principles of nonmedical care 1309
and is recognized by the institution as being competent in the 1310
administration of care within the religious tenets practiced by 1311
the residents of the institution. 1312

(L) "Licensed health professional" means all of the 1313
following: 1314

(1) An occupational therapist or occupational therapy 1315
assistant licensed under Chapter 4755. of the Revised Code; 1316

(2) A physical therapist or physical therapy assistant 1317
licensed under Chapter 4755. of the Revised Code; 1318

(3) A physician authorized under Chapter 4731. of the Revised 1319
Code to practice medicine and surgery, osteopathic medicine and 1320
surgery, or podiatry; 1321

(4) A physician assistant authorized under Chapter 4730. of 1322

the Revised Code to practice as a physician assistant;	1323
(5) A registered nurse or licensed practical nurse licensed under Chapter 4723. of the Revised Code;	1324 1325
(6) A social worker or independent social worker licensed under Chapter 4757. of the Revised Code or a social work assistant registered under that chapter;	1326 1327 1328
(7) A speech-language pathologist or audiologist licensed under Chapter 4753. of the Revised Code;	1329 1330
(8) A dentist or dental hygienist licensed under Chapter 4715. of the Revised Code;	1331 1332
(9) An optometrist licensed under Chapter 4725. of the Revised Code;	1333 1334
(10) A pharmacist licensed under Chapter 4729. of the Revised Code;	1335 1336
(11) A psychologist licensed under Chapter 4732. of the Revised Code;	1337 1338
(12) A chiropractor licensed under Chapter 4734. of the Revised Code;	1339 1340
(13) A nursing home administrator licensed or temporarily licensed under Chapter 4751. of the Revised Code;	1341 1342
(14) A professional counselor or professional clinical counselor licensed under Chapter 4757. of the Revised Code;	1343 1344
<u>(15) A marriage and family therapist or independent marriage and family therapist licensed under Chapter 4757. of the Revised Code.</u>	1345 1346 1347
(M) "Religious nonmedical health care institution" means an institution that meets or exceeds the conditions to receive payment under the medicare program established under Title XVIII of the "Social Security Act" for inpatient hospital services or	1348 1349 1350 1351

post-hospital extended care services furnished to an individual in 1352
a religious nonmedical health care institution, as defined in 1353
section 1861(ss)(1) of the "Social Security Act," 79 Stat. 286 1354
(1965), 42 U.S.C. 1395x(ss)(1), as amended. 1355

(N) "Competency evaluation program" means a program through 1356
which the competency of a nurse aide to provide nursing and 1357
nursing-related services is evaluated. 1358

(O) "Training and competency evaluation program" means a 1359
program of nurse aide training and evaluation of competency to 1360
provide nursing and nursing-related services. 1361

Sec. 4723.16. (A) An individual whom the board of nursing 1362
licenses, certificates, or otherwise legally authorizes to engage 1363
in the practice of nursing as a registered nurse or as a licensed 1364
practical nurse may render the professional services of a 1365
registered or licensed practical nurse within this state through a 1366
corporation formed under division (B) of section 1701.03 of the 1367
Revised Code, a limited liability company formed under Chapter 1368
1705. of the Revised Code, a partnership, or a professional 1369
association formed under Chapter 1785. of the Revised Code. This 1370
division does not preclude an individual of that nature from 1371
rendering professional services as a registered or licensed 1372
practical nurse through another form of business entity, 1373
including, but not limited to, a nonprofit corporation or 1374
foundation, or in another manner that is authorized by or in 1375
accordance with this chapter, another chapter of the Revised Code, 1376
or rules of the board of nursing adopted pursuant to this chapter. 1377

(B) A corporation, limited liability company, partnership, or 1378
professional association described in division (A) of this section 1379
may be formed for the purpose of providing a combination of the 1380
professional services of the following individuals who are 1381
licensed, certificated, or otherwise legally authorized to 1382

practice their respective professions:	1383
(1) Optometrists who are authorized to practice optometry under Chapter 4725. of the Revised Code;	1384 1385
(2) Chiropractors who are authorized to practice chiropractic or acupuncture under Chapter 4734. of the Revised Code;	1386 1387
(3) Psychologists who are authorized to practice psychology under Chapter 4732. of the Revised Code;	1388 1389
(4) Registered or licensed practical nurses who are authorized to practice nursing as registered nurses or as licensed practical nurses under this chapter;	1390 1391 1392
(5) Pharmacists who are authorized to practice pharmacy under Chapter 4729. of the Revised Code;	1393 1394
(6) Physical therapists who are authorized to practice physical therapy under sections 4755.40 to 4755.56 of the Revised Code;	1395 1396 1397
(7) Occupational therapists who are licensed to practice occupational therapy under sections 4755.04 to 4755.13 of the Revised Code;	1398 1399 1400
(8) Mechanotherapists who are authorized to practice mechanotherapy under section 4731.151 of the Revised Code;	1401 1402
(9) Doctors of medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery who are licensed, certificated, or otherwise legally authorized for their respective practices under Chapter 4731. of the Revised Code;	1403 1404 1405 1406
<u>(10) Professional clinical counselors, professional</u> <u>counselors, independent social workers, social workers,</u> <u>independent marriage and family therapists, or marriage and family</u> <u>therapists who are authorized for their respective practices under</u> <u>Chapter 4757. of the Revised Code.</u>	1407 1408 1409 1410 1411
This division shall apply notwithstanding a provision of a	1412

code of ethics applicable to a nurse that prohibits a registered 1413
or licensed practical nurse from engaging in the practice of 1414
nursing as a registered nurse or as a licensed practical nurse in 1415
combination with a person who is licensed, certificated, or 1416
otherwise legally authorized to practice optometry, chiropractic, 1417
acupuncture through the state chiropractic board, psychology, 1418
pharmacy, physical therapy, occupational therapy, mechanotherapy, 1419
medicine and surgery, osteopathic medicine and surgery, or 1420
podiatric medicine and surgery, but who is not also licensed, 1421
certificated, or otherwise legally authorized to engage in the 1422
practice of nursing as a registered nurse or as a licensed 1423
practical nurse. 1424

Sec. 4725.33. (A) An individual whom the state board of 1425
optometry licenses to engage in the practice of optometry may 1426
render the professional services of an optometrist within this 1427
state through a corporation formed under division (B) of section 1428
1701.03 of the Revised Code, a limited liability company formed 1429
under Chapter 1705. of the Revised Code, a partnership, or a 1430
professional association formed under Chapter 1785. of the Revised 1431
Code. This division does not preclude an optometrist from 1432
rendering professional services as an optometrist through another 1433
form of business entity, including, but not limited to, a 1434
nonprofit corporation or foundation, or in another manner that is 1435
authorized by or in accordance with this chapter, another chapter 1436
of the Revised Code, or rules of the state board of optometry 1437
adopted pursuant to this chapter. 1438

(B) A corporation, limited liability company, partnership, or 1439
professional association described in division (A) of this section 1440
may be formed for the purpose of providing a combination of the 1441
professional services of the following individuals who are 1442
licensed, certificated, or otherwise legally authorized to 1443
practice their respective professions: 1444

(1) Optometrists who are authorized to practice optometry	1445
under Chapter 4725. of the Revised Code;	1446
(2) Chiropractors who are authorized to practice chiropractic	1447
or acupuncture under Chapter 4734. of the Revised Code;	1448
(3) Psychologists who are authorized to practice psychology	1449
under Chapter 4732. of the Revised Code;	1450
(4) Registered or licensed practical nurses who are	1451
authorized to practice nursing as registered nurses or as licensed	1452
practical nurses under Chapter 4723. of the Revised Code;	1453
(5) Pharmacists who are authorized to practice pharmacy under	1454
Chapter 4729. of the Revised Code;	1455
(6) Physical therapists who are authorized to practice	1456
physical therapy under sections 4755.40 to 4755.56 of the Revised	1457
Code;	1458
(7) Mechanotherapists who are authorized to practice	1459
mechanotherapy under section 4731.151 of the Revised Code;	1460
(8) Doctors of medicine and surgery, osteopathic medicine and	1461
surgery, or podiatric medicine and surgery who are authorized for	1462
their respective practices under Chapter 4731. of the Revised	1463
Code;	1464
<u>(9) Professional clinical counselors, professional</u>	1465
<u>counselors, independent social workers, social workers,</u>	1466
<u>independent marriage and family therapists, or marriage and family</u>	1467
<u>therapists who are authorized for their respective practices under</u>	1468
<u>Chapter 4757. of the Revised Code.</u>	1469
This division shall apply notwithstanding a provision of a	1470
code of ethics applicable to an optometrist that prohibits an	1471
optometrist from engaging in the practice of optometry in	1472
combination with a person who is licensed, certificated, or	1473
otherwise legally authorized to practice chiropractic, acupuncture	1474

through the state chiropractic board, psychology, nursing, 1475
pharmacy, physical therapy, mechanotherapy, medicine and surgery, 1476
osteopathic medicine and surgery, or podiatric medicine and 1477
surgery, but who is not also licensed, certificated, or otherwise 1478
legally authorized to engage in the practice of optometry. 1479

Sec. 4729.161. (A) An individual registered with the state 1480
board of pharmacy to engage in the practice of pharmacy may render 1481
the professional services of a pharmacist within this state 1482
through a corporation formed under division (B) of section 1701.03 1483
of the Revised Code, a limited liability company formed under 1484
Chapter 1705. of the Revised Code, a partnership, or a 1485
professional association formed under Chapter 1785. of the Revised 1486
Code. This division does not preclude an individual of that nature 1487
from rendering professional services as a pharmacist through 1488
another form of business entity, including, but not limited to, a 1489
nonprofit corporation or foundation, or in another manner that is 1490
authorized by or in accordance with this chapter, another chapter 1491
of the Revised Code, or rules of the state board of pharmacy 1492
adopted pursuant to this chapter. 1493

(B) A corporation, limited liability company, partnership, or 1494
professional association described in division (A) of this section 1495
may be formed for the purpose of providing a combination of the 1496
professional services of the following individuals who are 1497
licensed, certificated, or otherwise legally authorized to 1498
practice their respective professions: 1499

(1) Optometrists who are authorized to practice optometry 1500
under Chapter 4725. of the Revised Code; 1501

(2) Chiropractors who are authorized to practice chiropractic 1502
or acupuncture under Chapter 4734. of the Revised Code; 1503

(3) Psychologists who are authorized to practice psychology 1504
under Chapter 4732. of the Revised Code; 1505

(4) Registered or licensed practical nurses who are authorized to practice nursing as registered nurses or as licensed practical nurses under Chapter 4723. of the Revised Code;	1506 1507 1508
(5) Pharmacists who are authorized to practice pharmacy under Chapter 4729. of the Revised Code;	1509 1510
(6) Physical therapists who are authorized to practice physical therapy under sections 4755.40 to 4755.56 of the Revised Code;	1511 1512 1513
(7) Occupational therapists who are authorized to practice occupational therapy under sections 4755.04 to 4755.13 of the Revised Code;	1514 1515 1516
(8) Mechanotherapists who are authorized to practice mechanotherapy under section 4731.151 of the Revised Code;	1517 1518
(9) Doctors of medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery who are authorized for their respective practices under Chapter 4731. of the Revised Code;	1519 1520 1521 1522
<u>(10) Professional clinical counselors, professional counselors, independent social workers, social workers, independent marriage and family therapists, or marriage and family therapists who are authorized for their respective practices under Chapter 4757. of the Revised Code.</u>	1523 1524 1525 1526 1527
This division shall apply notwithstanding a provision of a code of ethics applicable to a pharmacist that prohibits a pharmacist from engaging in the practice of pharmacy in combination with a person who is licensed, certificated, or otherwise legally authorized to practice optometry, chiropractic, acupuncture through the state chiropractic board, psychology, nursing, physical therapy, occupational therapy, mechanotherapy, medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery, but who is not also licensed,	1528 1529 1530 1531 1532 1533 1534 1535 1536

certificated, or otherwise legally authorized to engage in the 1537
practice of pharmacy. 1538

Sec. 4731.226. (A)(1) An individual whom the state medical 1539
board licenses, certificates, or otherwise legally authorizes to 1540
engage in the practice of medicine and surgery, osteopathic 1541
medicine and surgery, or podiatric medicine and surgery may render 1542
the professional services of a doctor of medicine and surgery, 1543
osteopathic medicine and surgery, or podiatric medicine and 1544
surgery within this state through a corporation formed under 1545
division (B) of section 1701.03 of the Revised Code, a limited 1546
liability company formed under Chapter 1705. of the Revised Code, 1547
a partnership, or a professional association formed under Chapter 1548
1785. of the Revised Code. Division (A)(1) of this section does 1549
not preclude an individual of that nature from rendering 1550
professional services as a doctor of medicine and surgery, 1551
osteopathic medicine and surgery, or podiatric medicine and 1552
surgery through another form of business entity, including, but 1553
not limited to, a nonprofit corporation or foundation, or in 1554
another manner that is authorized by or in accordance with this 1555
chapter, another chapter of the Revised Code, or rules of the 1556
state medical board adopted pursuant to this chapter. 1557

(2) An individual whom the state medical board authorizes to 1558
engage in the practice of mechanotherapy may render the 1559
professional services of a mechanotherapist within this state 1560
through a corporation formed under division (B) of section 1701.03 1561
of the Revised Code, a limited liability company formed under 1562
Chapter 1705. of the Revised Code, a partnership, or a 1563
professional association formed under Chapter 1785. of the Revised 1564
Code. Division (A)(2) of this section does not preclude an 1565
individual of that nature from rendering professional services as 1566
a mechanotherapist through another form of business entity, 1567
including, but not limited to, a nonprofit corporation or 1568

foundation, or in another manner that is authorized by or in 1569
accordance with this chapter, another chapter of the Revised Code, 1570
or rules of the state medical board adopted pursuant to this 1571
chapter. 1572

(B) A corporation, limited liability company, partnership, or 1573
professional association described in division (A) of this section 1574
may be formed for the purpose of providing a combination of the 1575
professional services of the following individuals who are 1576
licensed, certificated, or otherwise legally authorized to 1577
practice their respective professions: 1578

(1) Optometrists who are authorized to practice optometry 1579
under Chapter 4725. of the Revised Code; 1580

(2) Chiropractors who are authorized to practice chiropractic 1581
or acupuncture under Chapter 4734. of the Revised Code; 1582

(3) Professional clinical counselors, professional 1583
counselors, independent social workers, social workers, 1584
independent marriage and family therapists, or marriage and family 1585
therapists who are authorized for their respective practices under 1586
Chapter 4757. of the Revised Code; 1587

(4) Psychologists who are authorized to practice psychology 1588
under Chapter 4732. of the Revised Code; 1589

~~(4)~~(5) Registered or licensed practical nurses who are 1590
authorized to practice nursing as registered nurses or as licensed 1591
practical nurses under Chapter 4723. of the Revised Code; 1592

~~(5)~~(6) Pharmacists who are authorized to practice pharmacy 1593
under Chapter 4729. of the Revised Code; 1594

~~(6)~~(7) Physical therapists who are authorized to practice 1595
physical therapy under sections 4755.40 to 4755.56 of the Revised 1596
Code; 1597

~~(7)~~(8) Occupational therapists who are authorized to practice 1598

occupational therapy under sections 4755.04 to 4755.13 of the Revised Code; 1599
1600

~~(8)~~(9) Mechanotherapists who are authorized to practice mechanotherapy under section 4731.151 of the Revised Code; 1601
1602

~~(9)~~(10) Doctors of medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery who are authorized for their respective practices under this chapter. 1603
1604
1605

(C) Division (B) of this section shall apply notwithstanding a provision of a code of ethics described in division (B)(18) of section 4731.22 of the Revised Code that prohibits either of the following: 1606
1607
1608
1609

(1) A doctor of medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery from engaging in the doctor's authorized practice in combination with a person who is licensed, certificated, or otherwise legally authorized to engage in the practice of optometry, chiropractic, acupuncture through the state chiropractic board, professional counseling, social work, marriage and family therapy, psychology, nursing, pharmacy, physical therapy, occupational therapy, or mechanotherapy, but who is not also licensed, certificated, or otherwise legally authorized to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery. 1610
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(2) A mechanotherapist from engaging in the practice of mechanotherapy in combination with a person who is licensed, certificated, or otherwise legally authorized to engage in the practice of optometry, chiropractic, acupuncture through the state chiropractic board, professional counseling, social work, marriage and family therapy, psychology, nursing, pharmacy, physical therapy, occupational therapy, medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery, but who 1622
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is not also licensed, certificated, or otherwise legally 1630
authorized to engage in the practice of mechanotherapy. 1631

Sec. 4731.65. As used in sections 4731.65 to 4731.71 of the 1632
Revised Code: 1633

(A)(1) "Clinical laboratory services" means either of the 1634
following: 1635

(a) Any examination of materials derived from the human body 1636
for the purpose of providing information for the diagnosis, 1637
prevention, or treatment of any disease or impairment or for the 1638
assessment of health; 1639

(b) Procedures to determine, measure, or otherwise describe 1640
the presence or absence of various substances or organisms in the 1641
body. 1642

(2) "Clinical laboratory services" does not include the mere 1643
collection or preparation of specimens. 1644

(B) "Designated health services" means any of the following: 1645

(1) Clinical laboratory services; 1646

(2) Home health care services; 1647

(3) Outpatient prescription drugs. 1648

(C) "Fair market value" means the value in arms-length 1649
transactions, consistent with general market value and: 1650

(1) With respect to rentals or leases, the value of rental 1651
property for general commercial purposes, not taking into account 1652
its intended use; 1653

(2) With respect to a lease of space, not adjusted to reflect 1654
the additional value the prospective lessee or lessor would 1655
attribute to the proximity or convenience to the lessor if the 1656
lessor is a potential source of referrals to the lessee. 1657

(D) "Governmental health care program" means any program 1658
providing health care benefits that is administered by the federal 1659
government, this state, or a political subdivision of this state, 1660
including the medicare program established under Title XVIII of 1661
the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, 1662
as amended, health care coverage for public employees, health care 1663
benefits administered by the bureau of workers' compensation, and 1664
the medicaid program established under Chapter 5111. of the 1665
Revised Code. 1666

(E)(1) "Group practice" means a group of two or more holders 1667
of certificates under this chapter legally organized as a 1668
partnership, professional corporation or association, limited 1669
liability company, foundation, nonprofit corporation, faculty 1670
practice plan, or similar group practice entity, including an 1671
organization comprised of a nonprofit medical clinic that 1672
contracts with a professional corporation or association of 1673
physicians to provide medical services exclusively to patients of 1674
the clinic in order to comply with section 1701.03 of the Revised 1675
Code and including a corporation, limited liability company, 1676
partnership, or professional association described in division (B) 1677
of section 4731.226 of the Revised Code formed for the purpose of 1678
providing a combination of the professional services of 1679
optometrists who are licensed, certificated, or otherwise legally 1680
authorized to practice optometry under Chapter 4725. of the 1681
Revised Code, chiropractors who are licensed, certificated, or 1682
otherwise legally authorized to practice chiropractic or 1683
acupuncture under Chapter 4734. of the Revised Code, professional 1684
clinical counselors, professional counselors, independent social 1685
workers, social workers, independent marriage and family 1686
therapists, or marriage and family therapists licensed under 1687
Chapter 4757. of the Revised Code, psychologists who are licensed, 1688
certificated, or otherwise legally authorized to practice 1689
psychology under Chapter 4732. of the Revised Code, registered or 1690

licensed practical nurses who are licensed, certificated, or 1691
otherwise legally authorized to practice nursing under Chapter 1692
4723. of the Revised Code, pharmacists who are licensed, 1693
certificated, or otherwise legally authorized to practice pharmacy 1694
under Chapter 4729. of the Revised Code, physical therapists who 1695
are licensed, certificated, or otherwise legally authorized to 1696
practice physical therapy under sections 4755.40 to 4755.56 of the 1697
Revised Code, occupational therapists who are licensed, 1698
certificated, or otherwise legally authorized to practice 1699
occupational therapy under sections 4755.04 to 4755.13 of the 1700
Revised Code, mechanotherapists who are licensed, certificated, or 1701
otherwise legally authorized to practice mechanotherapy under 1702
section 4731.151 of the Revised Code, and doctors of medicine and 1703
surgery, osteopathic medicine and surgery, or podiatric medicine 1704
and surgery who are licensed, certificated, or otherwise legally 1705
authorized for their respective practices under this chapter, to 1706
which all of the following apply: 1707

(a) Each physician who is a member of the group practice 1708
provides substantially the full range of services that the 1709
physician routinely provides, including medical care, 1710
consultation, diagnosis, or treatment, through the joint use of 1711
shared office space, facilities, equipment, and personnel. 1712

(b) Substantially all of the services of the members of the 1713
group are provided through the group and are billed in the name of 1714
the group and amounts so received are treated as receipts of the 1715
group. 1716

(c) The overhead expenses of and the income from the practice 1717
are distributed in accordance with methods previously determined 1718
by members of the group. 1719

(d) The group practice meets any other requirements that the 1720
state medical board applies in rules adopted under section 4731.70 1721
of the Revised Code. 1722

(2) In the case of a faculty practice plan associated with a hospital with a medical residency training program in which physician members may provide a variety of specialty services and provide professional services both within and outside the group, as well as perform other tasks such as research, the criteria in division (E)(1) of this section apply only with respect to services rendered within the faculty practice plan.

(F) "Home health care services" and "immediate family" have the same meanings as in the rules adopted under section 4731.70 of the Revised Code.

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

(H) A "referral" includes both of the following:

(1) A request by a holder of a certificate under this chapter for an item or service, including a request for a consultation with another physician and any test or procedure ordered by or to be performed by or under the supervision of the other physician;

(2) A request for or establishment of a plan of care by a certificate holder that includes the provision of designated health services.

(I) "Third-party payer" has the same meaning as in section 3901.38 of the Revised Code.

Sec. 4732.28. (A) An individual whom the state board of psychology licenses, certificates, or otherwise legally authorizes to engage in the practice of psychology may render the professional services of a psychologist within this state through a corporation formed under division (B) of section 1701.03 of the Revised Code, a limited liability company formed under Chapter 1705. of the Revised Code, a partnership, or a professional association formed under Chapter 1785. of the Revised Code. This

division does not preclude an individual of that nature from 1753
rendering professional services as a psychologist through another 1754
form of business entity, including, but not limited to, a 1755
nonprofit corporation or foundation, or in another manner that is 1756
authorized by or in accordance with this chapter, another chapter 1757
of the Revised Code, or rules of the state board of psychology 1758
adopted pursuant to this chapter. 1759

(B) A corporation, limited liability company, partnership, or 1760
professional association described in division (A) of this section 1761
may be formed for the purpose of providing a combination of the 1762
professional services of the following individuals who are 1763
licensed, certificated, or otherwise legally authorized to 1764
practice their respective professions: 1765

(1) Optometrists who are authorized to practice optometry 1766
under Chapter 4725. of the Revised Code; 1767

(2) Chiropractors who are authorized to practice chiropractic 1768
or acupuncture under Chapter 4734. of the Revised Code; 1769

(3) Psychologists who are authorized to practice psychology 1770
under this chapter; 1771

(4) Registered or licensed practical nurses who are 1772
authorized to practice nursing as registered nurses or as licensed 1773
practical nurses under Chapter 4723. of the Revised Code; 1774

(5) Pharmacists who are authorized to practice pharmacy under 1775
Chapter 4729. of the Revised Code; 1776

(6) Physical therapists who are authorized to practice 1777
physical therapy under sections 4755.40 to 4755.56 of the Revised 1778
Code; 1779

(7) Occupational therapists who are authorized to practice 1780
occupational therapy under sections 4755.04 to 4755.13 of the 1781
Revised Code; 1782

(8) Mechanotherapists who are authorized to practice 1783
mechanotherapy under section 4731.151 of the Revised Code; 1784

(9) Doctors of medicine and surgery, osteopathic medicine and 1785
surgery, or podiatric medicine and surgery who are authorized for 1786
their respective practices under Chapter 4731. of the Revised 1787
Code; 1788

(10) Professional clinical counselors, professional 1789
counselors, independent social workers, social workers, 1790
independent marriage and family therapists, or marriage and family 1791
therapists who are authorized for their respective practices under 1792
Chapter 4757. of the Revised Code. 1793

This division shall apply notwithstanding a provision of a 1794
code of ethics applicable to a psychologist that prohibits a 1795
psychologist from engaging in the practice of psychology in 1796
combination with a person who is licensed, certificated, or 1797
otherwise legally authorized to practice optometry, chiropractic, 1798
acupuncture through the state chiropractic board, nursing, 1799
pharmacy, physical therapy, occupational therapy, mechanotherapy, 1800
medicine and surgery, osteopathic medicine and surgery, or 1801
podiatric medicine and surgery, but who is not also licensed, 1802
certificated, or otherwise legally authorized to engage in the 1803
practice of psychology. 1804

Sec. 4734.17. (A) An individual whom the state chiropractic 1805
board licenses to engage in the practice of chiropractic or 1806
certifies to practice acupuncture may render the professional 1807
services of a chiropractor or chiropractor certified to practice 1808
acupuncture within this state through a corporation formed under 1809
division (B) of section 1701.03 of the Revised Code, a limited 1810
liability company formed under Chapter 1705. of the Revised Code, 1811
a partnership, or a professional association formed under Chapter 1812
1785. of the Revised Code. This division does not preclude a 1813

chiropractor from rendering professional services as a 1814
chiropractor or chiropractor certified to practice acupuncture 1815
through another form of business entity, including, but not 1816
limited to, a nonprofit corporation or foundation, or in another 1817
manner that is authorized by or in accordance with this chapter, 1818
another chapter of the Revised Code, or rules of the state 1819
chiropractic board adopted pursuant to this chapter. 1820

(B) A corporation, limited liability company, partnership, or 1821
professional association described in division (A) of this section 1822
may be formed for the purpose of providing a combination of the 1823
professional services of the following individuals who are 1824
licensed, certificated, or otherwise legally authorized to 1825
practice their respective professions: 1826

(1) Optometrists who are authorized to practice optometry, 1827
under Chapter 4725. of the Revised Code; 1828

(2) Chiropractors who are authorized to practice chiropractic 1829
or acupuncture under this chapter; 1830

(3) Psychologists who are authorized to practice psychology 1831
under Chapter 4732. of the Revised Code; 1832

(4) Registered or licensed practical nurses who are 1833
authorized to practice nursing as registered nurses or as licensed 1834
practical nurses under Chapter 4723. of the Revised Code; 1835

(5) Pharmacists who are authorized to practice pharmacy under 1836
Chapter 4729. of the Revised Code; 1837

(6) Physical therapists who are authorized to practice 1838
physical therapy under sections 4755.40 to 4755.56 of the Revised 1839
Code; 1840

(7) Occupational therapists who are authorized to practice 1841
occupational therapy under sections 4755.04 to 4755.13 of the 1842
Revised Code; 1843

(8) Mechanotherapists who are authorized to practice 1844
mechanotherapy under section 4731.151 of the Revised Code; 1845

(9) Doctors of medicine and surgery, osteopathic medicine and 1846
surgery, or podiatric medicine and surgery who are authorized for 1847
their respective practices under Chapter 4731. of the Revised 1848
Code; 1849

(10) Professional clinical counselors, professional 1850
counselors, independent social workers, social workers, 1851
independent marriage and family therapists, or marriage and family 1852
therapists who are authorized for their respective practices under 1853
Chapter 4757. of the Revised Code. 1854

This division shall apply notwithstanding a provision of any 1855
code of ethics established or adopted under section 4734.16 of the 1856
Revised Code that prohibits an individual from engaging in the 1857
practice of chiropractic or acupuncture in combination with an 1858
individual who is licensed, certificated, or otherwise authorized 1859
for the practice of optometry, psychology, nursing, pharmacy, 1860
physical therapy, occupational therapy, mechanotherapy, medicine 1861
and surgery, osteopathic medicine and surgery, or podiatric 1862
medicine and surgery, but who is not also licensed under this 1863
chapter to engage in the practice of chiropractic. 1864

Sec. 4755.471. (A) An individual whom the physical therapy 1865
section of the Ohio occupational therapy, physical therapy, and 1866
athletic trainers board licenses, certificates, or otherwise 1867
legally authorizes to engage in the practice of physical therapy 1868
may render the professional services of a physical therapist 1869
within this state through a corporation formed under division (B) 1870
of section 1701.03 of the Revised Code, a limited liability 1871
company formed under Chapter 1705. of the Revised Code, a 1872
partnership, or a professional association formed under Chapter 1873
1785. of the Revised Code. This division does not preclude an 1874

individual of that nature from rendering professional services as 1875
a physical therapist through another form of business entity, 1876
including, but not limited to, a nonprofit corporation or 1877
foundation, or in another manner that is authorized by or in 1878
accordance with sections 4755.40 to 4755.53 of the Revised Code, 1879
another chapter of the Revised Code, or rules of the Ohio 1880
occupational therapy, physical therapy, and athletic trainers 1881
board adopted pursuant to sections 4755.40 to 4755.53 of the 1882
Revised Code. 1883

(B) A corporation, limited liability company, partnership, or 1884
professional association described in division (A) of this section 1885
may be formed for the purpose of providing a combination of the 1886
professional services of the following individuals who are 1887
licensed, certificated, or otherwise legally authorized to 1888
practice their respective professions: 1889

(1) Optometrists who are authorized to practice optometry 1890
under Chapter 4725. of the Revised Code; 1891

(2) Chiropractors who are authorized to practice chiropractic 1892
or acupuncture under Chapter 4734. of the Revised Code; 1893

(3) Psychologists who are authorized to practice psychology 1894
under Chapter 4732. of the Revised Code; 1895

(4) Registered or licensed practical nurses who are 1896
authorized to practice nursing as registered nurses or as licensed 1897
practical nurses under Chapter 4723. of the Revised Code; 1898

(5) Pharmacists who are authorized to practice pharmacy under 1899
Chapter 4729. of the Revised Code; 1900

(6) Physical therapists who are authorized to practice 1901
physical therapy under sections 4755.40 to 4755.56 of the Revised 1902
Code; 1903

(7) Mechanotherapists who are authorized to practice 1904

mechanotherapy under section 4731.151 of the Revised Code; 1905

(8) Doctors of medicine and surgery, osteopathic medicine and 1906
surgery, or podiatric medicine and surgery who are authorized for 1907
their respective practices under Chapter 4731. of the Revised 1908
Code; 1909

(9) Professional clinical counselors, professional 1910
counselors, independent social workers, social workers, 1911
independent marriage and family therapists, or marriage and family 1912
therapists who are authorized for their respective practices under 1913
Chapter 4757. of the Revised Code. 1914

This division shall apply notwithstanding a provision of a 1915
code of ethics applicable to a physical therapist that prohibits a 1916
physical therapist from engaging in the practice of physical 1917
therapy in combination with a person who is licensed, 1918
certificated, or otherwise legally authorized to practice 1919
optometry, chiropractic, acupuncture through the state 1920
chiropractic board, psychology, nursing, pharmacy, mechanotherapy, 1921
medicine and surgery, osteopathic medicine and surgery, or 1922
podiatric medicine and surgery, but who is not also licensed, 1923
certificated, or otherwise legally authorized to engage in the 1924
practice of physical therapy. 1925

Sec. 4757.03. (A) There is hereby created the counselor, 1926
social worker, and marriage and family therapist board, consisting 1927
of fifteen members. The governor shall appoint the members with 1928
the advice and consent of the senate. 1929

(1) Four ~~of the~~ members shall be individuals licensed under 1930
this chapter as professional clinical counselors or professional 1931
counselors. At all times, the counselor membership shall include 1932
at least ~~two licensed professional clinical counselors, at least~~ 1933
one individual who has received a doctoral degree in counseling 1934
from an accredited educational institution recognized by the board 1935

and holds a graduate level teaching position in a counselor 1936
education program, and at least two individuals who have received 1937
at least a master's degree in counseling from an accredited 1938
educational institution recognized by the board. 1939

~~Two of the (2) Four~~ members shall be individuals licensed 1940
under this chapter as independent marriage and family therapists 1941
and two shall be individuals licensed under this chapter as or 1942
marriage and family therapists ~~or, if the board has not yet~~ 1943
~~licensed independent marriage and family therapists or marriage~~ 1944
~~and family therapists, eligible for licensure as independent~~ 1945
~~marriage and family therapists or marriage and family therapists.~~ 1946
~~They shall have, during the five years preceding appointment,~~ 1947
~~actively engaged in the practice of marriage and family therapy,~~ 1948
~~in educating and training master's, doctoral, or postdoctoral~~ 1949
~~students of marriage and family therapy, or in marriage and family~~ 1950
~~therapy research and, during the two years immediately preceding~~ 1951
~~appointment, shall have devoted the majority of their professional~~ 1952
~~time to the activity while residing in this state. At all times,~~ 1953
~~the marriage and family therapist membership shall include one~~ 1954
~~educator who holds a teaching position in a master's degree~~ 1955
~~marriage and family therapy program at an accredited educational~~ 1956
~~institution recognized by the board.~~ 1957

(3) Two members shall be individuals licensed under this 1958
chapter as independent social workers. Two members shall be 1959
individuals licensed under this chapter as social workers, at 1960
least one of whom must hold a bachelor's or master's degree in 1961
social work from an accredited educational institution recognized 1962
by the board. At all times, the social worker membership shall 1963
include one educator who holds a teaching position in a 1964
baccalaureate or master's degree social work program at an 1965
accredited educational institution recognized by the board. 1966

(4) Three members shall be representatives of the general 1967

public who have not practiced professional counseling, marriage 1968
and family therapy, or social work and have not been involved in 1969
the delivery of professional counseling, marriage and family 1970
therapy, or social work services. At least one of the members 1971
representing the general public shall be at least sixty years of 1972
age. During their terms the public members shall not practice 1973
professional counseling, marriage and family therapy, or social 1974
work or be involved in the delivery of professional counseling, 1975
marriage and family therapy, or social work services. 1976

(B) Each member specified in divisions (A)(1), (2), and (3) 1977
of this section, during the five years preceding appointment, 1978
shall have actively engaged in the practice of their respective 1979
professions, in educating and training master's, doctoral, or 1980
postdoctoral students of their respective professions, or in 1981
research in their respective professions, and, during the two 1982
years immediately preceding appointment, shall have devoted the 1983
majority of their professional time to the activity while residing 1984
in this state. 1985

(C) At least three members, one from each professional 1986
standards committee, during the five years preceding appointment, 1987
shall have practiced at a public agency or at an organization that 1988
is certified or licensed by the department of developmental 1989
disabilities, the department of alcohol and drug addiction 1990
services, the department of job and family services, or the 1991
department of mental health. 1992

(D) Not more than eight members of the board may be members 1993
of the same political party or sex. At 1994

(E) At least one member of the board shall be of African, 1995
Native American, Hispanic, or Asian descent. 1996

~~Of the initial appointees, three shall be appointed for terms~~ 1997
~~ending October 10, 1985, four shall be appointed for terms ending~~ 1998

~~October 10, 1986, and four shall be appointed for terms ending 1999
October 10, 1987. Of the two initial independent marriage and 2000
family therapists appointed to the board, one shall be appointed 2001
for a term ending two years after the effective date of this 2002
amendment and one for a term ending three years after that date. 2003
Of the two initial marriage and family therapists appointed to the 2004
board, one shall be appointed for a term ending two years after 2005
the effective date of this amendment and one for a term ending 2006
three years after that date. After the initial appointments, terms 2007~~

(F) Terms of office shall be three years, each term ending on 2008
the same day of the same month of the year as did the term that it 2009
succeeds. As a result of the dates of initial appointment, the 2010
number of terms expiring each year are four, five, or six. 2011

(G) A member shall hold office from the date of appointment 2012
until the end of the term for which the member was appointed. A 2013
member appointed to fill a vacancy occurring prior to the 2014
expiration of the term for which the member's predecessor was 2015
appointed shall hold office for the remainder of that term. A 2016
member shall continue in office after the expiration date of the 2017
member's term until a successor takes office ~~or until a period of 2018
sixty days has elapsed, whichever occurs first.~~ Members may be 2019
reappointed, except that if a person has held office for two 2020
consecutive full terms, the person shall not be reappointed to the 2021
board sooner than one year after the expiration of the second full 2022
term as a member of the board. 2023

Sec. 4757.10. The counselor, social worker, and marriage and 2024
family therapist board may adopt any rules necessary to carry out 2025
this chapter. 2026

The board shall adopt rules that do all of the following: 2027

(A) Concern intervention for and treatment of any impaired 2028
person holding a license or certificate of registration issued 2029

under this chapter;	2030
(B) Establish standards for training and experience of supervisors described in division (C) of section 4757.30 of the Revised Code;	2031 2032 2033
(C) Define the requirement that an applicant be of good moral character in order to be licensed or registered under this chapter;	2034 2035 2036
(D) Establish requirements for criminal records checks of applicants under section 4776.03 of the Revised Code;	2037 2038
(E) Establish a graduated system of fines based on the scope and severity of violations and the history of compliance, not to exceed five hundred dollars per incident, that any professional standards committee of the board may charge for a disciplinary violation described in section 4757.36 of the Revised Code.	2039 2040 2041 2042 2043
<u>(F) Provide for voluntary registration of all of the following:</u>	2044 2045
<u>(1) Master's level counselor trainees enrolled in practice and internships;</u>	2046 2047
<u>(2) Master's level social worker trainees enrolled in fieldwork, practice, and internships;</u>	2048 2049
<u>(3) Master's level marriage and family therapist trainees enrolled in practice and internships.</u>	2050 2051
<u>Rules adopted under division (F) of this section shall not require a trainee to register with the board, and if a trainee has not registered, shall prohibit any adverse effect with respect to a trainee's application for licensure by the board.</u>	2052 2053 2054 2055
All rules adopted under this section shall be adopted in accordance with Chapter 119. of the Revised Code. When it adopts rules under this section or any other section of this chapter, the board may consider standards established by any national	2056 2057 2058 2059

association or other organization representing the interests of 2060
those involved in professional counseling, social work, or 2061
marriage and family therapy. 2062

Sec. 4757.13. (A) Each individual who engages in the practice 2063
of professional counseling, social work, or marriage and family 2064
therapy shall prominently display, in a conspicuous place in the 2065
office or place where a major portion of the individual's practice 2066
is conducted, and in such a manner as to be easily seen and read, 2067
the license granted to the individual by the state counselor, 2068
social worker, and marriage and family therapist board. 2069

(B) A licensee engaged in a private individual practice, 2070
partnership, or group practice shall prominently display the 2071
licensee's fee schedule in the office or place where a major 2072
portion of the licensee's practice is conducted. The bottom of the 2073
first page of the fee schedule shall include the following 2074
statement, which shall be followed by the name, address, and 2075
telephone number of the board: 2076

"This information is required by the Counselor, Social 2077
Worker, and Marriage and Family Therapist Board, which regulates 2078
the practices of professional counseling, social work, and 2079
marriage and family therapy in this state." 2080

Sec. 4757.16. (A) A person seeking to be licensed under this 2081
chapter as a professional clinical counselor or professional 2082
counselor shall file with the counselors professional standards 2083
committee of the counselor, social worker, and marriage and family 2084
therapist board a written application on a form prescribed by the 2085
board. A person seeking to be licensed under this chapter as an 2086
independent social worker or social worker or registered under 2087
this chapter as a social work assistant shall file with the social 2088
workers professional standards committee of the board a written 2089

application on a form prescribed by the board. A person seeking to 2090
be licensed under this chapter as an independent marriage and 2091
family therapist or a marriage and family therapist shall file 2092
with the marriage and family therapist professional standards 2093
committee of the board a written application on a form prescribed 2094
by the board. 2095

Each form prescribed by the board shall contain a statement 2096
informing the applicant that a person who knowingly makes a false 2097
statement on the form is guilty of falsification under section 2098
2921.13 of the Revised Code, a misdemeanor of the first degree. 2099

(B) The professional standards committees shall adopt rules 2100
under Chapter 119. of the Revised Code concerning the process for 2101
review of each application received ~~and shall to~~ determine whether 2102
the applicant meets the requirements to receive the license or 2103
certificate of registration for which application has been made. 2104

Sec. 4757.22. (A) The counselors professional standards 2105
committee of the counselor, social worker, and marriage and family 2106
therapist board shall issue a license to practice as a 2107
professional clinical counselor to each applicant who submits a 2108
properly completed application, pays the fee established under 2109
section 4757.31 of the Revised Code, and meets the requirements 2110
specified in division (B) of this section. 2111

(B) To be eligible for a professional clinical counselor 2112
license, an individual must meet the following requirements: 2113

(1) The individual must be of good moral character. 2114

(2) The individual must hold from an accredited educational 2115
institution a graduate degree in counseling. 2116

(3) The individual must complete a minimum of ninety quarter 2117
hours or sixty semester hours of graduate credit in counselor 2118
training acceptable to the committee, including a ~~minimum of~~ 2119

thirty quarter hours of instruction in the following areas:	2120
(a) Clinical psychopathology, personality, and abnormal behavior;	2121 2122
(b) Evaluation of mental and emotional disorders;	2123
(c) Diagnosis of mental and emotional disorders;	2124
(d) Methods of prevention, intervention, and treatment of mental and emotional disorders.	2125 2126
(4) The individual must complete, in either a private or clinical counseling setting, supervised experience in counseling that is of a type approved by the committee, is supervised by a professional clinical counselor or other qualified professional approved by the committee, and is in the following amounts:	2127 2128 2129 2130 2131
(a) In the case of an individual holding only a master's degree, not less than two years of experience, which must be completed after the award of the master's degree;	2132 2133 2134
(b) In the case of an individual holding a doctorate, not less than one year of experience, which must be completed after the award of the doctorate.	2135 2136 2137
(5) The individual must pass a field evaluation that meets the following requirements:	2138 2139
(a) Has been completed by the applicant's instructors, employers, supervisors, or other persons determined by the committee to be competent to evaluate an individual's professional competence;	2140 2141 2142 2143
(b) Includes documented evidence of the quality, scope, and nature of the applicant's experience and competence in diagnosing and treating mental and emotional disorders.	2144 2145 2146
(6) The individual must pass an examination administered by the board for the purpose of determining ability to practice as a professional clinical counselor.	2147 2148 2149

(C) To be accepted by the committee for purposes of division 2150
(B) of this section, counselor training must include at least the 2151
following: 2152

(1) Instruction in human growth and development; counseling 2153
theory; counseling techniques; group dynamics, processing, and 2154
counseling; appraisal of individuals; research and evaluation; 2155
professional, legal, and ethical responsibilities; social and 2156
cultural foundations; and lifestyle and career development; 2157

(2) Participation in a supervised practicum and internship in 2158
counseling. 2159

(D) The committee may issue a provisional license to an 2160
applicant who meets all of the requirements to be licensed under 2161
this section, pending the receipt of transcripts or action by the 2162
committee to issue a license to practice as a professional 2163
clinical counselor. 2164

(E) An individual may not sit for the licensing examination 2165
unless the individual meets the educational requirements to be 2166
licensed under this section. An individual who is denied admission 2167
to the licensing examination may appeal the denial in accordance 2168
with Chapter 119. of the Revised Code. 2169

(F) The board shall adopt any rules necessary for the 2170
committee to implement this section, including criteria for the 2171
committee to use in determining whether an applicant's training 2172
should be accepted and supervised experience approved, and 2173
including a rule that: 2174

(1) Requires that a graduate degree in counseling that is 2175
obtained after January 1, 2018, from an Ohio mental health 2176
counseling program, in order to meet the requirements of division 2177
(B)(2) of this section, is from one of the following: 2178

(a) An institution accredited by the council for 2179
accreditation of counseling and related educational programs 2180

<u>(CACREP) in clinical mental health counseling or addiction</u>	2181
<u>counseling;</u>	2182
<u>(b) Other accredited counseling programs approved by the</u>	2183
<u>board by rule.</u>	2184
<u>(2) Stipulates that CACREP accredited programs in clinical</u>	2185
<u>mental health counseling and, until January 1, 2018, mental health</u>	2186
<u>counseling, and other accredited counseling programs approved by</u>	2187
<u>the board by rule are deemed to have met the licensure educational</u>	2188
<u>requirements of division (B)(3) of this section;</u>	2189
<u>(3) Establishes course content requirements for qualifying</u>	2190
<u>counseling degrees from counseling programs that are not CACREP</u>	2191
<u>accredited clinical mental health or addiction counseling programs</u>	2192
<u>and for graduate degrees from other accredited counseling programs</u>	2193
<u>approved by the board by rule.</u>	2194
Rules adopted under this division shall be adopted in	2195
accordance with Chapter 119. of the Revised Code.	2196
Sec. 4757.23. (A) The counselors professional standards	2197
committee of the counselor, social worker, and marriage and family	2198
therapist board shall issue a license as a professional counselor	2199
to each applicant who submits a properly completed application,	2200
pays the fee established under section 4757.31 of the Revised	2201
Code, and meets the requirements established under division (B) of	2202
this section.	2203
(B) To be eligible for a license as a professional counselor,	2204
an individual must meet the following requirements:	2205
(1) The individual must be of good moral character.	2206
(2) The individual must hold from an accredited educational	2207
institution a graduate degree in counseling.	2208
(3) The individual must complete a minimum of ninety quarter	2209
hours <u>or sixty semester hours</u> of graduate credit in counselor	2210

training acceptable to the committee, which the individual may 2211
complete while working toward receiving a graduate degree in 2212
counseling, or subsequent to receiving the degree, and which shall 2213
include training in the following areas: 2214

(a) Clinical psychopathology, personality, and abnormal 2215
behavior; 2216

(b) Evaluation of mental and emotional disorders; 2217

(c) Diagnosis of mental and emotional disorders; 2218

(d) Methods of prevention, intervention, and treatment of 2219
mental and emotional disorders. 2220

(4) The individual must pass an examination administered by 2221
the board for the purpose of determining ability to practice as a 2222
professional counselor. 2223

(C) To be accepted by the committee for purposes of division 2224
(B) of this section, counselor training must include at least the 2225
following: 2226

(1) Instruction in human growth and development; counseling 2227
theory; counseling techniques; group dynamics, processing, and 2228
counseling; appraisal of individuals; research and evaluation; 2229
professional, legal, and ethical responsibilities; social and 2230
cultural foundations; and lifestyle and career development; 2231

(2) Participation in a supervised practicum and internship in 2232
counseling. 2233

(D) The committee may issue a provisional license to an 2234
applicant who meets all of the requirements to be licensed under 2235
this section, pending the receipt of transcripts or action by the 2236
committee to issue a license as a professional counselor. 2237

(E) An individual may not sit for the licensing examination 2238
unless the individual meets the educational requirements to be 2239
licensed under this section. An individual who is denied admission 2240

to the licensing examination may appeal the denial in accordance 2241
with Chapter 119. of the Revised Code. 2242

(F) The board shall adopt any rules necessary for the 2243
committee to implement this section, including criteria for the 2244
committee to use in determining whether an applicant's training 2245
should be accepted and supervised experience approved, and 2246
including a rule that: 2247

(1) Requires that a graduate degree in counseling that is 2248
obtained after January 1, 2018, from an Ohio mental health 2249
counseling program, in order to meet the requirements of division 2250
(B)(2) of this section, is from one of the following: 2251

(a) An institution accredited by the council for 2252
accreditation of counseling and related educational programs 2253
(CACREP); 2254

(b) Other accredited counseling programs approved by the 2255
board by rule. 2256

(2) Establishes that individuals that have a graduate degree 2257
in clinical mental health counseling from a CACREP accredited 2258
program are deemed to have met the licensure educational 2259
requirements of division (B)(3) of this section; 2260

(3) Establishes requirements for qualifying counseling 2261
degrees from counseling programs that are not CACREP accredited 2262
programs, and for graduate degrees from other accredited 2263
counseling programs approved by the board by rule. 2264

Rules adopted under this division shall be adopted in 2265
accordance with Chapter 119. of the Revised Code. 2266

Sec. 4757.27. (A) The social workers professional standards 2267
committee of the counselor, social worker, and marriage and family 2268
therapist board shall issue a license as an independent social 2269
worker to each applicant who submits a properly completed 2270

application, pays the fee established under section 4757.31 of the Revised Code, and meets the requirements specified in division (B) of this section. An independent social worker license shall clearly indicate each academic degree earned by the person to whom it has been issued.

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

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

(2) The individual must hold from ~~an~~ a council on social work education (CSWE) accredited educational institution a master's degree ~~or a doctorate~~ in social work.

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

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

(C) The committee may issue a temporary license to an applicant who meets all of the requirements to be licensed under this section, pending the receipt of transcripts or action by the committee to issue a license as an independent social worker.

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

Sec. 4757.28. (A) The social workers professional standards committee of the counselor, social worker, and marriage and family

therapist board shall issue a license as a social worker to each 2300
applicant who submits a properly completed application, pays the 2301
fee established under section 4757.31 of the Revised Code, and 2302
meets the requirements specified in division (B) of this section. 2303
A social worker license shall clearly indicate each academic 2304
degree earned by the person to whom it is issued. 2305

(B) To be eligible for a license as a social worker, an 2306
individual must meet the following requirements: 2307

(1) The individual must be of good moral character. 2308

(2) The individual must hold from an accredited educational 2309
institution one of the following: 2310

(a) A baccalaureate degree in social work ~~or, prior to~~ 2311
~~October 10, 1992, a baccalaureate degree in a program closely~~ 2312
~~related to social work and approved by the committee;~~ 2313

(b) A master's degree in social work; 2314

(c) A doctorate in social work. 2315

(3) The individual must pass an examination administered by 2316
the board for the purpose of determining ability to practice as a 2317
social worker. 2318

(C) The committee may issue a temporary license to an 2319
applicant who meets all of the requirements to be licensed under 2320
this section, pending the receipt of transcripts or action by the 2321
committee to issue a license as a social worker. However, the 2322
committee may issue a temporary license to an applicant who 2323
provides the board with a statement from the applicant's academic 2324
institution indicating that the applicant is in good standing with 2325
the institution, that the applicant has met the academic 2326
requirements for the applicant's degree, and the date the 2327
applicant will receive the applicant's degree. 2328

(D) The board shall adopt any rules necessary for the 2329

committee to implement this section, including criteria for the 2330
committee to use in determining whether an applicant's training 2331
should be accepted and supervised experience approved. Rules 2332
adopted under this division shall be adopted in accordance with 2333
Chapter 119. of the Revised Code. 2334

Sec. 4757.29. (A) The social workers professional standards 2335
committee of the counselor, social worker, and marriage and family 2336
therapist board shall issue a certificate of registration as a 2337
social work assistant to each applicant who submits a properly 2338
completed application, pays the fee established under section 2339
4757.31 of the Revised Code, is of good moral character, and holds 2340
from an accredited educational institution an associate degree in 2341
social service technology or a bachelor's degree that is 2342
equivalent to an associate degree in social service technology or 2343
a related bachelor's or higher degree that is approved by the 2344
committee. 2345

~~(B) On and after March 18, 1997, a counselor assistant 2346
certificate of registration issued under former section 4757.08 of 2347
the Revised Code shall be considered a certificate of registration 2348
as a social work assistant. The holder of the certificate is 2349
subject to the supervision requirements specified in section 2350
4757.26 of the Revised Code, the continuing education requirements 2351
specified in section 4757.33 of the Revised Code, and regulation 2352
by the social workers professional standards committee. On the 2353
first renewal occurring after March 18, 1997, the committee shall 2354
issue a certificate of registration as a social work assistant to 2355
each former counselor assistant who qualifies for renewal. 2356~~

~~(C) The social workers professional standards committee shall 2357
issue a certificate of registration as a social work assistant to 2358
any person who, on or before March 18, 1998, meets the 2359
requirements for a certificate of registration as a counselor 2360~~

~~assistant pursuant to division (A)(3) of former section 4757.08 of
the Revised Code, submits a properly completed application, pays
the fee established under section 4757.31 of the Revised Code, and
is of good moral character.~~

Sec. 4757.30. (A) The marriage and family therapist
professional standards committee of the counselor, social worker,
and marriage and family therapist board shall issue a license to
practice as a marriage and family therapist to a person who has
done all of the following:

(1) Properly completed an application for the license;

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

(3) Achieved one of the following:

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

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

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

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

(B) To be accepted by the committee for purposes of division
(A)(3)(b) of this section, marriage and family therapist training
must include instruction in at least the following:

(1) Research and evaluation;

(2) Professional, legal, and ethical responsibilities;	2390
(3) Marriage and family studies;	2391
(4) Marriage and family therapy, including therapeutic theory and techniques for individuals, groups, and families;	2392 2393
(5) Human development;	2394
(6) Appraisal of individuals and families;	2395
(7) Diagnosis of mental and emotional disorders;	2396
(8) Systems theory.	2397
(C) The marriage and family therapist professional standards committee shall issue a license to practice as an independent marriage and family therapist to a person who does both of the following:	2398 2399 2400 2401
(1) Meets all of the requirements of division (A) of this section;	2402 2403
(2) After meeting the requirements of division (A)(3) of this section, completes at least two calendar years of work experience in marriage and family therapy.	2404 2405 2406
The two calendar years of work experience must include one thousand hours of documented client contact in marriage and family therapy. Two hundred hours of the one thousand hours must include face-to-face supervision by a supervisor whose training and experience meets standards established by the board in rules adopted under section 4757.10 of the Revised Code and one hundred hours of the two hundred hours of supervision must be individual supervision.	2407 2408 2409 2410 2411 2412 2413 2414
(D) An independent marriage and family therapist or a marriage and family therapist may engage in the private practice of marriage and family therapy as an individual practitioner or as a member of a partnership or group practice.	2415 2416 2417 2418

(E) A marriage and family therapist may diagnose and treat 2419
mental and emotional disorders only under the supervision of a 2420
psychologist, psychiatrist, professional clinical counselor, 2421
independent social worker, or independent marriage and family 2422
therapist. An independent marriage and family therapist may 2423
diagnose and treat mental and emotional disorders without 2424
supervision. 2425

(F) Nothing in this chapter or rules adopted under it 2426
authorizes an independent marriage and family therapist or a 2427
marriage and family therapist to admit a patient to a hospital or 2428
requires a hospital to allow a marriage and family therapist to 2429
admit a patient. 2430

(G) An independent marriage and family therapist or a 2431
marriage and family therapist may not diagnose, treat, or advise 2432
on conditions outside the recognized boundaries of the marriage 2433
and family therapist's competency. An independent marriage and 2434
family therapist or a marriage and family therapist shall make 2435
appropriate and timely referrals when a client's needs exceed the 2436
marriage and family therapist's competence level. 2437

Sec. 4757.31. (A) Subject to division (B) of this section, 2438
the counselor, social worker, and marriage and family therapist 2439
board shall establish, and may from time to time adjust, fees to 2440
be charged for the following: 2441

(1) Examination for licensure as a professional clinical 2442
counselor, professional counselor, marriage and family therapist, 2443
independent marriage and family therapist, social worker, or 2444
independent social worker; 2445

(2) Initial licenses of professional clinical counselors, 2446
professional counselors, marriage and family therapists, 2447
independent marriage and family therapists, social workers, and 2448
independent social workers, except that the board shall charge 2449

only one fee to a person who fulfills all requirements for more	2450
than one of the following initial licenses: an initial license as	2451
a social worker or independent social worker, an initial license	2452
as a professional counselor or professional clinical counselor,	2453
and an initial license as a marriage and family therapist or	2454
independent marriage and family therapist;	2455
(3) Initial certificates of registration of social work	2456
assistants;	2457
(4) Renewal and late renewal of licenses of professional	2458
clinical counselors, professional counselors, marriage and family	2459
therapists, independent marriage and family therapists, social	2460
workers, and independent social workers and renewal and late	2461
renewal of certificates of registration of social work assistants;	2462
(5) Verification, to another jurisdiction, of a license or	2463
registration issued by the board;	2464
(6) Continuing education programs offered by the board to	2465
licensees or registrants;	2466
(7) Approval of continuing education programs;	2467
(8) Approval of continuing education providers to be	2468
authorized to offer continuing education programs without prior	2469
approval from the board for each program offered;	2470
(9) Issuance of a replacement copy of any wall certificate	2471
issued by the board;	2472
<u>(10) Late completion of continuing counselor, social worker,</u>	2473
<u>or marriage and family therapy education required under section</u>	2474
<u>4757.33 of the Revised Code and the rules adopted thereunder.</u>	2475
(B) The fees charged under division (A)(1) of this section	2476
shall be established in amounts sufficient to cover the direct	2477
expenses incurred in examining applicants for licensure. The fees	2478
charged under divisions (A)(2) to (9) of this section shall be	2479

nonrefundable and shall be established in amounts sufficient to 2480
cover the necessary expenses in administering this chapter and 2481
rules adopted under it that are not covered by fees charged under 2482
division (A)(1) or (C) of this section. The renewal fee for a 2483
license or certificate of registration shall not be less than the 2484
initial fee for that license or certificate. The fees charged for 2485
licensure and registration and the renewal of licensure and 2486
registration may differ for the various types of licensure and 2487
registration, but shall not exceed one hundred twenty-five dollars 2488
each, unless the board determines that amounts in excess of one 2489
hundred twenty-five dollars are needed to cover its necessary 2490
expenses in administering this chapter and rules adopted under it 2491
and the amounts in excess of one hundred twenty-five dollars are 2492
approved by the controlling board. 2493

(C) All receipts of the board shall be deposited in the state 2494
treasury to the credit of the occupational licensing and 2495
regulatory fund. All vouchers of the board shall be approved by 2496
the chairperson or executive director of the board, or both, as 2497
authorized by the board. 2498

Sec. 4757.33. (A) Except as provided in division (B) of this 2499
section, each person who holds a license or certificate of 2500
registration issued under this chapter shall complete during the 2501
period that the license or certificate is in effect not less than 2502
thirty clock hours of continuing professional education as a 2503
condition of receiving a renewed license or certificate. To have a 2504
lapsed license or certificate of registration restored, a person 2505
shall complete the number of hours of continuing education 2506
specified by the counselor, social worker, and marriage and family 2507
therapist board in rules it shall adopt in accordance with Chapter 2508
119. of the Revised Code. 2509

The professional standards committees of the counselor, 2510

social worker, and marriage and family therapist board shall adopt 2511
rules in accordance with Chapter 119. of the Revised Code 2512
establishing standards and procedures to be followed by the 2513
committees in conducting the continuing education approval 2514
process, which shall include registering individuals and entities 2515
to provide approved continuing education programs. 2516

(B) The board may waive the continuing education requirements 2517
established under this section for persons who are unable to 2518
fulfill them because of military service, illness, residence 2519
abroad, or any other reason the committee considers acceptable. 2520

~~In the case of a social worker licensed by virtue of 2521
receiving, prior to October 10, 1992, a baccalaureate degree in a 2522
program closely related to social work, as a condition of the 2523
first renewal of the license, the social worker must complete at 2524
an accredited educational institution a minimum of five semester 2525
hours of social work graduate or undergraduate credit, or their 2526
equivalent, that is acceptable to the committee and includes a 2527
course in social work theory and a course in social work methods.~~ 2528

Sec. 4757.36. (A) The appropriate professional standards 2529
committee of the counselor, social worker, and marriage and family 2530
therapist board may, in accordance with Chapter 119. of the 2531
Revised Code, take any action specified in division (B) of this 2532
section against an individual who has applied for or holds a 2533
license to practice as a professional clinical counselor, 2534
professional counselor, independent marriage and family therapist, 2535
marriage and family therapist, social worker, or independent 2536
social worker, or a certificate of registration to practice as a 2537
social work assistant, counselor trainee, social worker trainee, 2538
or marriage and family therapist trainee, for any reason described 2539
in division (C) of this section. The board may, under Chapter 119. 2540
of the Revised Code, take any action specified in division (B) of 2541

this section against an individual or entity who has applied for 2542
or holds a registration under the rules adopted under section 2543
4757.33 of the Revised Code to offer continuing education programs 2544
under the board's approval. 2545

(B) In its imposition of sanctions against an individual or a 2546
registered entity providing continuing education programs, the 2547
board may do any of the following: 2548

(1) Refuse to issue or refuse to renew a license or 2549
certificate of registration; 2550

(2) Suspend, revoke, or otherwise restrict a license or 2551
certificate of registration; 2552

(3) Reprimand an individual holding a license or certificate 2553
of registration; 2554

(4) Impose a fine in accordance with the graduated system of 2555
fines established by the board in rules adopted under section 2556
4757.10 of the Revised Code. 2557

(C) The appropriate professional standards committee of the 2558
board may take an action specified in division (B) of this section 2559
for any of the following reasons: 2560

(1) Commission of an act that violates any provision of this 2561
chapter or rules adopted under it; 2562

(2) Knowingly making a false statement on an application for 2563
licensure or registration, or for renewal of a license or 2564
certificate of registration; 2565

(3) Accepting a commission or rebate for referring persons to 2566
any professionals licensed, certified, or registered by any court 2567
or board, commission, department, division, or other agency of the 2568
state, including, but not limited to, individuals practicing 2569
counseling, social work, or marriage and family therapy or 2570
practicing in fields related to counseling, social work, or 2571

marriage and family therapy;	2572
(4) A failure to comply with section 4757.12 <u>4757.13</u> of the Revised Code;	2573 2574
(5) A conviction in this or any other state of a crime that is a felony in this state;	2575 2576
(6) A failure to perform properly as a professional clinical counselor, professional counselor, independent marriage and family therapist, marriage and family therapist, social work assistant, social worker, or independent social worker due to the use of alcohol or other drugs or any other physical or mental condition;	2577 2578 2579 2580 2581
(7) A conviction in this state or in any other state of a misdemeanor committed in the course of practice as a professional clinical counselor, professional counselor, independent marriage and family therapist, marriage and family therapist, social work assistant, social worker, or independent social worker;	2582 2583 2584 2585 2586
(8) Practicing outside the scope of practice applicable to that person;	2587 2588
(9) Practicing in violation of the supervision requirements specified under sections 4757.21 and 4757.26, and division (E) of section 4757.30, of the Revised Code;	2589 2590 2591
(10) A violation of the person's code of ethical practice adopted by rule of the board pursuant to section 4757.11 of the Revised Code;	2592 2593 2594
(11) Revocation or suspension of a license or certificate of registration, <u>other disciplinary action against a licensee or registrant</u> , or the voluntary surrender of a license or certificate of registration in another state or jurisdiction for an offense that would be a violation of this chapter.	2595 2596 2597 2598 2599
(D) One year or more after the date of suspension or revocation of a license or certificate of registration under this	2600 2601

section, application may be made to the appropriate professional standards committee for reinstatement. The committee may ~~accept~~ approve or ~~refuse~~ deny an application for reinstatement. If a license has been suspended or revoked, the committee may require an examination for reinstatement.

(E) On request of the board, the attorney general shall bring and prosecute to judgment a civil action to collect any fine imposed under division (B)(4) of this section that remains unpaid.

(F) All fines collected under division (B)(4) of this section shall be deposited into the state treasury to the credit of the occupational licensing and regulatory fund.

Sec. 4757.37. (A) An individual whom the counselor, social worker, and marriage and family therapist board licenses, certificates, or otherwise legally authorizes to engage in the practice of professional counseling, social work, or marriage and family therapy may render the individual's professional services within this state through a corporation formed under division (B) of section 1701.03 of the Revised Code, a limited liability company formed under Chapter 1705. of the Revised Code, a partnership, or a professional association formed under Chapter 1785. of the Revised Code. This division does not preclude such an individual from rendering professional services as a professional counselor, social worker, or marriage and family therapist through another form of business entity, including, but not limited to, a nonprofit corporation or foundation, or in another manner that is authorized by or in accordance with this chapter, another chapter of the Revised Code, or rules of the counselor, social worker, and marriage and family therapist board adopted pursuant to this chapter.

(B) A corporation, limited liability company, partnership, or professional association described in division (A) of this section

<u>may be formed for the purpose of providing a combination of the</u>	2633
<u>professional services of the following individuals who are</u>	2634
<u>licensed, certificated, or otherwise legally authorized to</u>	2635
<u>practice their respective professions:</u>	2636
<u>(1) Optometrists who are authorized to practice optometry</u>	2637
<u>under Chapter 4725. of the Revised Code;</u>	2638
<u>(2) Chiropractors who are authorized to practice chiropractic</u>	2639
<u>or acupuncture under Chapter 4734. of the Revised Code;</u>	2640
<u>(3) Professional clinical counselors, professional</u>	2641
<u>counselors, independent social workers, social workers,</u>	2642
<u>independent marriage and family therapists, or marriage and family</u>	2643
<u>therapists who are authorized for their respective practices under</u>	2644
<u>this chapter;</u>	2645
<u>(4) Psychologists who are authorized to practice psychology</u>	2646
<u>under Chapter 4732. of the Revised Code;</u>	2647
<u>(5) Registered or licensed practical nurses who are</u>	2648
<u>authorized to practice nursing as registered nurses or as licensed</u>	2649
<u>practical nurses under Chapter 4723. of the Revised Code;</u>	2650
<u>(6) Pharmacists who are authorized to practice pharmacy under</u>	2651
<u>Chapter 4729. of the Revised Code;</u>	2652
<u>(7) Physical therapists who are authorized to practice</u>	2653
<u>physical therapy under sections 4755.40 to 4755.56 of the Revised</u>	2654
<u>Code;</u>	2655
<u>(8) Occupational therapists who are authorized to practice</u>	2656
<u>occupational therapy under sections 4755.04 to 4755.13 of the</u>	2657
<u>Revised Code;</u>	2658
<u>(9) Mechanotherapists who are authorized to practice</u>	2659
<u>mechanotherapy under section 4731.151 of the Revised Code;</u>	2660
<u>(10) Doctors of medicine and surgery, osteopathic medicine</u>	2661
<u>and surgery, or podiatric medicine and surgery who are authorized</u>	2662

for their respective practices under Chapter 4731. of the Revised Code. 2663
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This division applies notwithstanding a provision of a code of ethics applicable to an individual who is a professional clinical counselor, professional counselor, independent social worker, social worker, independent marriage and family therapist, or marriage and family therapist that prohibits the individual from engaging in the individual's practice in combination with a person who is licensed, certificated, or otherwise legally authorized to practice optometry, chiropractic, acupuncture through the state chiropractic board, nursing, pharmacy, physical therapy, psychology, occupational therapy, mechanotherapy, medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery, but who is not also licensed, certificated, or otherwise legally authorized to engage in the practice of professional counseling, social work, or marriage and family therapy. 2665
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Sec. 4757.41. (A) This chapter shall not apply to the following: 2680
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(1) A person certified by the state board of education under Chapter 3319. of the Revised Code while performing any services within the person's scope of employment by a board of education or by a private school meeting the standards prescribed by the state board of education under division (D) of section 3301.07 of the Revised Code or in a program operated under Chapter 5126. of the Revised Code for training individuals with mental retardation or other developmental disabilities; 2682
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(2) Psychologists or school psychologists licensed under Chapter 4732. of the Revised Code; 2690
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(3) Members of other professions licensed, certified, or registered by this state while performing services within the 2692
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recognized scope, standards, and ethics of their respective 2694
professions; 2695

(4) Rabbis, priests, Christian science practitioners, clergy, 2696
or members of religious orders and other individuals participating 2697
with them in pastoral counseling when the counseling activities 2698
are within the scope of the performance of their regular or 2699
specialized ministerial duties and are performed under the 2700
auspices or sponsorship of an established and legally cognizable 2701
church, denomination, or sect or an integrated auxiliary of a 2702
church as defined in federal tax regulations, paragraph (g)(5) of 2703
26 C.F.R. 1.6033-2 (1995), and when the individual rendering the 2704
service remains accountable to the established authority of that 2705
church, denomination, sect, or integrated auxiliary; 2706

(5) Any person employed in the civil service as defined in 2707
section 124.01 of the Revised Code as follows: 2708

(a) As an employee of a county, city, city health district, 2709
general health district, or city school district of this state 2710
while engaging in social work or professional counseling as a 2711
civil service employee; 2712

(b) As an employee of the state while engaging in social work 2713
or professional counseling as a civil service employee, if on the 2714
effective date of this amendment the person has at least two years 2715
of service with the state in that capacity; 2716

(6) A student in an accredited educational institution while 2717
carrying out activities that are part of the student's prescribed 2718
course of study if the activities are supervised as required by 2719
the educational institution and if the student does not hold 2720
herself or himself out as a person licensed or registered under 2721
this chapter; 2722

~~(7) Until two years after the date the department of alcohol 2723
and drug addiction services ceases to administer its process for 2724~~

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

~~(8)(7) Individuals who hold a license or certificate under
Chapter 4758. of the Revised Code who are acting within the scope
of their license or certificate as members of the profession of
chemical dependency counseling or alcohol and other drug
prevention services;~~

~~(9)(8) Any person employed by the American red cross while
engaging in activities relating to services for military families
and veterans and disaster relief, as described in the "American
National Red Cross Act," 33 Stat. 599 (1905), 36 U.S.C.A. 1, as
amended;~~

~~(10)(9) Members of labor organizations who hold union
counselor certificates while performing services in their official
capacity as union counselors;~~

~~(11)(10) Any person employed in a hospital as defined in
section 3727.01 of the Revised Code or in a nursing home as
defined in section 3721.01 of the Revised Code while providing as
a hospital employee or nursing home employee, respectively, social
services other than counseling and the use of psychosocial
interventions and social psychotherapy;~~

(11) A vocational rehabilitation professional who is

providing vocational rehabilitation counseling or services to 2756
individuals under section 3304.17 of the Revised Code. 2757

(B) Divisions (A)(5), ~~(9)~~, and ~~(11)~~(10) of this section do 2758
not prevent a person described in those divisions from obtaining a 2759
license or certificate of registration under this chapter. 2760

(C) Except as provided in divisions (A), (D), and (E) of this 2761
section, no employee in the service of the state, including public 2762
employees as defined by Chapter 4117. of the Revised Code, shall 2763
engage in marriage and family therapy, social work, or 2764
professional counseling without a license. Failure to comply with 2765
this division constitutes nonfeasance under section 124.34 of the 2766
Revised Code or just cause under a collective bargaining 2767
agreement. Nothing in this division restricts the director of 2768
administrative services from developing new classifications 2769
related to this division or from reassigning affected employees to 2770
appropriate classifications based on the employee's duties and 2771
qualifications. 2772

(D) Except as provided in division (A) of this section, an 2773
employee who was engaged in marriage and family therapy, social 2774
work, or professional counseling in the service of the state prior 2775
to the effective date of this amendment, including public 2776
employees as defined by Chapter 4117. of the Revised Code, shall 2777
comply with division (C) of this section within two years after 2778
the effective date of this amendment. Any such employee who fails 2779
to comply shall be removed from employment. 2780

(E) Nothing in this chapter shall be construed to require 2781
licensure or certification for a caseworker employed by a public 2782
children services agency under section 5153.112 of the Revised 2783
Code. 2784

Sec. 5101.61. (A) As used in this section: 2785

(1) "Senior service provider" means any person who provides care or services to a person who is an adult as defined in division (B) of section 5101.60 of the Revised Code.	2786 2787 2788
(2) "Ambulatory health facility" means a nonprofit, public or proprietary freestanding organization or a unit of such an agency or organization that:	2789 2790 2791
(a) Provides preventive, diagnostic, therapeutic, rehabilitative, or palliative items or services furnished to an outpatient or ambulatory patient, by or under the direction of a physician or dentist in a facility which is not a part of a hospital, but which is organized and operated to provide medical care to outpatients;	2792 2793 2794 2795 2796 2797
(b) Has health and medical care policies which are developed with the advice of, and with the provision of review of such policies, an advisory committee of professional personnel, including one or more physicians, one or more dentists, if dental care is provided, and one or more registered nurses;	2798 2799 2800 2801 2802
(c) Has a medical director, a dental director, if dental care is provided, and a nursing director responsible for the execution of such policies, and has physicians, dentists, nursing, and ancillary staff appropriate to the scope of services provided;	2803 2804 2805 2806
(d) Requires that the health care and medical care of every patient be under the supervision of a physician, provides for medical care in a case of emergency, has in effect a written agreement with one or more hospitals and other centers or clinics, and has an established patient referral system to other resources, and a utilization review plan and program;	2807 2808 2809 2810 2811 2812
(e) Maintains clinical records on all patients;	2813
(f) Provides nursing services and other therapeutic services in accordance with programs and policies, with such services supervised by a registered professional nurse, and has a	2814 2815 2816

registered professional nurse on duty at all times of clinical operations;	2817 2818
(g) Provides approved methods and procedures for the dispensing and administration of drugs and biologicals;	2819 2820
(h) Has established an accounting and record keeping system to determine reasonable and allowable costs;	2821 2822
(i) "Ambulatory health facilities" also includes an alcoholism treatment facility approved by the joint commission on accreditation of healthcare organizations as an alcoholism treatment facility or certified by the department of alcohol and drug addiction services, and such facility shall comply with other provisions of this division not inconsistent with such accreditation or certification.	2823 2824 2825 2826 2827 2828 2829
(3) "Community mental health facility" means a facility which provides community mental health services and is included in the comprehensive mental health plan for the alcohol, drug addiction, and mental health service district in which it is located.	2830 2831 2832 2833
(4) "Community mental health service" means services, other than inpatient services, provided by a community mental health facility.	2834 2835 2836
(5) "Home health agency" means an institution or a distinct part of an institution operated in this state which:	2837 2838
(a) Is primarily engaged in providing home health services;	2839
(b) Has home health policies which are established by a group of professional personnel, including one or more duly licensed doctors of medicine or osteopathy and one or more registered professional nurses, to govern the home health services it provides and which includes a requirement that every patient must be under the care of a duly licensed doctor of medicine or osteopathy;	2840 2841 2842 2843 2844 2845 2846

(c) Is under the supervision of a duly licensed doctor of medicine or doctor of osteopathy or a registered professional nurse who is responsible for the execution of such home health policies;	2847 2848 2849 2850
(d) Maintains comprehensive records on all patients;	2851
(e) Is operated by the state, a political subdivision, or an agency of either, or is operated not for profit in this state and is licensed or registered, if required, pursuant to law by the appropriate department of the state, county, or municipality in which it furnishes services; or is operated for profit in this state, meets all the requirements specified in divisions (A)(5)(a) to (d) of this section, and is certified under Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended.	2852 2853 2854 2855 2856 2857 2858 2859 2860
(6) "Home health service" means the following items and services, provided, except as provided in division (A)(6)(g) of this section, on a visiting basis in a place of residence used as the patient's home:	2861 2862 2863 2864
(a) Nursing care provided by or under the supervision of a registered professional nurse;	2865 2866
(b) Physical, occupational, or speech therapy ordered by the patient's attending physician;	2867 2868
(c) Medical social services performed by or under the supervision of a qualified medical or psychiatric social worker and under the direction of the patient's attending physician;	2869 2870 2871
(d) Personal health care of the patient performed by aides in accordance with the orders of a doctor of medicine or osteopathy and under the supervision of a registered professional nurse;	2872 2873 2874
(e) Medical supplies and the use of medical appliances;	2875
(f) Medical services of interns and residents-in-training	2876

under an approved teaching program of a nonprofit hospital and 2877
under the direction and supervision of the patient's attending 2878
physician; 2879

(g) Any of the foregoing items and services which: 2880

(i) Are provided on an outpatient basis under arrangements 2881
made by the home health agency at a hospital or skilled nursing 2882
facility; 2883

(ii) Involve the use of equipment of such a nature that the 2884
items and services cannot readily be made available to the patient 2885
in the patient's place of residence, or which are furnished at the 2886
hospital or skilled nursing facility while the patient is there to 2887
receive any item or service involving the use of such equipment. 2888

Any attorney, physician, osteopath, podiatrist, chiropractor, 2889
dentist, psychologist, any employee of a hospital as defined in 2890
section 3701.01 of the Revised Code, any nurse licensed under 2891
Chapter 4723. of the Revised Code, any employee of an ambulatory 2892
health facility, any employee of a home health agency, any 2893
employee of a residential facility licensed under section 5119.22 2894
of the Revised Code that provides accommodations, supervision, and 2895
personal care services for three to sixteen unrelated adults, any 2896
employee of a nursing home, residential care facility, or home for 2897
the aging, as defined in section 3721.01 of the Revised Code, any 2898
senior service provider, any peace officer, coroner, member of the 2899
clergy, any employee of a community mental health facility, and 2900
any person engaged in social work ~~or~~, professional counseling, or 2901
marriage and family therapy having reasonable cause to believe 2902
that an adult is being abused, neglected, or exploited, or is in a 2903
condition which is the result of abuse, neglect, or exploitation 2904
shall immediately report such belief to the county department of 2905
job and family services. This section does not apply to employees 2906
of any hospital or public hospital as defined in section 5122.01 2907
of the Revised Code. 2908

(B) Any person having reasonable cause to believe that an adult has suffered abuse, neglect, or exploitation may report, or cause reports to be made of such belief to the department.

(C) The reports made under this section shall be made orally or in writing except that oral reports shall be followed by a written report if a written report is requested by the department. Written reports shall include:

(1) The name, address, and approximate age of the adult who is the subject of the report;

(2) The name and address of the individual responsible for the adult's care, if any individual is, and if the individual is known;

(3) The nature and extent of the alleged abuse, neglect, or exploitation of the adult;

(4) The basis of the reporter's belief that the adult has been abused, neglected, or exploited.

(D) Any person with reasonable cause to believe that an adult is suffering abuse, neglect, or exploitation who makes a report pursuant to this section or who testifies in any administrative or judicial proceeding arising from such a report, or any employee of the state or any of its subdivisions who is discharging responsibilities under section 5101.62 of the Revised Code shall be immune from civil or criminal liability on account of such investigation, report, or testimony, except liability for perjury, unless the person has acted in bad faith or with malicious purpose.

(E) No employer or any other person with the authority to do so shall discharge, demote, transfer, prepare a negative work performance evaluation, or reduce benefits, pay, or work privileges, or take any other action detrimental to an employee or in any way retaliate against an employee as a result of the

employee's having filed a report under this section. 2940

(F) Neither the written or oral report provided for in this 2941
section nor the investigatory report provided for in section 2942
5101.62 of the Revised Code shall be considered a public record as 2943
defined in section 149.43 of the Revised Code. Information 2944
contained in the report shall upon request be made available to 2945
the adult who is the subject of the report, to agencies authorized 2946
by the department to receive information contained in the report, 2947
and to legal counsel for the adult. 2948

Sec. 5123.61. (A) As used in this section: 2949

(1) "Law enforcement agency" means the state highway patrol, 2950
the police department of a municipal corporation, or a county 2951
sheriff. 2952

(2) "Abuse" has the same meaning as in section 5123.50 of the 2953
Revised Code, except that it includes a misappropriation, as 2954
defined in that section. 2955

(3) "Neglect" has the same meaning as in section 5123.50 of 2956
the Revised Code. 2957

(B) The department of developmental disabilities shall 2958
establish a registry office for the purpose of maintaining reports 2959
of abuse, neglect, and other major unusual incidents made to the 2960
department under this section and reports received from county 2961
boards of developmental disabilities under section 5126.31 of the 2962
Revised Code. The department shall establish committees to review 2963
reports of abuse, neglect, and other major unusual incidents. 2964

(C)(1) Any person listed in division (C)(2) of this section, 2965
having reason to believe that a person with mental retardation or 2966
a developmental disability has suffered or faces a substantial 2967
risk of suffering any wound, injury, disability, or condition of 2968
such a nature as to reasonably indicate abuse or neglect of that 2969

person, shall immediately report or cause reports to be made of 2970
such information to the entity specified in this division. Except 2971
as provided in section 5120.173 of the Revised Code or as 2972
otherwise provided in this division, the person making the report 2973
shall make it to a law enforcement agency or to the county board 2974
of developmental disabilities. If the report concerns a resident 2975
of a facility operated by the department of developmental 2976
disabilities the report shall be made either to a law enforcement 2977
agency or to the department. If the report concerns any act or 2978
omission of an employee of a county board of developmental 2979
disabilities, the report immediately shall be made to the 2980
department and to the county board. 2981

(2) All of the following persons are required to make a 2982
report under division (C)(1) of this section: 2983

(a) Any physician, including a hospital intern or resident, 2984
any dentist, podiatrist, chiropractor, practitioner of a limited 2985
branch of medicine as specified in section 4731.15 of the Revised 2986
Code, hospital administrator or employee of a hospital, nurse 2987
licensed under Chapter 4723. of the Revised Code, employee of an 2988
ambulatory health facility as defined in section 5101.61 of the 2989
Revised Code, employee of a home health agency, employee of an 2990
adult care facility licensed under Chapter 3722. of the Revised 2991
Code, or employee of a community mental health facility; 2992

(b) Any school teacher or school authority, professional 2993
clinical counselor, professional counselor, independent social 2994
worker, social worker, independent marriage and family therapist, 2995
marriage and family therapist, psychologist, attorney, peace 2996
officer, coroner, or residents' rights advocate as defined in 2997
section 3721.10 of the Revised Code; 2998

(c) A superintendent, board member, or employee of a county 2999
board of developmental disabilities; an administrator, board 3000
member, or employee of a residential facility licensed under 3001

section 5123.19 of the Revised Code; an administrator, board 3002
member, or employee of any other public or private provider of 3003
services to a person with mental retardation or a developmental 3004
disability, or any MR/DD employee, as defined in section 5123.50 3005
of the Revised Code; 3006

(d) A member of a citizen's advisory council established at 3007
an institution or branch institution of the department of 3008
developmental disabilities under section 5123.092 of the Revised 3009
Code; 3010

(e) A ~~clergyman~~ member of the clergy who is employed in a 3011
position that includes providing specialized services to an 3012
individual with mental retardation or another developmental 3013
disability, while acting in an official or professional capacity 3014
in that position, or a person who is employed in a position that 3015
includes providing specialized services to an individual with 3016
mental retardation or another developmental disability and who, 3017
while acting in an official or professional capacity, renders 3018
spiritual treatment through prayer in accordance with the tenets 3019
of an organized religion. 3020

(3)(a) The reporting requirements of this division do not 3021
apply to employees of the Ohio protection and advocacy system. 3022

(b) An attorney or physician is not required to make a report 3023
pursuant to division (C)(1) of this section concerning any 3024
communication the attorney or physician receives from a client or 3025
patient in an attorney-client or physician-patient relationship, 3026
if, in accordance with division (A) or (B) of section 2317.02 of 3027
the Revised Code, the attorney or physician could not testify with 3028
respect to that communication in a civil or criminal proceeding, 3029
except that the client or patient is deemed to have waived any 3030
testimonial privilege under division (A) or (B) of section 2317.02 3031
of the Revised Code with respect to that communication and the 3032
attorney or physician shall make a report pursuant to division 3033

(C)(1) of this section, if both of the following apply: 3034

(i) The client or patient, at the time of the communication, 3035
is a person with mental retardation or a developmental disability. 3036

(ii) The attorney or physician knows or suspects, as a result 3037
of the communication or any observations made during that 3038
communication, that the client or patient has suffered or faces a 3039
substantial risk of suffering any wound, injury, disability, or 3040
condition of a nature that reasonably indicates abuse or neglect 3041
of the client or patient. 3042

(4) Any person who fails to make a report required under 3043
division (C) of this section and who is an MR/DD employee, as 3044
defined in section 5123.50 of the Revised Code, shall be eligible 3045
to be included in the registry regarding misappropriation, abuse, 3046
neglect, or other specified misconduct by MR/DD employees 3047
established under section 5123.52 of the Revised Code. 3048

(D) The reports required under division (C) of this section 3049
shall be made forthwith by telephone or in person and shall be 3050
followed by a written report. The reports shall contain the 3051
following: 3052

(1) The names and addresses of the person with mental 3053
retardation or a developmental disability and the person's 3054
custodian, if known; 3055

(2) The age of the person with mental retardation or a 3056
developmental disability; 3057

(3) Any other information that would assist in the 3058
investigation of the report. 3059

(E) When a physician performing services as a member of the 3060
staff of a hospital or similar institution has reason to believe 3061
that a person with mental retardation or a developmental 3062
disability has suffered injury, abuse, or physical neglect, the 3063

physician shall notify the person in charge of the institution or 3064
that person's designated delegate, who shall make the necessary 3065
reports. 3066

(F) Any person having reasonable cause to believe that a 3067
person with mental retardation or a developmental disability has 3068
suffered or faces a substantial risk of suffering abuse or neglect 3069
may report or cause a report to be made of that belief to the 3070
entity specified in this division. Except as provided in section 3071
5120.173 of the Revised Code or as otherwise provided in this 3072
division, the person making the report shall make it to a law 3073
enforcement agency or the county board of developmental 3074
disabilities. If the person is a resident of a facility operated 3075
by the department of developmental disabilities, the report shall 3076
be made to a law enforcement agency or to the department. If the 3077
report concerns any act or omission of an employee of a county 3078
board of developmental disabilities, the report immediately shall 3079
be made to the department and to the county board. 3080

(G)(1) Upon the receipt of a report concerning the possible 3081
abuse or neglect of a person with mental retardation or a 3082
developmental disability, the law enforcement agency shall inform 3083
the county board of developmental disabilities or, if the person 3084
is a resident of a facility operated by the department of 3085
developmental disabilities, the director of the department or the 3086
director's designee. 3087

(2) On receipt of a report under this section that includes 3088
an allegation of action or inaction that may constitute a crime 3089
under federal law or the law of this state, the department of 3090
developmental disabilities shall notify the law enforcement 3091
agency. 3092

(3) When a county board of developmental disabilities 3093
receives a report under this section that includes an allegation 3094
of action or inaction that may constitute a crime under federal 3095

law or the law of this state, the superintendent of the board or 3096
an individual the superintendent designates under division (H) of 3097
this section shall notify the law enforcement agency. The 3098
superintendent or individual shall notify the department of 3099
developmental disabilities when it receives any report under this 3100
section. 3101

(4) When a county board of developmental disabilities 3102
receives a report under this section and believes that the degree 3103
of risk to the person is such that the report is an emergency, the 3104
superintendent of the board or an employee of the board the 3105
superintendent designates shall attempt a face-to-face contact 3106
with the person with mental retardation or a developmental 3107
disability who allegedly is the victim within one hour of the 3108
board's receipt of the report. 3109

(H) The superintendent of the board may designate an 3110
individual to be responsible for notifying the law enforcement 3111
agency and the department when the county board receives a report 3112
under this section. 3113

(I) An adult with mental retardation or a developmental 3114
disability about whom a report is made may be removed from the 3115
adult's place of residence only by law enforcement officers who 3116
consider that the adult's immediate removal is essential to 3117
protect the adult from further injury or abuse or in accordance 3118
with the order of a court made pursuant to section 5126.33 of the 3119
Revised Code. 3120

(J) A law enforcement agency shall investigate each report of 3121
abuse or neglect it receives under this section. In addition, the 3122
department, in cooperation with law enforcement officials, shall 3123
investigate each report regarding a resident of a facility 3124
operated by the department to determine the circumstances 3125
surrounding the injury, the cause of the injury, and the person 3126
responsible. The investigation shall be in accordance with the 3127

memorandum of understanding prepared under section 5126.058 of the Revised Code. The department shall determine, with the registry office which shall be maintained by the department, whether prior reports have been made concerning an adult with mental retardation or a developmental disability or other principals in the case. If the department finds that the report involves action or inaction that may constitute a crime under federal law or the law of this state, it shall submit a report of its investigation, in writing, to the law enforcement agency. If the person with mental retardation or a developmental disability is an adult, with the consent of the adult, the department shall provide such protective services as are necessary to protect the adult. The law enforcement agency shall make a written report of its findings to the department.

If the person is an adult and is not a resident of a facility operated by the department, the county board of developmental disabilities shall review the report of abuse or neglect in accordance with sections 5126.30 to 5126.33 of the Revised Code and the law enforcement agency shall make the written report of its findings to the county board.

(K) Any person or any hospital, institution, school, health department, or agency participating in the making of reports pursuant to this section, any person participating as a witness in an administrative or judicial proceeding resulting from the reports, or any person or governmental entity that discharges responsibilities under sections 5126.31 to 5126.33 of the Revised Code shall be immune from any civil or criminal liability that might otherwise be incurred or imposed as a result of such actions except liability for perjury, unless the person or governmental entity has acted in bad faith or with malicious purpose.

(L) No employer or any person with the authority to do so shall discharge, demote, transfer, prepare a negative work

performance evaluation, reduce pay or benefits, terminate work 3160
privileges, or take any other action detrimental to an employee or 3161
retaliate against an employee as a result of the employee's having 3162
made a report under this section. This division does not preclude 3163
an employer or person with authority from taking action with 3164
regard to an employee who has made a report under this section if 3165
there is another reasonable basis for the action. 3166

(M) Reports made under this section are not public records as 3167
defined in section 149.43 of the Revised Code. Information 3168
contained in the reports on request shall be made available to the 3169
person who is the subject of the report, to the person's legal 3170
counsel, and to agencies authorized to receive information in the 3171
report by the department or by a county board of developmental 3172
disabilities. 3173

(N) Notwithstanding section 4731.22 of the Revised Code, the 3174
physician-patient privilege shall not be a ground for excluding 3175
evidence regarding the injuries or physical neglect of a person 3176
with mental retardation or a developmental disability or the cause 3177
thereof in any judicial proceeding resulting from a report 3178
submitted pursuant to this section. 3179

Section 2. That existing sections 1701.03, 1705.03, 1705.04, 3180
1705.53, 1785.01, 1785.02, 1785.03, 2305.234, 2305.51, 2921.22, 3181
3107.014, 3701.74, 3721.21, 4723.16, 4725.33, 4729.161, 4731.226, 3182
4731.65, 4732.28, 4734.17, 4755.471, 4757.03, 4757.10, 4757.16, 3183
4757.22, 4757.23, 4757.27, 4757.28, 4757.29, 4757.30, 4757.31, 3184
4757.33, 4757.36, 4757.41, 5101.61, and 5123.61 and section 3185
4757.12 of the Revised Code are hereby repealed. 3186

Section 3. Within one year after the effective date of this 3187
act, the Office of Collective Bargaining in the Department of 3188
Administrative Services shall implement division (C) of section 3189

4757.41 of the Revised Code as enacted by this act. 3190

Within ninety days after the effective date of this act, the 3191
Office of Collective Bargaining shall negotiate with each state 3192
agency and the affected union to reach a mutually agreeable 3193
resolution for employees impacted by the enactment of division (C) 3194
of section 4757.41 of the Revised Code. 3195

Notwithstanding divisions (A) and (D) of section 124.14 of 3196
the Revised Code or any other contrary provision of law, for 3197
employees in the service of the state exempt from Chapter 4117. of 3198
the Revised Code who are impacted by the enactment of division (C) 3199
of section 4757.41 of the Revised Code, the Director of 3200
Administrative Services may implement any or all of the provisions 3201
of the resolutions described in the preceding paragraph. 3202

The Director, within ninety days after the effective date of 3203
this act, shall develop and assign new classifications related to 3204
the enactment of division (C) of section 4757.41 of the Revised 3205
Code as needed and reassign impacted employees to appropriate 3206
classifications based on the employee's duties and qualifications. 3207

Section 4. (A) As used in this section, "intermediate care 3208
facility for individuals with intellectual disabilities" and 3209
"ICF/IID" mean an intermediate care facility for the mentally 3210
retarded as defined in the "Social Security Act," section 1905(d), 3211
42 U.S.C. 1396d(d). 3212

(B) The Department of Developmental Disabilities may conduct 3213
or contract with another entity to conduct, for the first quarter 3214
of calendar year 2013, assessments of all residents of each 3215
ICF/IID, regardless of payment source, who are in the ICF/IID, or 3216
on hospital or therapeutic leave from the ICF/IID, on the last day 3217
of that quarter. 3218

(C) If assessments are conducted under division (B) of this 3219
section, the Department shall do all of the following: 3220

(1) In conducting the assessments, provide for the resident assessment instrument prescribed in rules authorized by division (B) of section 5111.232 of the Revised Code to be used in accordance with an inter-rater reliable process;

(2) Use the data obtained from the assessments to determine each ICF/IID's case-mix score for the first quarter of calendar year 2013;

(3) For the purpose of determining each ICF/IID's Medicaid rate for direct care costs for the first quarter of fiscal year 2014 and subject to divisions (C)(8) and (E) of this section, use the ICF/IID's case-mix score determined under division (C)(2) of this section in making the calculation under division (D)(1) of section 5111.23 of the Revised Code;

(4) For the purpose of determining each ICF/IID's fiscal year 2015 Medicaid rates for direct care costs and subject to divisions (C)(8) and (E) of this section, use the following when determining, pursuant to the second paragraph of division (C) of section 5111.232 of the Revised Code each ICF/IID's annual average case-mix score for calendar year 2013:

(a) For the first quarter of calendar year 2013, the ICF/IID's case-mix score determined under division (C)(2) of this section;

(b) For the last three quarters of calendar year 2013 and except as provided in division (D) of section 5111.232 of the Revised Code, the ICF/IID's case-mix scores determined by using the data the ICF/IID provider compiles in accordance with the first paragraph of division (C) of section 5111.232 of the Revised Code.

(5) Notify each ICF/IID provider that the provider is permitted but not required to compile assessment data for the first quarter of calendar year 2013 pursuant to the first

paragraph of division (C) of section 5111.232 of the Revised Code; 3252

(6) After the assessments of all of an ICF/IID's residents 3253
are completed, provide, or have the entity (if any) with which the 3254
Department contracts pursuant to division (B) of this section 3255
provide, the results of the assessments to the ICF/IID provider; 3256

(7) Conduct, in accordance with division (C)(8) of this 3257
section, a hearing for any ICF/IID provider who does both of the 3258
following: 3259

(a) Submits a written request for the hearing to the 3260
Department not later than fifteen days after the provider receives 3261
the assessments' results pursuant to division (C)(6) of this 3262
section; 3263

(b) Includes in the request all of the following: 3264

(i) A detailed explanation of the items in the assessments' 3265
results that the provider disputes; 3266

(ii) Copies of relevant supporting documentation from 3267
specific resident records; 3268

(iii) The provider's proposed resolution of the disputes. 3269

(8) When conducting a hearing required by division (C)(7) of 3270
this section, do both of the following: 3271

(a) Consider all of the following: 3272

(i) The historic results of the resident assessments 3273
performed pursuant to the first paragraph of division (C) of 3274
section 5111.232 of the Revised Code by the ICF/IID provider who 3275
requested the hearing; 3276

(ii) All of the materials the provider includes in the 3277
hearing request; 3278

(iii) All other matters the Department determines necessary 3279
for consideration. 3280

(b) Issue a written decision regarding the hearing not later than the sooner of the following:	3281 3282
(i) Thirty days after the Department receives the hearing request;	3283 3284
(ii) June 1, 2013.	3285
(D) The Department's decision regarding a hearing required by division (C)(7) of this section is final and not subject to further appeal.	3286 3287 3288
(E) Regardless of what an ICF/IID's case-mix score is determined to be under division (C)(2) of this section or pursuant to a hearing required by division (C)(7) of this section, no such case-mix score shall cause either of the following to be less than ninety per cent of an ICF/IID's June 30, 2013, Medicaid rate for direct care costs:	3289 3290 3291 3292 3293 3294
(1) The ICF/IID's Medicaid rate for direct care costs for the first quarter of fiscal year 2014;	3295 3296
(2) The ICF/IID's fiscal year 2015 Medicaid rate for direct care costs.	3297 3298
(F) No ICF/IID provider shall be treated as having failed, for the first quarter of calendar year 2013, to timely submit data necessary to determine the ICF/IID's case-mix score for that quarter if the assessment is to be conducted under division (B) of this section.	3299 3300 3301 3302 3303
(G) The Department may provide for assessments to be conducted under division (B) of this section and, if it so provides, shall comply with the other divisions of this section notwithstanding anything to the contrary in sections 5111.20, 5111.23, and 5111.232 of the Revised Code.	3304 3305 3306 3307 3308