

As Introduced

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

S. B. No. 205

Senators Skindell, Grendell

Cosponsor: Senator Turner

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A B I L L

To amend sections 125.22, 1701.03, 1705.03, 1705.04, 1
1705.53, 1785.01, 1785.02, 1785.03, 1785.08, 2
2151.421, 2921.22, 3701.74, 3721.21, 4723.16, 3
4725.33, 4729.161, 4731.226, 4731.65, 4732.28, 4
4734.17, 4755.471, 4757.01, 4757.02, 4757.03, 5
4757.04, 4757.05, 4757.06, 4757.07, 4757.10, 6
4757.101, 4757.11, 4757.12, 4757.15, 4757.16, 7
4757.17, 4757.18, 4757.19, 4757.22, 4757.23, 8
4757.27, 4757.28, 4757.29, 4757.30, 4757.301, 9
4757.31, 4757.32, 4757.33, 4757.34, 4757.36, 10
4757.361, 4757.38, 4757.40, 4757.43, 4757.44, 11
5101.61, 5101.99, and 5123.61 and to enact 12
sections 4757.45 to 4757.50 and 4757.55 of the 13
Revised Code to regulate the practice of art 14
therapy. 15

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

Section 1. That sections 125.22, 1701.03, 1705.03, 1705.04, 16
1705.53, 1785.01, 1785.02, 1785.03, 1785.08, 2151.421, 2921.22, 17
3701.74, 3721.21, 4723.16, 4725.33, 4729.161, 4731.226, 4731.65, 18
4732.28, 4734.17, 4755.471, 4757.01, 4757.02, 4757.03, 4757.04, 19
4757.05, 4757.06, 4757.07, 4757.10, 4757.101, 4757.11, 4757.12, 20

4757.15, 4757.16, 4757.17, 4757.18, 4757.19, 4757.22, 4757.23, 21
4757.27, 4757.28, 4757.29, 4757.30, 4757.301, 4757.31, 4757.32, 22
4757.33, 4757.34, 4757.36, 4757.361, 4757.38, 4757.40, 4757.43, 23
4757.44, 5101.61, 5101.99, and 5123.61 be amended and sections 24
4757.45, 4757.46, 4757.47, 4757.48, 4757.49, 4757.50, and 4757.55 25
of the Revised Code be enacted to read as follows: 26

Sec. 125.22. (A) The department of administrative services 27
shall establish the central service agency to perform routine 28
support for the following boards and commissions: 29

- (1) Architects board; 30
- (2) Barber board; 31
- (3) State chiropractic board; 32
- (4) State board of cosmetology; 33
- (5) Accountancy board; 34
- (6) State dental board; 35
- (7) State board of optometry; 36
- (8) Ohio occupational therapy, physical therapy, and athletic 37
trainers board; 38
- (9) State board of registration for professional engineers 39
and surveyors; 40
- (10) State board of sanitarian registration; 41
- (11) Board of embalmers and funeral directors; 42
- (12) State board of psychology; 43
- (13) Ohio optical dispensers board; 44
- (14) Board of speech pathology and audiology; 45
- (15) Counselor, social worker, ~~and~~ marriage and family 46
therapist, and art therapist board; 47

(16) State veterinary medical licensing board;	48
(17) Ohio board of dietetics;	49
(18) Commission on Hispanic-Latino affairs;	50
(19) Ohio respiratory care board;	51
(20) Ohio commission on African-American males;	52
(21) Chemical dependency professionals board.	53
(B)(1) Notwithstanding any other section of the Revised Code, the agency shall perform the following routine support services for the boards and commissions named in division (A) of this section unless the controlling board exempts a board or commission from this requirement on the recommendation of the director of administrative services:	54 55 56 57 58 59
(a) Preparing and processing payroll and other personnel documents;	60 61
(b) Preparing and processing vouchers, purchase orders, encumbrances, and other accounting documents;	62 63
(c) Maintaining ledgers of accounts and balances;	64
(d) Preparing and monitoring budgets and allotment plans in consultation with the boards and commissions;	65 66
(e) Other routine support services that the director of administrative services considers appropriate to achieve efficiency.	67 68 69
(2) The agency may perform other services which a board or commission named in division (A) of this section delegates to the agency and the agency accepts.	70 71 72
(3) The agency may perform any service for any professional or occupational licensing board not named in division (A) of this section or any commission if the board or commission requests such service and the agency accepts.	73 74 75 76

(C) The director of administrative services shall be the 77
appointing authority for the agency. 78

(D) The agency shall determine the fees to be charged to the 79
boards and commissions, which shall be in proportion to the 80
services performed for each board or commission. 81

(E) Each board or commission named in division (A) of this 82
section and any other board or commission requesting services from 83
the agency shall pay these fees to the agency from the general 84
revenue fund maintenance account of the board or commission or 85
from such other fund as the operating expenses of the board or 86
commission are paid. Any amounts set aside for a fiscal year by a 87
board or commission to allow for the payment of fees shall be used 88
only for the services performed by the agency in that fiscal year. 89
All receipts collected by the agency shall be deposited in the 90
state treasury to the credit of the central service agency fund, 91
which is hereby created. All expenses incurred by the agency in 92
performing services for the boards or commissions shall be paid 93
from the fund. 94

(F) Nothing in this section shall be construed as a grant of 95
authority for the central service agency to initiate or deny 96
personnel or fiscal actions for the boards and commissions. 97

Sec. 1701.03. (A) A corporation may be formed under this 98
chapter for any purpose or combination of purposes for which 99
individuals lawfully may associate themselves, except that, if the 100
Revised Code contains special provisions pertaining to the 101
formation of any designated type of corporation other than a 102
professional association, as defined in section 1785.01 of the 103
Revised Code, a corporation of that type shall be formed in 104
accordance with the special provisions. 105

(B)(1) On and after July 1, 1994, a corporation may be formed 106
under this chapter for the purpose of carrying on the practice of 107

any profession, including, but not limited to, ~~a~~ the following: 108

(a) A corporation for the purpose of providing public 109
accounting or certified public accounting services, ~~and~~ and 110

(b) A corporation for the erection, owning, and conducting of 111
a sanitarium for receiving and caring for patients, medical and 112
hygienic treatment of patients, and instruction of nurses in the 113
treatment of disease and in hygiene, ~~and~~ and 114

(c) A corporation for the purpose of providing architectural, 115
landscape architectural, professional engineering, or surveying 116
services or any combination of those types of services, ~~and~~ and ~~and~~ and 117

(d) A corporation for the purpose of providing a combination 118
of the professional services, as defined in section 1785.01 of the 119
Revised Code, of optometrists authorized under Chapter 4725. of 120
the Revised Code, chiropractors authorized under Chapter 4734. of 121
the Revised Code to practice chiropractic or acupuncture, 122
psychologists authorized under Chapter 4732. of the Revised Code, 123
registered or licensed practical nurses authorized under Chapter 124
4723. of the Revised Code, pharmacists authorized under Chapter 125
4729. of the Revised Code, physical therapists authorized under 126
sections 4755.40 to 4755.56 of the Revised Code, mechanotherapists 127
authorized under section 4731.151 of the Revised Code, ~~and~~ doctors 128
of medicine and surgery, osteopathic medicine and surgery, or 129
podiatric medicine and surgery authorized under Chapter 4731. of 130
the Revised Code, and persons licensed or registered under Chapter 131
4757. of the Revised Code. ~~This~~ 132

(2) This chapter does not restrict, limit, or otherwise 133
affect the authority or responsibilities of any agency, board, 134
commission, department, office, or other entity to license, 135
register, and otherwise regulate the professional conduct of 136
individuals or organizations of any kind rendering professional 137
services, as defined in section 1785.01 of the Revised Code, in 138

this state or to regulate the practice of any profession that is 139
within the jurisdiction of the agency, board, commission, 140
department, office, or other entity, notwithstanding that an 141
individual is a director, officer, employee, or other agent of a 142
corporation formed under this chapter and is rendering 143
professional services or engaging in the practice of a profession 144
through a corporation formed under this chapter or that the 145
organization is a corporation formed under this chapter. 146

(C) Nothing in division (A) or (B) of this section precludes 147
the organization of a professional association in accordance with 148
this chapter and Chapter 1785. of the Revised Code or the 149
formation of a limited liability company under Chapter 1705. of 150
the Revised Code with respect to a business, as defined in section 151
1705.01 of the Revised Code. 152

(D) No corporation formed for the purpose of ~~providing a~~ 153
~~combination of the professional services, as defined in section~~ 154
~~1785.01 of the Revised Code, of optometrists authorized under~~ 155
~~Chapter 4725. of the Revised Code, chiropractors authorized under~~ 156
~~Chapter 4734. of the Revised Code to practice chiropractic or~~ 157
~~acupuncture, psychologists authorized under Chapter 4732. of the~~ 158
~~Revised Code, registered or licensed practical nurses authorized~~ 159
~~under Chapter 4723. of the Revised Code, pharmacists authorized~~ 160
~~under Chapter 4729. of the Revised Code, physical therapists~~ 161
~~authorized under sections 4755.40 to 4755.56 of the Revised Code,~~ 162
~~mechanotherapists authorized under section 4731.151 of the Revised~~ 163
~~Code, and doctors of medicine and surgery, osteopathic medicine~~ 164
~~and surgery, or podiatric medicine and surgery authorized under~~ 165
~~Chapter 4731. of the Revised Code described in division (B)(1)(d)~~ 166
of this section shall control the professional clinical judgment 167
exercised within accepted and prevailing standards of practice of 168
a licensed, certificated, or otherwise legally authorized 169
optometrist, chiropractor, chiropractor practicing acupuncture 170

through the state chiropractic board, psychologist, nurse, 171
pharmacist, physical therapist, mechanotherapist, ~~or~~ doctor of 172
medicine and surgery, osteopathic medicine and surgery, or 173
podiatric medicine and surgery, professional clinical counselor, 174
professional counselor, independent social worker, social worker, 175
social work assistant, independent marriage and family therapist, 176
marriage and family therapist, or art therapist in rendering care, 177
treatment, or professional advice to an individual patient. 178

This division does not prevent a hospital, as defined in 179
section 3727.01 of the Revised Code, insurer, as defined in 180
section 3999.36 of the Revised Code, or intermediary organization, 181
as defined in section 1751.01 of the Revised Code, from entering 182
into a contract with a corporation described in this division that 183
includes a provision requiring utilization review, quality 184
assurance, peer review, or other performance or quality standards. 185
Those activities shall not be construed as controlling the 186
professional clinical judgment of an individual practitioner 187
listed in this division. 188

Sec. 1705.03. (A) A limited liability company may sue and be 189
sued. 190

(B) Unless otherwise provided in its articles of 191
organization, a limited liability company may take property of any 192
description or any interest in property of any description by 193
gift, devise, or bequest and may make donations for the public 194
welfare or for charitable, scientific, or educational purposes. 195

(C) In carrying out the purposes stated in its articles of 196
organization or operating agreement and subject to limitations 197
prescribed by law or in its articles of organization or its 198
operating agreement, a limited liability company may do all of the 199
following: 200

(1) Purchase or otherwise acquire, lease as lessee or lessor, 201

invest in, hold, use, encumber, sell, exchange, transfer, and	202
dispose of property of any description or any interest in property	203
of any description;	204
(2) Make contracts;	205
(3) Form or acquire the control of other domestic or foreign	206
limited liability companies;	207
(4) Be a shareholder, partner, member, associate, or	208
participant in other profit or nonprofit enterprises or ventures;	209
(5) Conduct its affairs in this state and elsewhere;	210
(6) Render <u>the following</u> in this state and elsewhere a :	211
<u>(a) A professional service, the;</u>	212
<u>(b) The kinds of professional services authorized under</u>	213
Chapters 4703. and 4733. of the Revised Code, or a ;	214
<u>(c) A combination of the professional services of</u>	215
optometrists authorized under Chapter 4725. of the Revised Code,	216
chiropractors authorized under Chapter 4734. of the Revised Code	217
to practice chiropractic or acupuncture, psychologists authorized	218
under Chapter 4732. of the Revised Code, registered or licensed	219
practical nurses authorized under Chapter 4723. of the Revised	220
Code, pharmacists authorized under Chapter 4729. of the Revised	221
Code, physical therapists authorized under sections 4755.40 to	222
4755.56 of the Revised Code, occupational therapists authorized	223
under sections 4755.04 to 4755.13 of the Revised Code,	224
mechanotherapists authorized under section 4731.151 of the Revised	225
Code, and doctors of medicine and surgery, osteopathic medicine	226
and surgery, or podiatric medicine and surgery authorized under	227
Chapter 4731. of the Revised Code, <u>professional clinical</u>	228
<u>counselors, professional counselors, independent social workers,</u>	229
<u>social workers, social work assistants, independent marriage and</u>	230
<u>family therapists, marriage and family therapists, and art</u>	231

<u>therapists authorized under Chapter 4757. of the Revised Code.</u>	232
(7) Borrow money;	233
(8) Issue, sell, and pledge its notes, bonds, and other evidences of indebtedness;	234 235
(9) Secure any of its obligations by mortgage, pledge, or deed of trust of all or any of its property;	236 237
(10) Guarantee or secure obligations of any person;	238
(11) Do all things permitted by law and exercise all authority within or incidental to the purposes stated in its articles of organization.	239 240 241
(D) In addition to the authority conferred by division (C) of this section and irrespective of the purposes stated in its articles of organization or operating agreement but subject to any limitations stated in those articles or its operating agreement, a limited liability company may invest funds not currently needed in its business in any securities if the investment does not cause the company to acquire control of another enterprise whose activities and operations are not incidental to the purposes stated in the articles of organization of the company.	242 243 244 245 246 247 248 249 250
(E)(1) No lack of authority or limitation upon the authority of a limited liability company shall be asserted in any action except as follows:	251 252 253
(a) By the state in an action by it against the company;	254
(b) By or on behalf of the company in an action against a manager, an officer, or any member as a member;	255 256
(c) By a member as a member in an action against the company, a manager, an officer, or any member as a member;	257 258
(d) In an action involving an alleged improper issue of a membership interest in the company.	259 260

(2) Division (E)(1) of this section applies to any action 261
commenced in this state upon any contract made in this state by a 262
foreign limited liability company. 263

Sec. 1705.04. (A) One or more persons, without regard to 264
residence, domicile, or state of organization, may form a limited 265
liability company. The articles of organization shall be signed 266
and filed with the secretary of state and shall set forth all of 267
the following: 268

(1) The name of the company; 269

(2) Except as provided in division (B) of this section, the 270
period of its duration, which may be perpetual; 271

(3) Any other provisions that are from the operating 272
agreement or that are not inconsistent with applicable law and 273
that the members elect to set out in the articles for the 274
regulation of the affairs of the company. 275

The legal existence of the company begins upon the filing of 276
the articles of organization or on a later date specified in the 277
articles of organization that is not more than ninety days after 278
the filing. 279

(B) If the articles of organization or operating agreement do 280
not set forth the period of the duration of the limited liability 281
company, its duration shall be perpetual. 282

(C) If a limited liability company is formed under this 283
chapter for the purpose of rendering a professional service, the 284
kinds of professional services authorized under Chapters 4703. and 285
4733. of the Revised Code, or a combination of the professional 286
~~services of optometrists authorized under Chapter 4725. of the~~ 287
~~Revised Code, chiropractors authorized under Chapter 4734. of the~~ 288
~~Revised Code to practice chiropractic or acupuncture,~~ 289
~~psychologists authorized under Chapter 4732. of the Revised Code,~~ 290

~~registered or licensed practical nurses authorized under Chapter 4723. of the Revised Code, pharmacists authorized under Chapter 4729. of the Revised Code, physical therapists authorized under sections 4755.40 to 4755.56 of the Revised Code, occupational therapists authorized under sections 4755.04 to 4755.13 of the Revised Code, mechanotherapists authorized under section 4731.151 of the Revised Code, and doctors of medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery authorized under Chapter 4731. of the Revised Code described in division (C)(6)(c) of section 1705.03 of the Revised Code, the following apply:~~

(1) Each member, employee, or other agent of the company who renders a professional service in this state and, if the management of the company is not reserved to its members, each manager of the company who renders a professional service in this state shall be licensed, certificated, or otherwise legally authorized to render in this state the same kind of professional service; if applicable, the kinds of professional services authorized under Chapters 4703. and 4733. of the Revised Code; or, if applicable, any of the kinds of professional services of optometrists authorized under Chapter 4725. of the Revised Code, chiropractors authorized under Chapter 4734. of the Revised Code to practice chiropractic or acupuncture, psychologists authorized under Chapter 4732. of the Revised Code, registered or licensed practical nurses authorized under Chapter 4723. of the Revised Code, pharmacists authorized under Chapter 4729. of the Revised Code, physical therapists authorized under sections 4755.40 to 4755.56 of the Revised Code, occupational therapists authorized under sections 4755.04 to 4755.13 of the Revised Code, mechanotherapists authorized under section 4731.151 of the Revised Code, ~~or~~ doctors of medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery authorized under Chapter 4731. of the Revised Code, professional clinical

counselors, professional counselors, independent social workers, 324
social workers, social work assistants, independent marriage and 325
family therapists, marriage and family therapists, or art 326
therapists authorized under Chapter 4757. of the Revised Code. 327

(2) Each member, employee, or other agent of the company who 328
renders a professional service in another state and, if the 329
management of the company is not reserved to its members, each 330
manager of the company who renders a professional service in 331
another state shall be licensed, certificated, or otherwise 332
legally authorized to render that professional service in the 333
other state. 334

(D) Except for the provisions of this chapter pertaining to 335
the personal liability of members, employees, or other agents of a 336
limited liability company and, if the management of the company is 337
not reserved to its members, the personal liability of managers of 338
the company, this chapter does not restrict, limit, or otherwise 339
affect the authority or responsibilities of any agency, board, 340
commission, department, office, or other entity to license, 341
certificate, register, and otherwise regulate the professional 342
conduct of individuals or organizations of any kind rendering 343
professional services in this state or to regulate the practice of 344
any profession that is within the jurisdiction of the agency, 345
board, commission, department, office, or other entity, 346
notwithstanding that the individual is a member or manager of a 347
limited liability company and is rendering the professional 348
services or engaging in the practice of the profession through the 349
limited liability company or that the organization is a limited 350
liability company. 351

(E) No limited liability company formed for the purpose of 352
providing a combination of the professional services, as defined 353
in section 1785.01 of the Revised Code, of optometrists authorized 354
under Chapter 4725. of the Revised Code, chiropractors authorized 355

under Chapter 4734. of the Revised Code to practice chiropractic 356
or acupuncture, psychologists authorized under Chapter 4732. of 357
the Revised Code, registered or licensed practical nurses 358
authorized under Chapter 4723. of the Revised Code, pharmacists 359
authorized under Chapter 4729. of the Revised Code, physical 360
therapists authorized under sections 4755.40 to 4755.56 of the 361
Revised Code, occupational therapists authorized under sections 362
4755.04 to 4755.13 of the Revised Code, mechanotherapists 363
authorized under section 4731.151 of the Revised Code, ~~and~~ doctors 364
of medicine and surgery, osteopathic medicine and surgery, or 365
podiatric medicine and surgery authorized under Chapter 4731. of 366
the Revised Code, professional clinical counselors, professional 367
counselors, independent social workers, social workers, social 368
work assistants, independent marriage and family therapists, 369
marriage and family therapists, or art therapists authorized under 370
Chapter 4757. of the Revised Code shall control the professional 371
clinical judgment exercised within accepted and prevailing 372
standards of practice of a licensed, certificated, or otherwise 373
legally authorized optometrist, chiropractor, chiropractor 374
practicing acupuncture through the state chiropractic board, 375
psychologist, nurse, pharmacist, physical therapist, occupational 376
therapist, mechanotherapist, ~~or~~ doctor of medicine and surgery, 377
osteopathic medicine and surgery, or podiatric medicine and 378
surgery, professional clinical counselor, professional counselor, 379
independent social worker, social worker, social work assistant, 380
independent marriage and family therapist, marriage and family 381
therapist, or art therapist in rendering care, treatment, or 382
professional advice to an individual patient. 383

This division does not prevent a hospital, as defined in 384
section 3727.01 of the Revised Code, insurer, as defined in 385
section 3999.36 of the Revised Code, or intermediary organization, 386
as defined in section 1751.01 of the Revised Code, from entering 387
into a contract with a limited liability company described in this 388

division that includes a provision requiring utilization review, 389
quality assurance, peer review, or other performance or quality 390
standards. Those activities shall not be construed as controlling 391
the professional clinical judgment of an individual practitioner 392
listed in this division. 393

Sec. 1705.53. Subject to any contrary provisions of the Ohio 394
Constitution, the laws of the state under which a foreign limited 395
liability company is organized govern its organization and 396
internal affairs and the liability of its members. A foreign 397
limited liability company may not be denied a certificate of 398
registration as a foreign limited liability company in this state 399
because of any difference between the laws of the state under 400
which it is organized and the laws of this state. However, a 401
foreign limited liability company that applies for registration 402
under this chapter to render a professional service in this state, 403
as a condition to obtaining and maintaining a certificate of 404
registration, shall comply with the requirements of division (C) 405
of section 1705.04 of the Revised Code and shall comply with the 406
requirements of Chapters 4703. and 4733. of the Revised Code if 407
the kinds of professional services authorized under those chapters 408
are to be rendered or with the requirements of Chapters 4723., 409
4725., 4729., 4731., 4732., 4734., and 4755. of the Revised Code 410
if a combination of the professional services of optometrists 411
authorized under Chapter 4725. of the Revised Code, chiropractors 412
authorized under Chapter 4734. of the Revised Code to practice 413
chiropractic or acupuncture, psychologists authorized under 414
Chapter 4732. of the Revised Code, registered or licensed 415
practical nurses authorized under Chapter 4723. of the Revised 416
Code, pharmacists authorized under Chapter 4729. of the Revised 417
Code, physical therapists authorized under sections 4755.40 to 418
4755.56 of the Revised Code, occupational therapists authorized 419
under sections 4755.04 to 4755.13 of the Revised Code, 420

mechanotherapists authorized under section 4731.151 of the Revised Code, ~~and~~ doctors of medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery authorized under Chapter 4731. of the Revised Code, professional clinical counselors, professional counselors, independent social workers, social workers, social work assistants, independent marriage and family therapists, marriage and family therapists, and art therapists authorized under Chapter 4757. of the Revised Code are to be rendered.

Sec. 1785.01. As used in this chapter:

(A) "Professional service" means any type of professional service that may be performed only pursuant to a license, certificate, or other legal authorization issued pursuant to Chapter 4701., 4703., 4705., 4715., 4723., 4725., 4729., 4730., 4731., 4732., 4733., 4734., ~~or~~ 4741., or 4757., sections 4755.04 to 4755.13, or 4755.40 to 4755.56 of the Revised Code to certified public accountants, licensed public accountants, architects, attorneys, dentists, nurses, optometrists, pharmacists, physician assistants, doctors of medicine and surgery, doctors of osteopathic medicine and surgery, doctors of podiatric medicine and surgery, practitioners of the limited branches of medicine specified in section 4731.15 of the Revised Code, mechanotherapists, psychologists, professional engineers, chiropractors, chiropractors practicing acupuncture through the state chiropractic board, veterinarians, occupational therapists, physical therapists, ~~and~~ occupational therapists, professional clinical counselors, professional counselors, independent social workers, social workers, social work assistants, independent marriage and family therapists, marriage and family therapists, and art therapists.

(B) "Professional association" means an association organized

under this chapter for the sole purpose of rendering one of the 452
professional services authorized under Chapter 4701., 4703., 453
4705., 4715., 4723., 4725., 4729., 4730., 4731., 4732., 4733., 454
4734., ~~or~~ 4741., or 4757., sections 4755.04 to 4755.13, or 4755.40 455
to 4755.56 of the Revised Code, a combination of the professional 456
services authorized under Chapters 4703. and 4733. of the Revised 457
Code, or a combination of the professional services of 458
optometrists authorized under Chapter 4725. of the Revised Code, 459
chiropractors authorized under Chapter 4734. of the Revised Code 460
to practice chiropractic or acupuncture, psychologists authorized 461
under Chapter 4732. of the Revised Code, registered or licensed 462
practical nurses authorized under Chapter 4723. of the Revised 463
Code, pharmacists authorized under Chapter 4729. of the Revised 464
Code, physical therapists authorized under sections 4755.40 to 465
4755.56 of the Revised Code, occupational therapists authorized 466
under sections 4755.04 to 4755.13 of the Revised Code, 467
mechanotherapists authorized under section 4731.151 of the Revised 468
Code, ~~and~~ doctors of medicine and surgery, osteopathic medicine 469
and surgery, or podiatric medicine and surgery authorized under 470
Chapter 4731. of the Revised Code, professional clinical 471
counselors, professional counselors, independent social workers, 472
social workers, social work assistants, independent marriage and 473
family therapists, marriage and family therapists, and art 474
therapists authorized under Chapter 4757. of the Revised Code. 475

Sec. 1785.02. An individual or group of individuals each of 476
whom is licensed, certificated, or otherwise legally authorized to 477
render within this state the same kind of professional service, a 478
group of individuals each of whom is licensed, certificated, or 479
otherwise legally authorized to render within this state the 480
professional service authorized under Chapter 4703. or 4733. of 481
the Revised Code, or a group of individuals each of whom is 482
licensed, certificated, or otherwise legally authorized to render 483

within this state the professional service of optometrists 484
authorized under Chapter 4725. of the Revised Code, chiropractors 485
authorized under Chapter 4734. of the Revised Code to practice 486
chiropractic or acupuncture, psychologists authorized under 487
Chapter 4732. of the Revised Code, registered or licensed 488
practical nurses authorized under Chapter 4723. of the Revised 489
Code, pharmacists authorized under Chapter 4729. of the Revised 490
Code, physical therapists authorized under sections 4755.40 to 491
4755.56 of the Revised Code, occupational therapists authorized 492
under sections 4755.04 to 4755.13 of the Revised Code, 493
mechanotherapists authorized under section 4731.151 of the Revised 494
Code, ~~or~~ doctors of medicine and surgery, osteopathic medicine and 495
surgery, or podiatric medicine and surgery authorized under 496
Chapter 4731. of the Revised Code, professional clinical 497
counselors, professional counselors, independent social workers, 498
social workers, social work assistants, independent marriage and 499
family therapists, marriage and family therapists, or art 500
therapists authorized under Chapter 4757. of the Revised Code may 501
organize and become a shareholder or shareholders of a 502
professional association. Any group of individuals described in 503
this section who may be rendering one of the professional services 504
as an organization created otherwise than pursuant to this chapter 505
may incorporate under and pursuant to this chapter by amending the 506
agreement establishing the organization in a manner that the 507
agreement as amended constitutes articles of incorporation 508
prepared and filed in the manner prescribed in section 1785.08 of 509
the Revised Code and by otherwise complying with the applicable 510
requirements of this chapter. 511

Sec. 1785.03. A professional association may render a 512
particular professional service only through officers, employees, 513
and agents who are themselves duly licensed, certificated, or 514
otherwise legally authorized to render the professional service 515

within this state. As used in this section, "employee" does not 516
include clerks, bookkeepers, technicians, or other individuals who 517
are not usually and ordinarily considered by custom and practice 518
to be rendering a particular professional service for which a 519
license, certificate, or other legal authorization is required and 520
does not include any other person who performs all of that 521
person's employment under the direct supervision and control of an 522
officer, agent, or employee who renders a particular professional 523
service to the public on behalf of the professional association. 524

No professional association formed for the purpose of 525
providing a combination of the professional services, as defined 526
in section 1785.01 of the Revised Code, of optometrists authorized 527
under Chapter 4725. of the Revised Code, chiropractors authorized 528
under Chapter 4734. of the Revised Code to practice chiropractic 529
or acupuncture, psychologists authorized under Chapter 4732. of 530
the Revised Code, registered or licensed practical nurses 531
authorized under Chapter 4723. of the Revised Code, pharmacists 532
authorized under Chapter 4729. of the Revised Code, physical 533
therapists authorized under sections 4755.40 to 4755.56 of the 534
Revised Code, occupational therapists authorized under sections 535
4755.04 to 4755.13 of the Revised Code, mechanotherapists 536
authorized under section 4731.151 of the Revised Code, ~~and~~ doctors 537
of medicine and surgery, osteopathic medicine and surgery, or 538
podiatric medicine and surgery authorized under Chapter 4731. of 539
the Revised Code, professional clinical counselors, professional 540
counselors, independent social workers, social workers, social 541
work assistants, independent marriage and family therapists, 542
marriage and family therapists, and art therapists authorized 543
under Chapter 4757. of the Revised Code shall control the 544
professional clinical judgment exercised within accepted and 545
prevailing standards of practice of a licensed, certificated, or 546
otherwise legally authorized optometrist, chiropractor, 547
chiropractor practicing acupuncture through the state chiropractic 548

board, psychologist, nurse, pharmacist, physical therapist, 549
occupational therapist, mechanotherapist, ~~or~~ doctor of medicine 550
and surgery, osteopathic medicine and surgery, or podiatric 551
medicine and surgery, professional clinical counselor, 552
professional counselor, independent social worker, social worker, 553
social work assistant, independent marriage and family therapist, 554
marriage and family therapist, or art therapist in rendering care, 555
treatment, or professional advice to an individual patient. 556

This division does not prevent a hospital, as defined in 557
section 3727.01 of the Revised Code, insurer, as defined in 558
section 3999.36 of the Revised Code, or intermediary organization, 559
as defined in section 1751.01 of the Revised Code, from entering 560
into a contract with a professional association described in this 561
division that includes a provision requiring utilization review, 562
quality assurance, peer review, or other performance or quality 563
standards. Those activities shall not be construed as controlling 564
the professional clinical judgment of an individual practitioner 565
listed in this division. 566

Sec. 1785.08. Chapter 1701. of the Revised Code applies to 567
professional associations, including their organization and the 568
manner of filing articles of incorporation, except that the 569
requirements of division (A) of section 1701.06 of the Revised 570
Code do not apply to professional associations. If any provision 571
of this chapter conflicts with any provision of Chapter 1701. of 572
the Revised Code, the provisions of this chapter shall take 573
precedence. A professional association for the practice of 574
medicine and surgery, osteopathic medicine and surgery, or 575
podiatric medicine and surgery or for the combined practice of 576
optometry, chiropractic, acupuncture through the state 577
chiropractic board, psychology, nursing, pharmacy, physical 578
therapy, mechanotherapy, medicine and surgery, osteopathic 579
medicine and surgery, ~~or~~ podiatric medicine and surgery, 580

counseling, social work, marriage and family therapy, or art 581
therapy may provide in its articles of incorporation or bylaws 582
that its directors may have terms of office not exceeding six 583
years. 584

Sec. 2151.421. (A)(1)(a) No person described in division 585
(A)(1)(b) of this section who is acting in an official or 586
professional capacity and knows, or has reasonable cause to 587
suspect based on facts that would cause a reasonable person in a 588
similar position to suspect, that a child under eighteen years of 589
age or a mentally retarded, developmentally disabled, or 590
physically impaired child under twenty-one years of age has 591
suffered or faces a threat of suffering any physical or mental 592
wound, injury, disability, or condition of a nature that 593
reasonably indicates abuse or neglect of the child shall fail to 594
immediately report that knowledge or reasonable cause to suspect 595
to the entity or persons specified in this division. Except as 596
provided in section 5120.173 of the Revised Code, the person 597
making the report shall make it to the public children services 598
agency or a municipal or county peace officer in the county in 599
which the child resides or in which the abuse or neglect is 600
occurring or has occurred. In the circumstances described in 601
section 5120.173 of the Revised Code, the person making the report 602
shall make it to the entity specified in that section. 603

(b) Division (A)(1)(a) of this section applies to any person 604
who is an attorney; physician, including a hospital intern or 605
resident; dentist; podiatrist; practitioner of a limited branch of 606
medicine as specified in section 4731.15 of the Revised Code; 607
registered nurse; licensed practical nurse; visiting nurse; other 608
health care professional; licensed psychologist; licensed school 609
psychologist; ~~independent marriage and family therapist or~~ 610
~~marriage and family therapist~~ licensed or registered under Chapter 611
4757. of the Revised Code; speech pathologist or audiologist; 612

coroner; administrator or employee of a child day-care center; 613
administrator or employee of a residential camp or child day camp; 614
administrator or employee of a certified child care agency or 615
other public or private children services agency; school teacher; 616
school employee; school authority; ~~person engaged in social work~~ 617
~~or the practice of professional counseling;~~ agent of a county 618
humane society; person, other than a cleric, rendering spiritual 619
treatment through prayer in accordance with the tenets of a 620
well-recognized religion; employee of a county department of job 621
and family services who is a professional and who works with 622
children and families; superintendent, board member, or employee 623
of a county board of developmental disabilities; investigative 624
agent contracted with by a county board of developmental 625
disabilities; employee of the department of developmental 626
disabilities; employee of a facility or home that provides respite 627
care in accordance with section 5123.171 of the Revised Code; 628
employee of a home health agency; employee of an entity that 629
provides homemaker services; a person performing the duties of an 630
assessor pursuant to Chapter 3107. or 5103. of the Revised Code; 631
or third party employed by a public children services agency to 632
assist in providing child or family related services. 633

(2) Except as provided in division (A)(3) of this section, an 634
attorney or a physician is not required to make a report pursuant 635
to division (A)(1) of this section concerning any communication 636
the attorney or physician receives from a client or patient in an 637
attorney-client or physician-patient relationship, if, in 638
accordance with division (A) or (B) of section 2317.02 of the 639
Revised Code, the attorney or physician could not testify with 640
respect to that communication in a civil or criminal proceeding. 641

(3) The client or patient in an attorney-client or 642
physician-patient relationship described in division (A)(2) of 643
this section is deemed to have waived any testimonial privilege 644

under division (A) or (B) of section 2317.02 of the Revised Code 645
with respect to any communication the attorney or physician 646
receives from the client or patient in that attorney-client or 647
physician-patient relationship, and the attorney or physician 648
shall make a report pursuant to division (A)(1) of this section 649
with respect to that communication, if all of the following apply: 650

(a) The client or patient, at the time of the communication, 651
is either a child under eighteen years of age or a mentally 652
retarded, developmentally disabled, or physically impaired person 653
under twenty-one years of age. 654

(b) The attorney or physician knows, or has reasonable cause 655
to suspect based on facts that would cause a reasonable person in 656
similar position to suspect, as a result of the communication or 657
any observations made during that communication, that the client 658
or patient has suffered or faces a threat of suffering any 659
physical or mental wound, injury, disability, or condition of a 660
nature that reasonably indicates abuse or neglect of the client or 661
patient. 662

(c) The abuse or neglect does not arise out of the client's 663
or patient's attempt to have an abortion without the notification 664
of her parents, guardian, or custodian in accordance with section 665
2151.85 of the Revised Code. 666

(4)(a) No cleric and no person, other than a volunteer, 667
designated by any church, religious society, or faith acting as a 668
leader, official, or delegate on behalf of the church, religious 669
society, or faith who is acting in an official or professional 670
capacity, who knows, or has reasonable cause to believe based on 671
facts that would cause a reasonable person in a similar position 672
to believe, that a child under eighteen years of age or a mentally 673
retarded, developmentally disabled, or physically impaired child 674
under twenty-one years of age has suffered or faces a threat of 675
suffering any physical or mental wound, injury, disability, or 676

condition of a nature that reasonably indicates abuse or neglect 677
of the child, and who knows, or has reasonable cause to believe 678
based on facts that would cause a reasonable person in a similar 679
position to believe, that another cleric or another person, other 680
than a volunteer, designated by a church, religious society, or 681
faith acting as a leader, official, or delegate on behalf of the 682
church, religious society, or faith caused, or poses the threat of 683
causing, the wound, injury, disability, or condition that 684
reasonably indicates abuse or neglect shall fail to immediately 685
report that knowledge or reasonable cause to believe to the entity 686
or persons specified in this division. Except as provided in 687
section 5120.173 of the Revised Code, the person making the report 688
shall make it to the public children services agency or a 689
municipal or county peace officer in the county in which the child 690
resides or in which the abuse or neglect is occurring or has 691
occurred. In the circumstances described in section 5120.173 of 692
the Revised Code, the person making the report shall make it to 693
the entity specified in that section. 694

(b) Except as provided in division (A)(4)(c) of this section, 695
a cleric is not required to make a report pursuant to division 696
(A)(4)(a) of this section concerning any communication the cleric 697
receives from a penitent in a cleric-penitent relationship, if, in 698
accordance with division (C) of section 2317.02 of the Revised 699
Code, the cleric could not testify with respect to that 700
communication in a civil or criminal proceeding. 701

(c) The penitent in a cleric-penitent relationship described 702
in division (A)(4)(b) of this section is deemed to have waived any 703
testimonial privilege under division (C) of section 2317.02 of the 704
Revised Code with respect to any communication the cleric receives 705
from the penitent in that cleric-penitent relationship, and the 706
cleric shall make a report pursuant to division (A)(4)(a) of this 707
section with respect to that communication, if all of the 708

following apply: 709

(i) The penitent, at the time of the communication, is either 710
a child under eighteen years of age or a mentally retarded, 711
developmentally disabled, or physically impaired person under 712
twenty-one years of age. 713

(ii) The cleric knows, or has reasonable cause to believe 714
based on facts that would cause a reasonable person in a similar 715
position to believe, as a result of the communication or any 716
observations made during that communication, the penitent has 717
suffered or faces a threat of suffering any physical or mental 718
wound, injury, disability, or condition of a nature that 719
reasonably indicates abuse or neglect of the penitent. 720

(iii) The abuse or neglect does not arise out of the 721
penitent's attempt to have an abortion performed upon a child 722
under eighteen years of age or upon a mentally retarded, 723
developmentally disabled, or physically impaired person under 724
twenty-one years of age without the notification of her parents, 725
guardian, or custodian in accordance with section 2151.85 of the 726
Revised Code. 727

(d) Divisions (A)(4)(a) and (c) of this section do not apply 728
in a cleric-penitent relationship when the disclosure of any 729
communication the cleric receives from the penitent is in 730
violation of the sacred trust. 731

(e) As used in divisions (A)(1) and (4) of this section, 732
"cleric" and "sacred trust" have the same meanings as in section 733
2317.02 of the Revised Code. 734

(B) Anyone who knows, or has reasonable cause to suspect 735
based on facts that would cause a reasonable person in similar 736
circumstances to suspect, that a child under eighteen years of age 737
or a mentally retarded, developmentally disabled, or physically 738
impaired person under twenty-one years of age has suffered or 739

faces a threat of suffering any physical or mental wound, injury, 740
disability, or other condition of a nature that reasonably 741
indicates abuse or neglect of the child may report or cause 742
reports to be made of that knowledge or reasonable cause to 743
suspect to the entity or persons specified in this division. 744
Except as provided in section 5120.173 of the Revised Code, a 745
person making a report or causing a report to be made under this 746
division shall make it or cause it to be made to the public 747
children services agency or to a municipal or county peace 748
officer. In the circumstances described in section 5120.173 of the 749
Revised Code, a person making a report or causing a report to be 750
made under this division shall make it or cause it to be made to 751
the entity specified in that section. 752

(C) Any report made pursuant to division (A) or (B) of this 753
section shall be made forthwith either by telephone or in person 754
and shall be followed by a written report, if requested by the 755
receiving agency or officer. The written report shall contain: 756

(1) The names and addresses of the child and the child's 757
parents or the person or persons having custody of the child, if 758
known; 759

(2) The child's age and the nature and extent of the child's 760
injuries, abuse, or neglect that is known or reasonably suspected 761
or believed, as applicable, to have occurred or of the threat of 762
injury, abuse, or neglect that is known or reasonably suspected or 763
believed, as applicable, to exist, including any evidence of 764
previous injuries, abuse, or neglect; 765

(3) Any other information that might be helpful in 766
establishing the cause of the injury, abuse, or neglect that is 767
known or reasonably suspected or believed, as applicable, to have 768
occurred or of the threat of injury, abuse, or neglect that is 769
known or reasonably suspected or believed, as applicable, to 770
exist. 771

Any person, who is required by division (A) of this section 772
to report child abuse or child neglect that is known or reasonably 773
suspected or believed to have occurred, may take or cause to be 774
taken color photographs of areas of trauma visible on a child and, 775
if medically indicated, cause to be performed radiological 776
examinations of the child. 777

(D) As used in this division, "children's advocacy center" 778
and "sexual abuse of a child" have the same meanings as in section 779
2151.425 of the Revised Code. 780

(1) When a municipal or county peace officer receives a 781
report concerning the possible abuse or neglect of a child or the 782
possible threat of abuse or neglect of a child, upon receipt of 783
the report, the municipal or county peace officer who receives the 784
report shall refer the report to the appropriate public children 785
services agency. 786

(2) When a public children services agency receives a report 787
pursuant to this division or division (A) or (B) of this section, 788
upon receipt of the report, the public children services agency 789
shall do both of the following: 790

(a) Comply with section 2151.422 of the Revised Code; 791

(b) If the county served by the agency is also served by a 792
children's advocacy center and the report alleges sexual abuse of 793
a child or another type of abuse of a child that is specified in 794
the memorandum of understanding that creates the center as being 795
within the center's jurisdiction, comply regarding the report with 796
the protocol and procedures for referrals and investigations, with 797
the coordinating activities, and with the authority or 798
responsibility for performing or providing functions, activities, 799
and services stipulated in the interagency agreement entered into 800
under section 2151.428 of the Revised Code relative to that 801
center. 802

(E) No township, municipal, or county peace officer shall 803
remove a child about whom a report is made pursuant to this 804
section from the child's parents, stepparents, or guardian or any 805
other persons having custody of the child without consultation 806
with the public children services agency, unless, in the judgment 807
of the officer, and, if the report was made by physician, the 808
physician, immediate removal is considered essential to protect 809
the child from further abuse or neglect. The agency that must be 810
consulted shall be the agency conducting the investigation of the 811
report as determined pursuant to section 2151.422 of the Revised 812
Code. 813

(F)(1) Except as provided in section 2151.422 of the Revised 814
Code or in an interagency agreement entered into under section 815
2151.428 of the Revised Code that applies to the particular 816
report, the public children services agency shall investigate, 817
within twenty-four hours, each report of child abuse or child 818
neglect that is known or reasonably suspected or believed to have 819
occurred and of a threat of child abuse or child neglect that is 820
known or reasonably suspected or believed to exist that is 821
referred to it under this section to determine the circumstances 822
surrounding the injuries, abuse, or neglect or the threat of 823
injury, abuse, or neglect, the cause of the injuries, abuse, 824
neglect, or threat, and the person or persons responsible. The 825
investigation shall be made in cooperation with the law 826
enforcement agency and in accordance with the memorandum of 827
understanding prepared under division (J) of this section. A 828
representative of the public children services agency shall, at 829
the time of initial contact with the person subject to the 830
investigation, inform the person of the specific complaints or 831
allegations made against the person. The information shall be 832
given in a manner that is consistent with division (H)(1) of this 833
section and protects the rights of the person making the report 834
under this section. 835

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

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

(G)(1)(a) Except as provided in division (H)(3) of this section, anyone or any hospital, institution, school, health department, or agency participating in the making of reports under division (A) of this section, anyone or any hospital, institution, school, health department, or agency participating in good faith in the making of reports under division (B) of this section, and anyone participating in good faith in a judicial proceeding resulting from the reports, shall be immune from any civil or criminal liability for injury, death, or loss to person or property that otherwise might be incurred or imposed as a result of the making of the reports or the participation in the judicial proceeding.

(b) Notwithstanding section 4731.22 of the Revised Code, the physician-patient privilege shall not be a ground for excluding evidence regarding a child's injuries, abuse, or neglect, or the cause of the injuries, abuse, or neglect in any judicial

proceeding resulting from a report submitted pursuant to this 868
section. 869

(2) In any civil or criminal action or proceeding in which it 870
is alleged and proved that participation in the making of a report 871
under this section was not in good faith or participation in a 872
judicial proceeding resulting from a report made under this 873
section was not in good faith, the court shall award the 874
prevailing party reasonable attorney's fees and costs and, if a 875
civil action or proceeding is voluntarily dismissed, may award 876
reasonable attorney's fees and costs to the party against whom the 877
civil action or proceeding is brought. 878

(H)(1) Except as provided in divisions (H)(4) and (N) of this 879
section, a report made under this section is confidential. The 880
information provided in a report made pursuant to this section and 881
the name of the person who made the report shall not be released 882
for use, and shall not be used, as evidence in any civil action or 883
proceeding brought against the person who made the report. Nothing 884
in this division shall preclude the use of reports of other 885
incidents of known or suspected abuse or neglect in a civil action 886
or proceeding brought pursuant to division (M) of this section 887
against a person who is alleged to have violated division (A)(1) 888
of this section, provided that any information in a report that 889
would identify the child who is the subject of the report or the 890
maker of the report, if the maker of the report is not the 891
defendant or an agent or employee of the defendant, has been 892
redacted. In a criminal proceeding, the report is admissible in 893
evidence in accordance with the Rules of Evidence and is subject 894
to discovery in accordance with the Rules of Criminal Procedure. 895

(2) No person shall permit or encourage the unauthorized 896
dissemination of the contents of any report made under this 897
section. 898

(3) A person who knowingly makes or causes another person to 899

make a false report under division (B) of this section that 900
alleges that any person has committed an act or omission that 901
resulted in a child being an abused child or a neglected child is 902
guilty of a violation of section 2921.14 of the Revised Code. 903

(4) If a report is made pursuant to division (A) or (B) of 904
this section and the child who is the subject of the report dies 905
for any reason at any time after the report is made, but before 906
the child attains eighteen years of age, the public children 907
services agency or municipal or county peace officer to which the 908
report was made or referred, on the request of the child fatality 909
review board, shall submit a summary sheet of information 910
providing a summary of the report to the review board of the 911
county in which the deceased child resided at the time of death. 912
On the request of the review board, the agency or peace officer 913
may, at its discretion, make the report available to the review 914
board. If the county served by the public children services agency 915
is also served by a children's advocacy center and the report of 916
alleged sexual abuse of a child or another type of abuse of a 917
child is specified in the memorandum of understanding that creates 918
the center as being within the center's jurisdiction, the agency 919
or center shall perform the duties and functions specified in this 920
division in accordance with the interagency agreement entered into 921
under section 2151.428 of the Revised Code relative to that 922
advocacy center. 923

(5) A public children services agency shall advise a person 924
alleged to have inflicted abuse or neglect on a child who is the 925
subject of a report made pursuant to this section, including a 926
report alleging sexual abuse of a child or another type of abuse 927
of a child referred to a children's advocacy center pursuant to an 928
interagency agreement entered into under section 2151.428 of the 929
Revised Code, in writing of the disposition of the investigation. 930
The agency shall not provide to the person any information that 931

identifies the person who made the report, statements of 932
witnesses, or police or other investigative reports. 933

(I) Any report that is required by this section, other than a 934
report that is made to the state highway patrol as described in 935
section 5120.173 of the Revised Code, shall result in protective 936
services and emergency supportive services being made available by 937
the public children services agency on behalf of the children 938
about whom the report is made, in an effort to prevent further 939
neglect or abuse, to enhance their welfare, and, whenever 940
possible, to preserve the family unit intact. The agency required 941
to provide the services shall be the agency conducting the 942
investigation of the report pursuant to section 2151.422 of the 943
Revised Code. 944

(J)(1) Each public children services agency shall prepare a 945
memorandum of understanding that is signed by all of the 946
following: 947

(a) If there is only one juvenile judge in the county, the 948
juvenile judge of the county or the juvenile judge's 949
representative; 950

(b) If there is more than one juvenile judge in the county, a 951
juvenile judge or the juvenile judges' representative selected by 952
the juvenile judges or, if they are unable to do so for any 953
reason, the juvenile judge who is senior in point of service or 954
the senior juvenile judge's representative; 955

(c) The county peace officer; 956

(d) All chief municipal peace officers within the county; 957

(e) Other law enforcement officers handling child abuse and 958
neglect cases in the county; 959

(f) The prosecuting attorney of the county; 960

(g) If the public children services agency is not the county 961

department of job and family services, the county department of 962
job and family services; 963

(h) The county humane society; 964

(i) If the public children services agency participated in 965
the execution of a memorandum of understanding under section 966
2151.426 of the Revised Code establishing a children's advocacy 967
center, each participating member of the children's advocacy 968
center established by the memorandum. 969

(2) A memorandum of understanding shall set forth the normal 970
operating procedure to be employed by all concerned officials in 971
the execution of their respective responsibilities under this 972
section and division (C) of section 2919.21, division (B)(1) of 973
section 2919.22, division (B) of section 2919.23, and section 974
2919.24 of the Revised Code and shall have as two of its primary 975
goals the elimination of all unnecessary interviews of children 976
who are the subject of reports made pursuant to division (A) or 977
(B) of this section and, when feasible, providing for only one 978
interview of a child who is the subject of any report made 979
pursuant to division (A) or (B) of this section. A failure to 980
follow the procedure set forth in the memorandum by the concerned 981
officials is not grounds for, and shall not result in, the 982
dismissal of any charges or complaint arising from any reported 983
case of abuse or neglect or the suppression of any evidence 984
obtained as a result of any reported child abuse or child neglect 985
and does not give, and shall not be construed as giving, any 986
rights or any grounds for appeal or post-conviction relief to any 987
person. 988

(3) A memorandum of understanding shall include all of the 989
following: 990

(a) The roles and responsibilities for handling emergency and 991
nonemergency cases of abuse and neglect; 992

(b) Standards and procedures to be used in handling and 993
coordinating investigations of reported cases of child abuse and 994
reported cases of child neglect, methods to be used in 995
interviewing the child who is the subject of the report and who 996
allegedly was abused or neglected, and standards and procedures 997
addressing the categories of persons who may interview the child 998
who is the subject of the report and who allegedly was abused or 999
neglected. 1000

(4) If a public children services agency participated in the 1001
execution of a memorandum of understanding under section 2151.426 1002
of the Revised Code establishing a children's advocacy center, the 1003
agency shall incorporate the contents of that memorandum in the 1004
memorandum prepared pursuant to this section. 1005

(5) The clerk of the court of common pleas in the county may 1006
sign the memorandum of understanding prepared under division 1007
(J)(1) of this section. If the clerk signs the memorandum of 1008
understanding, the clerk shall execute all relevant 1009
responsibilities as required of officials specified in the 1010
memorandum. 1011

(K)(1) Except as provided in division (K)(4) of this section, 1012
a person who is required to make a report pursuant to division (A) 1013
of this section may make a reasonable number of requests of the 1014
public children services agency that receives or is referred the 1015
report, or of the children's advocacy center that is referred the 1016
report if the report is referred to a children's advocacy center 1017
pursuant to an interagency agreement entered into under section 1018
2151.428 of the Revised Code, to be provided with the following 1019
information: 1020

(a) Whether the agency or center has initiated an 1021
investigation of the report; 1022

(b) Whether the agency or center is continuing to investigate 1023

the report; 1024

(c) Whether the agency or center is otherwise involved with 1025
the child who is the subject of the report; 1026

(d) The general status of the health and safety of the child 1027
who is the subject of the report; 1028

(e) Whether the report has resulted in the filing of a 1029
complaint in juvenile court or of criminal charges in another 1030
court. 1031

(2) A person may request the information specified in 1032
division (K)(1) of this section only if, at the time the report is 1033
made, the person's name, address, and telephone number are 1034
provided to the person who receives the report. 1035

When a municipal or county peace officer or employee of a 1036
public children services agency receives a report pursuant to 1037
division (A) or (B) of this section the recipient of the report 1038
shall inform the person of the right to request the information 1039
described in division (K)(1) of this section. The recipient of the 1040
report shall include in the initial child abuse or child neglect 1041
report that the person making the report was so informed and, if 1042
provided at the time of the making of the report, shall include 1043
the person's name, address, and telephone number in the report. 1044

Each request is subject to verification of the identity of 1045
the person making the report. If that person's identity is 1046
verified, the agency shall provide the person with the information 1047
described in division (K)(1) of this section a reasonable number 1048
of times, except that the agency shall not disclose any 1049
confidential information regarding the child who is the subject of 1050
the report other than the information described in those 1051
divisions. 1052

(3) A request made pursuant to division (K)(1) of this 1053
section is not a substitute for any report required to be made 1054

pursuant to division (A) of this section. 1055

(4) If an agency other than the agency that received or was 1056
referred the report is conducting the investigation of the report 1057
pursuant to section 2151.422 of the Revised Code, the agency 1058
conducting the investigation shall comply with the requirements of 1059
division (K) of this section. 1060

(L) The director of job and family services shall adopt rules 1061
in accordance with Chapter 119. of the Revised Code to implement 1062
this section. The department of job and family services may enter 1063
into a plan of cooperation with any other governmental entity to 1064
aid in ensuring that children are protected from abuse and 1065
neglect. The department shall make recommendations to the attorney 1066
general that the department determines are necessary to protect 1067
children from child abuse and child neglect. 1068

(M) Whoever violates division (A) of this section is liable 1069
for compensatory and exemplary damages to the child who would have 1070
been the subject of the report that was not made. A person who 1071
brings a civil action or proceeding pursuant to this division 1072
against a person who is alleged to have violated division (A)(1) 1073
of this section may use in the action or proceeding reports of 1074
other incidents of known or suspected abuse or neglect, provided 1075
that any information in a report that would identify the child who 1076
is the subject of the report or the maker of the report, if the 1077
maker is not the defendant or an agent or employee of the 1078
defendant, has been redacted. 1079

(N)(1) As used in this division: 1080

(a) "Out-of-home care" includes a nonchartered nonpublic 1081
school if the alleged child abuse or child neglect, or alleged 1082
threat of child abuse or child neglect, described in a report 1083
received by a public children services agency allegedly occurred 1084
in or involved the nonchartered nonpublic school and the alleged 1085

perpetrator named in the report holds a certificate, permit, or 1086
license issued by the state board of education under section 1087
3301.071 or Chapter 3319. of the Revised Code. 1088

(b) "Administrator, director, or other chief administrative 1089
officer" means the superintendent of the school district if the 1090
out-of-home care entity subject to a report made pursuant to this 1091
section is a school operated by the district. 1092

(2) No later than the end of the day following the day on 1093
which a public children services agency receives a report of 1094
alleged child abuse or child neglect, or a report of an alleged 1095
threat of child abuse or child neglect, that allegedly occurred in 1096
or involved an out-of-home care entity, the agency shall provide 1097
written notice of the allegations contained in and the person 1098
named as the alleged perpetrator in the report to the 1099
administrator, director, or other chief administrative officer of 1100
the out-of-home care entity that is the subject of the report 1101
unless the administrator, director, or other chief administrative 1102
officer is named as an alleged perpetrator in the report. If the 1103
administrator, director, or other chief administrative officer of 1104
an out-of-home care entity is named as an alleged perpetrator in a 1105
report of alleged child abuse or child neglect, or a report of an 1106
alleged threat of child abuse or child neglect, that allegedly 1107
occurred in or involved the out-of-home care entity, the agency 1108
shall provide the written notice to the owner or governing board 1109
of the out-of-home care entity that is the subject of the report. 1110
The agency shall not provide witness statements or police or other 1111
investigative reports. 1112

(3) No later than three days after the day on which a public 1113
children services agency that conducted the investigation as 1114
determined pursuant to section 2151.422 of the Revised Code makes 1115
a disposition of an investigation involving a report of alleged 1116
child abuse or child neglect, or a report of an alleged threat of 1117

child abuse or child neglect, that allegedly occurred in or 1118
involved an out-of-home care entity, the agency shall send written 1119
notice of the disposition of the investigation to the 1120
administrator, director, or other chief administrative officer and 1121
the owner or governing board of the out-of-home care entity. The 1122
agency shall not provide witness statements or police or other 1123
investigative reports. 1124

Sec. 2921.22. (A)(1) Except as provided in division (A)(2) of 1125
this section, no person, knowing that a felony has been or is 1126
being committed, shall knowingly fail to report such information 1127
to law enforcement authorities. 1128

(2) No person, knowing that a violation of division (B) of 1129
section 2913.04 of the Revised Code has been, or is being 1130
committed or that the person has received information derived from 1131
such a violation, shall knowingly fail to report the violation to 1132
law enforcement authorities. 1133

(B) Except for conditions that are within the scope of 1134
division (E) of this section, no physician, limited practitioner, 1135
nurse, or other person giving aid to a sick or injured person 1136
shall negligently fail to report to law enforcement authorities 1137
any gunshot or stab wound treated or observed by the physician, 1138
limited practitioner, nurse, or person, or any serious physical 1139
harm to persons that the physician, limited practitioner, nurse, 1140
or person knows or has reasonable cause to believe resulted from 1141
an offense of violence. 1142

(C) No person who discovers the body or acquires the first 1143
knowledge of the death of a person shall fail to report the death 1144
immediately to a physician whom the person knows to be treating 1145
the deceased for a condition from which death at such time would 1146
not be unexpected, or to a law enforcement officer, an ambulance 1147
service, an emergency squad, or the coroner in a political 1148

subdivision in which the body is discovered, the death is believed 1149
to have occurred, or knowledge concerning the death is obtained. 1150

(D) No person shall fail to provide upon request of the 1151
person to whom a report required by division (C) of this section 1152
was made, or to any law enforcement officer who has reasonable 1153
cause to assert the authority to investigate the circumstances 1154
surrounding the death, any facts within the person's knowledge 1155
that may have a bearing on the investigation of the death. 1156

(E)(1) As used in this division, "burn injury" means any of 1157
the following: 1158

(a) Second or third degree burns; 1159

(b) Any burns to the upper respiratory tract or laryngeal 1160
edema due to the inhalation of superheated air; 1161

(c) Any burn injury or wound that may result in death; 1162

(d) Any physical harm to persons caused by or as the result 1163
of the use of fireworks, novelties and trick noisemakers, and wire 1164
sparklers, as each is defined by section 3743.01 of the Revised 1165
Code. 1166

(2) No physician, nurse, or limited practitioner who, outside 1167
a hospital, sanitarium, or other medical facility, attends or 1168
treats a person who has sustained a burn injury that is inflicted 1169
by an explosion or other incendiary device or that shows evidence 1170
of having been inflicted in a violent, malicious, or criminal 1171
manner shall fail to report the burn injury immediately to the 1172
local arson, or fire and explosion investigation, bureau, if there 1173
is a bureau of this type in the jurisdiction in which the person 1174
is attended or treated, or otherwise to local law enforcement 1175
authorities. 1176

(3) No manager, superintendent, or other person in charge of 1177
a hospital, sanitarium, or other medical facility in which a 1178

person is attended or treated for any burn injury that is 1179
inflicted by an explosion or other incendiary device or that shows 1180
evidence of having been inflicted in a violent, malicious, or 1181
criminal manner shall fail to report the burn injury immediately 1182
to the local arson, or fire and explosion investigation, bureau, 1183
if there is a bureau of this type in the jurisdiction in which the 1184
person is attended or treated, or otherwise to local law 1185
enforcement authorities. 1186

(4) No person who is required to report any burn injury under 1187
division (E)(2) or (3) of this section shall fail to file, within 1188
three working days after attending or treating the victim, a 1189
written report of the burn injury with the office of the state 1190
fire marshal. The report shall comply with the uniform standard 1191
developed by the state fire marshal pursuant to division (A)(15) 1192
of section 3737.22 of the Revised Code. 1193

(5) Anyone participating in the making of reports under 1194
division (E) of this section or anyone participating in a judicial 1195
proceeding resulting from the reports is immune from any civil or 1196
criminal liability that otherwise might be incurred or imposed as 1197
a result of such actions. Notwithstanding section 4731.22 of the 1198
Revised Code, the physician-patient relationship is not a ground 1199
for excluding evidence regarding a person's burn injury or the 1200
cause of the burn injury in any judicial proceeding resulting from 1201
a report submitted under division (E) of this section. 1202

(F)(1) Any doctor of medicine or osteopathic medicine, 1203
hospital intern or resident, registered or licensed practical 1204
nurse, psychologist, ~~social worker, independent social worker,~~ 1205
~~social work assistant, professional clinical counselor,~~ or 1206
~~professional counselor~~ person licensed or registered under Chapter 1207
4757. of the Revised Code who knows or has reasonable cause to 1208
believe that a patient or client has been the victim of domestic 1209
violence, as defined in section 3113.31 of the Revised Code, shall 1210

note that knowledge or belief and the basis for it in the 1211
patient's or client's records. 1212

(2) Notwithstanding section 4731.22 of the Revised Code, the 1213
doctor-patient privilege shall not be a ground for excluding any 1214
information regarding the report containing the knowledge or 1215
belief noted under division (F)(1) of this section, and the 1216
information may be admitted as evidence in accordance with the 1217
Rules of Evidence. 1218

(G) Divisions (A) and (D) of this section do not require 1219
disclosure of information, when any of the following applies: 1220

(1) The information is privileged by reason of the 1221
relationship between ~~attorney~~ the following: 1222

(a) Attorney and client; ~~doctor~~ 1223

(b) Doctor and patient; ~~licensed~~ 1224

(c) Licensed psychologist or licensed school psychologist and 1225
client; ~~member~~ 1226

(d) Member of the clergy, rabbi, minister, or priest and any 1227
person communicating information confidentially to the member of 1228
the clergy, rabbi, minister, or priest for a religious counseling 1229
purpose of a professional character; ~~husband~~ 1230

(e) Husband and wife; ~~or a~~ 1231

(f) Person licensed or registered under Chapter 4757. of the 1232
Revised Code and client; 1233

(g) A communications assistant and those who are a party to a 1234
telecommunications relay service call. 1235

(2) The information would tend to incriminate a member of the 1236
actor's immediate family. 1237

(3) Disclosure of the information would amount to revealing a 1238
news source, privileged under section 2739.04 or 2739.12 of the 1239

Revised Code. 1240

(4) Disclosure of the information would amount to disclosure 1241
by a member of the ordained clergy of an organized religious body 1242
of a confidential communication made to that member of the clergy 1243
in that member's capacity as a member of the clergy by a person 1244
seeking the aid or counsel of that member of the clergy. 1245

(5) Disclosure would amount to revealing information acquired 1246
by the actor in the course of the actor's duties in connection 1247
with a bona fide program of treatment or services for drug 1248
dependent persons or persons in danger of drug dependence, which 1249
program is maintained or conducted by a hospital, clinic, person, 1250
agency, or organization certified pursuant to section 3793.06 of 1251
the Revised Code. 1252

(6) Disclosure would amount to revealing information acquired 1253
by the actor in the course of the actor's duties in connection 1254
with a bona fide program for providing counseling services to 1255
victims of crimes that are violations of section 2907.02 or 1256
2907.05 of the Revised Code or to victims of felonious sexual 1257
penetration in violation of former section 2907.12 of the Revised 1258
Code. As used in this division, "counseling services" include 1259
services provided in an informal setting by a person who, by 1260
education or experience, is competent to provide those services. 1261

(H) No disclosure of information pursuant to this section 1262
gives rise to any liability or recrimination for a breach of 1263
privilege or confidence. 1264

(I) Whoever violates division (A) or (B) of this section is 1265
guilty of failure to report a crime. Violation of division (A)(1) 1266
of this section is a misdemeanor of the fourth degree. Violation 1267
of division (A)(2) or (B) of this section is a misdemeanor of the 1268
second degree. 1269

(J) Whoever violates division (C) or (D) of this section is 1270

guilty of failure to report knowledge of a death, a misdemeanor of 1271
the fourth degree. 1272

(K)(1) Whoever negligently violates division (E) of this 1273
section is guilty of a minor misdemeanor. 1274

(2) Whoever knowingly violates division (E) of this section 1275
is guilty of a misdemeanor of the second degree. 1276

Sec. 3701.74. (A) As used in this section and section 1277
3701.741 of the Revised Code: 1278

(1) "Ambulatory care facility" means a facility that provides 1279
medical, diagnostic, or surgical treatment to patients who do not 1280
require hospitalization, including a dialysis center, ambulatory 1281
surgical facility, cardiac catheterization facility, diagnostic 1282
imaging center, extracorporeal shock wave lithotripsy center, home 1283
health agency, inpatient hospice, birthing center, radiation 1284
therapy center, emergency facility, and an urgent care center. 1285
"Ambulatory care facility" does not include the private office of 1286
a physician or dentist, whether the office is for an individual or 1287
group practice. 1288

(2) "Chiropractor" means an individual licensed under Chapter 1289
4734. of the Revised Code to practice chiropractic. 1290

(3) "Emergency facility" means a hospital emergency 1291
department or any other facility that provides emergency medical 1292
services. 1293

(4) "Health care practitioner" means all of the following: 1294

(a) A dentist or dental hygienist licensed under Chapter 1295
4715. of the Revised Code; 1296

(b) A registered or licensed practical nurse licensed under 1297
Chapter 4723. of the Revised Code; 1298

(c) An optometrist licensed under Chapter 4725. of the 1299

Revised Code;	1300
(d) A dispensing optician, spectacle dispensing optician,	1301
contact lens dispensing optician, or spectacle-contact lens	1302
dispensing optician licensed under Chapter 4725. of the Revised	1303
Code;	1304
(e) A pharmacist licensed under Chapter 4729. of the Revised	1305
Code;	1306
(f) A physician;	1307
(g) A physician assistant authorized under Chapter 4730. of	1308
the Revised Code to practice as a physician assistant;	1309
(h) A practitioner of a limited branch of medicine issued a	1310
certificate under Chapter 4731. of the Revised Code;	1311
(i) A psychologist licensed under Chapter 4732. of the	1312
Revised Code;	1313
(j) A chiropractor;	1314
(k) A hearing aid dealer or fitter licensed under Chapter	1315
4747. of the Revised Code;	1316
(l) A speech-language pathologist or audiologist licensed	1317
under Chapter 4753. of the Revised Code;	1318
(m) An occupational therapist or occupational therapy	1319
assistant licensed under Chapter 4755. of the Revised Code;	1320
(n) A physical therapist or physical therapy assistant	1321
licensed under Chapter 4755. of the Revised Code;	1322
(o) A professional clinical counselor, professional	1323
counselor, social worker, or independent social worker <u>person</u>	1324
licensed, or a social work assistant registered, under Chapter	1325
4757. of the Revised Code;	1326
(p) A dietitian licensed under Chapter 4759. of the Revised	1327
Code;	1328

(q) A respiratory care professional licensed under Chapter 4761. of the Revised Code;	1329 1330
(r) An emergency medical technician-basic, emergency medical technician-intermediate, or emergency medical technician-paramedic certified under Chapter 4765. of the Revised Code.	1331 1332 1333
(5) "Health care provider" means a hospital, ambulatory care facility, long-term care facility, pharmacy, emergency facility, or health care practitioner.	1334 1335 1336
(6) "Hospital" has the same meaning as in section 3727.01 of the Revised Code.	1337 1338
(7) "Long-term care facility" means a nursing home, residential care facility, or home for the aging, as those terms are defined in section 3721.01 of the Revised Code; an adult care facility, as defined in section 3722.01 of the Revised Code; a nursing facility or intermediate care facility for the mentally retarded, as those terms are defined in section 5111.20 of the Revised Code; a facility or portion of a facility certified as a skilled nursing facility under Title XVIII of the "Social Security Act," 49 Stat. 286 (1965), 42 U.S.C.A. 1395, as amended.	1339 1340 1341 1342 1343 1344 1345 1346 1347
(8) "Medical record" means data in any form that pertains to a patient's medical history, diagnosis, prognosis, or medical condition and that is generated and maintained by a health care provider in the process of the patient's health care treatment.	1348 1349 1350 1351
(9) "Medical records company" means a person who stores, locates, or copies medical records for a health care provider, or is compensated for doing so by a health care provider, and charges a fee for providing medical records to a patient or patient's representative.	1352 1353 1354 1355 1356
(10) "Patient" means either of the following:	1357
(a) An individual who received health care treatment from a	1358

health care provider; 1359

(b) A guardian, as defined in section 1337.11 of the Revised 1360
Code, of an individual described in division (A)(10)(a) of this 1361
section. 1362

(11) "Patient's personal representative" means a minor 1363
patient's parent or other person acting in loco parentis, a 1364
court-appointed guardian, or a person with durable power of 1365
attorney for health care for a patient, the executor or 1366
administrator of the patient's estate, or the person responsible 1367
for the patient's estate if it is not to be probated. "Patient's 1368
personal representative" does not include an insurer authorized 1369
under Title XXXIX of the Revised Code to do the business of 1370
sickness and accident insurance in this state, a health insuring 1371
corporation holding a certificate of authority under Chapter 1751. 1372
of the Revised Code, or any other person not named in this 1373
division. 1374

(12) "Pharmacy" has the same meaning as in section 4729.01 of 1375
the Revised Code. 1376

(13) "Physician" means a person authorized under Chapter 1377
4731. of the Revised Code to practice medicine and surgery, 1378
osteopathic medicine and surgery, or podiatric medicine and 1379
surgery. 1380

(14) "Authorized person" means a person to whom a patient has 1381
given written authorization to act on the patient's behalf 1382
regarding the patient's medical record. 1383

(B) A patient, a patient's personal representative or an 1384
authorized person who wishes to examine or obtain a copy of part 1385
or all of a medical record shall submit to the health care 1386
provider a written request signed by the patient, personal 1387
representative, or authorized person dated not more than one year 1388
before the date on which it is submitted. The request shall 1389

indicate whether the copy is to be sent to the requestor, 1390
physician or chiropractor, or held for the requestor at the office 1391
of the health care provider. Within a reasonable time after 1392
receiving a request that meets the requirements of this division 1393
and includes sufficient information to identify the record 1394
requested, a health care provider that has the patient's medical 1395
records shall permit the patient to examine the record during 1396
regular business hours without charge or, on request, shall 1397
provide a copy of the record in accordance with section 3701.741 1398
of the Revised Code, except that if a physician or chiropractor 1399
who has treated the patient determines for clearly stated 1400
treatment reasons that disclosure of the requested record is 1401
likely to have an adverse effect on the patient, the health care 1402
provider shall provide the record to a physician or chiropractor 1403
designated by the patient. The health care provider shall take 1404
reasonable steps to establish the identity of the person making 1405
the request to examine or obtain a copy of the patient's record. 1406

(C) If a health care provider fails to furnish a medical 1407
record as required by division (B) of this section, the patient, 1408
personal representative, or authorized person who requested the 1409
record may bring a civil action to enforce the patient's right of 1410
access to the record. 1411

(D)(1) This section does not apply to medical records whose 1412
release is covered by section 173.20 or 3721.13 of the Revised 1413
Code, by Chapter 1347. or 5122. of the Revised Code, by 42 C.F.R. 1414
part 2, "Confidentiality of Alcohol and Drug Abuse Patient 1415
Records," or by 42 C.F.R. 483.10. 1416

(2) Nothing in this section is intended to supersede the 1417
confidentiality provisions of sections 2305.24, 2305.25, 2305.251, 1418
and 2305.252 of the Revised Code. 1419

Sec. 3721.21. As used in sections 3721.21 to 3721.34 of the 1420

Revised Code:	1421
(A) "Long-term care facility" means either of the following:	1422
(1) A nursing home as defined in section 3721.01 of the	1423
Revised Code, other than a nursing home or part of a nursing home	1424
certified as an intermediate care facility for the mentally	1425
retarded under Title XIX of the "Social Security Act," 49 Stat.	1426
620 (1935), 42 U.S.C.A. 301, as amended;	1427
(2) A facility or part of a facility that is certified as a	1428
skilled nursing facility or a nursing facility under Title XVIII	1429
or XIX of the "Social Security Act."	1430
(B) "Residential care facility" has the same meaning as in	1431
section 3721.01 of the Revised Code.	1432
(C) "Abuse" means knowingly causing physical harm or	1433
recklessly causing serious physical harm to a resident by physical	1434
contact with the resident or by use of physical or chemical	1435
restraint, medication, or isolation as punishment, for staff	1436
convenience, excessively, as a substitute for treatment, or in	1437
amounts that preclude habilitation and treatment.	1438
(D) "Neglect" means recklessly failing to provide a resident	1439
with any treatment, care, goods, or service necessary to maintain	1440
the health or safety of the resident when the failure results in	1441
serious physical harm to the resident. "Neglect" does not include	1442
allowing a resident, at the resident's option, to receive only	1443
treatment by spiritual means through prayer in accordance with the	1444
tenets of a recognized religious denomination.	1445
(E) "Misappropriation" means depriving, defrauding, or	1446
otherwise obtaining the real or personal property of a resident by	1447
any means prohibited by the Revised Code, including violations of	1448
Chapter 2911. or 2913. of the Revised Code.	1449
(F) "Resident" includes a resident, patient, former resident	1450

or patient, or deceased resident or patient of a long-term care facility or a residential care facility. 1451
1452

(G) "Physical restraint" has the same meaning as in section 1453
3721.10 of the Revised Code. 1454

(H) "Chemical restraint" has the same meaning as in section 1455
3721.10 of the Revised Code. 1456

(I) "Nursing and nursing-related services" means the personal 1457
care services and other services not constituting skilled nursing 1458
care that are specified in rules the public health council shall 1459
adopt in accordance with Chapter 119. of the Revised Code. 1460

(J) "Personal care services" has the same meaning as in 1461
section 3721.01 of the Revised Code. 1462

(K)(1) Except as provided in division (K)(2) of this section, 1463
"nurse aide" means an individual who provides nursing and 1464
nursing-related services to residents in a long-term care 1465
facility, either as a member of the staff of the facility for 1466
monetary compensation or as a volunteer without monetary 1467
compensation. 1468

(2) "Nurse aide" does not include either of the following: 1469

(a) A licensed health professional practicing within the 1470
scope of the professional's license; 1471

(b) An individual providing nursing and nursing-related 1472
services in a religious nonmedical health care institution, if the 1473
individual has been trained in the principles of nonmedical care 1474
and is recognized by the institution as being competent in the 1475
administration of care within the religious tenets practiced by 1476
the residents of the institution. 1477

(L) "Licensed health professional" means all of the 1478
following: 1479

(1) An occupational therapist or occupational therapy 1480

assistant licensed under Chapter 4755. of the Revised Code;	1481
(2) A physical therapist or physical therapy assistant licensed under Chapter 4755. of the Revised Code;	1482 1483
(3) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatry;	1484 1485 1486
(4) A physician assistant authorized under Chapter 4730. of the Revised Code to practice as a physician assistant;	1487 1488
(5) A registered nurse or licensed practical nurse licensed under Chapter 4723. of the Revised Code;	1489 1490
(6) A social worker or independent social worker <u>person</u> licensed <u>or registered</u> under Chapter 4757. of the Revised Code or a social work assistant registered under that chapter;	1491 1492 1493
(7) A speech-language pathologist or audiologist licensed under Chapter 4753. of the Revised Code;	1494 1495
(8) A dentist or dental hygienist licensed under Chapter 4715. of the Revised Code;	1496 1497
(9) An optometrist licensed under Chapter 4725. of the Revised Code;	1498 1499
(10) A pharmacist licensed under Chapter 4729. of the Revised Code;	1500 1501
(11) A psychologist licensed under Chapter 4732. of the Revised Code;	1502 1503
(12) A chiropractor licensed under Chapter 4734. of the Revised Code;	1504 1505
(13) A nursing home administrator licensed or temporarily licensed under Chapter 4751. of the Revised Code;	1506 1507
(14) A professional counselor or professional clinical counselor licensed under Chapter 4757. of the Revised Code.	1508 1509

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

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

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

Sec. 4723.16. (A) An individual whom the board of nursing licenses, certificates, or otherwise legally authorizes to engage in the practice of nursing as a registered nurse or as a licensed practical nurse may render the professional services of a registered or licensed practical nurse 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 rendering professional services as a registered or licensed practical nurse 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 board of nursing adopted pursuant to this chapter.

(B) A corporation, limited liability company, partnership, or

professional association described in division (A) of this section	1541
may be formed for the purpose of providing a combination of the	1542
professional services of the following individuals who are	1543
licensed, certificated, or otherwise legally authorized to	1544
practice their respective professions:	1545
(1) Optometrists who are authorized to practice optometry	1546
under Chapter 4725. of the Revised Code;	1547
(2) Chiropractors who are authorized to practice chiropractic	1548
or acupuncture under Chapter 4734. of the Revised Code;	1549
(3) Psychologists who are authorized to practice psychology	1550
under Chapter 4732. of the Revised Code;	1551
(4) Registered or licensed practical nurses who are	1552
authorized to practice nursing as registered nurses or as licensed	1553
practical nurses under this chapter;	1554
(5) Pharmacists who are authorized to practice pharmacy under	1555
Chapter 4729. of the Revised Code;	1556
(6) Physical therapists who are authorized to practice	1557
physical therapy under sections 4755.40 to 4755.56 of the Revised	1558
Code;	1559
(7) Occupational therapists who are licensed to practice	1560
occupational therapy under sections 4755.04 to 4755.13 of the	1561
Revised Code;	1562
(8) Mechanotherapists who are authorized to practice	1563
mechanotherapy under section 4731.151 of the Revised Code;	1564
(9) Doctors of medicine and surgery, osteopathic medicine and	1565
surgery, or podiatric medicine and surgery who are licensed,	1566
certificated, or otherwise legally authorized for their respective	1567
practices under Chapter 4731. of the Revised Code;	1568
<u>(10) Professional clinical counselors, professional</u>	1569
<u>counselors, independent social workers, social workers, social</u>	1570

work assistants, independent marriage and family therapists, 1571
marriage and family therapists, and art therapists who are 1572
authorized for their respective practices under Chapter 4757. of 1573
the Revised Code. 1574

This division shall apply notwithstanding a provision of a 1575
code of ethics applicable to a nurse that prohibits a registered 1576
or licensed practical nurse from engaging in the practice of 1577
nursing as a registered nurse or as a licensed practical nurse in 1578
combination with a person who is licensed, certificated, or 1579
otherwise legally authorized to practice optometry, chiropractic, 1580
acupuncture through the state chiropractic board, psychology, 1581
pharmacy, physical therapy, occupational therapy, mechanotherapy, 1582
medicine and surgery, osteopathic medicine and surgery, ~~or~~ 1583
podiatric medicine and surgery, professional counseling, social 1584
work, marriage and family therapy, or art therapy, but who is not 1585
also licensed, certificated, or otherwise legally authorized to 1586
engage in the practice of nursing as a registered nurse or as a 1587
licensed practical nurse. 1588

Sec. 4725.33. (A) An individual whom the state board of 1589
optometry licenses to engage in the practice of optometry may 1590
render the professional services of an optometrist within this 1591
state through a corporation formed under division (B) of section 1592
1701.03 of the Revised Code, a limited liability company formed 1593
under Chapter 1705. of the Revised Code, a partnership, or a 1594
professional association formed under Chapter 1785. of the Revised 1595
Code. This division does not preclude an optometrist from 1596
rendering professional services as an optometrist through another 1597
form of business entity, including, but not limited to, a 1598
nonprofit corporation or foundation, or in another manner that is 1599
authorized by or in accordance with this chapter, another chapter 1600
of the Revised Code, or rules of the state board of optometry 1601
adopted pursuant to this chapter. 1602

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

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

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

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

(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;

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

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

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

(8) 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;

(9) Professional clinical counselors, professional counselors, independent social workers, social workers, social work assistants, independent marriage and family therapists, marriage and family therapists, and art therapists who are

authorized for their respective practices under Chapter 4757. of 1633
the Revised Code. 1634

This division shall apply notwithstanding a provision of a 1635
code of ethics applicable to an optometrist that prohibits an 1636
optometrist from engaging in the practice of optometry in 1637
combination with a person who is licensed, certificated, or 1638
otherwise legally authorized to practice chiropractic, acupuncture 1639
through the state chiropractic board, psychology, nursing, 1640
pharmacy, physical therapy, mechanotherapy, medicine and surgery, 1641
osteopathic medicine and surgery, ~~or~~ podiatric medicine and 1642
surgery, professional counseling, social work, marriage and family 1643
therapy, or art therapy, but who is not also licensed, 1644
certificated, or otherwise legally authorized to engage in the 1645
practice of optometry. 1646

Sec. 4729.161. (A) An individual registered with the state 1647
board of pharmacy to engage in the practice of pharmacy may render 1648
the professional services of a pharmacist within this state 1649
through a corporation formed under division (B) of section 1701.03 1650
of the Revised Code, a limited liability company formed under 1651
Chapter 1705. of the Revised Code, a partnership, or a 1652
professional association formed under Chapter 1785. of the Revised 1653
Code. This division does not preclude an individual of that nature 1654
from rendering professional services as a pharmacist through 1655
another form of business entity, including, but not limited to, a 1656
nonprofit corporation or foundation, or in another manner that is 1657
authorized by or in accordance with this chapter, another chapter 1658
of the Revised Code, or rules of the state board of pharmacy 1659
adopted pursuant to this chapter. 1660

(B) A corporation, limited liability company, partnership, or 1661
professional association described in division (A) of this section 1662
may be formed for the purpose of providing a combination of the 1663

professional services of the following individuals who are	1664
licensed, certificated, or otherwise legally authorized to	1665
practice their respective professions:	1666
(1) Optometrists who are authorized to practice optometry	1667
under Chapter 4725. of the Revised Code;	1668
(2) Chiropractors who are authorized to practice chiropractic	1669
or acupuncture under Chapter 4734. of the Revised Code;	1670
(3) Psychologists who are authorized to practice psychology	1671
under Chapter 4732. of the Revised Code;	1672
(4) Registered or licensed practical nurses who are	1673
authorized to practice nursing as registered nurses or as licensed	1674
practical nurses under Chapter 4723. of the Revised Code;	1675
(5) Pharmacists who are authorized to practice pharmacy under	1676
Chapter 4729. of the Revised Code;	1677
(6) Physical therapists who are authorized to practice	1678
physical therapy under sections 4755.40 to 4755.56 of the Revised	1679
Code;	1680
(7) Occupational therapists who are authorized to practice	1681
occupational therapy under sections 4755.04 to 4755.13 of the	1682
Revised Code;	1683
(8) Mechanotherapists who are authorized to practice	1684
mechanotherapy under section 4731.151 of the Revised Code;	1685
(9) Doctors of medicine and surgery, osteopathic medicine and	1686
surgery, or podiatric medicine and surgery who are authorized for	1687
their respective practices under Chapter 4731. of the Revised	1688
Code;	1689
<u>(10) Professional clinical counselors, professional</u>	1690
<u>counselors, independent social workers, social workers, social</u>	1691
<u>work assistants, independent marriage and family therapists,</u>	1692
<u>marriage and family therapists, and art therapists who are</u>	1693

authorized for their respective practices under Chapter 4757. of 1694
the Revised Code. 1695

This division shall apply notwithstanding a provision of a 1696
code of ethics applicable to a pharmacist that prohibits a 1697
pharmacist from engaging in the practice of pharmacy in 1698
combination with a person who is licensed, certificated, or 1699
otherwise legally authorized to practice optometry, chiropractic, 1700
acupuncture through the state chiropractic board, psychology, 1701
nursing, physical therapy, occupational therapy, mechanotherapy, 1702
medicine and surgery, osteopathic medicine and surgery, ~~or~~ 1703
podiatric medicine and surgery, professional counseling, social 1704
work, marriage and family therapy, or art therapy, but who is not 1705
also licensed, certificated, or otherwise legally authorized to 1706
engage in the practice of pharmacy. 1707

Sec. 4731.226. (A)(1) An individual whom the state medical 1708
board licenses, certificates, or otherwise legally authorizes to 1709
engage in the practice of medicine and surgery, osteopathic 1710
medicine and surgery, or podiatric medicine and surgery may render 1711
the professional services of a doctor of medicine and surgery, 1712
osteopathic medicine and surgery, or podiatric medicine and 1713
surgery within this state through a corporation formed under 1714
division (B) of section 1701.03 of the Revised Code, a limited 1715
liability company formed under Chapter 1705. of the Revised Code, 1716
a partnership, or a professional association formed under Chapter 1717
1785. of the Revised Code. Division (A)(1) of this section does 1718
not preclude an individual of that nature from rendering 1719
professional services as a doctor of medicine and surgery, 1720
osteopathic medicine and surgery, or podiatric medicine and 1721
surgery through another form of business entity, including, but 1722
not limited to, a nonprofit corporation or foundation, or in 1723
another manner that is authorized by or in accordance with this 1724
chapter, another chapter of the Revised Code, or rules of the 1725

state medical board adopted pursuant to this chapter. 1726

(2) An individual whom the state medical board authorizes to 1727
engage in the practice of mechanotherapy may render the 1728
professional services of a mechanotherapist within this state 1729
through a corporation formed under division (B) of section 1701.03 1730
of the Revised Code, a limited liability company formed under 1731
Chapter 1705. of the Revised Code, a partnership, or a 1732
professional association formed under Chapter 1785. of the Revised 1733
Code. Division (A)(2) of this section does not preclude an 1734
individual of that nature from rendering professional services as 1735
a mechanotherapist through another form of business entity, 1736
including, but not limited to, a nonprofit corporation or 1737
foundation, or in another manner that is authorized by or in 1738
accordance with this chapter, another chapter of the Revised Code, 1739
or rules of the state medical board adopted pursuant to this 1740
chapter. 1741

(B) A corporation, limited liability company, partnership, or 1742
professional association described in division (A) of this section 1743
may be formed for the purpose of providing a combination of the 1744
professional services of the following individuals who are 1745
licensed, certificated, or otherwise legally authorized to 1746
practice their respective professions: 1747

(1) Optometrists who are authorized to practice optometry 1748
under Chapter 4725. of the Revised Code; 1749

(2) Chiropractors who are authorized to practice chiropractic 1750
or acupuncture under Chapter 4734. of the Revised Code; 1751

(3) Psychologists who are authorized to practice psychology 1752
under Chapter 4732. of the Revised Code; 1753

(4) Registered or licensed practical nurses who are 1754
authorized to practice nursing as registered nurses or as licensed 1755
practical nurses under Chapter 4723. of the Revised Code; 1756

(5) Pharmacists who are authorized to practice pharmacy under Chapter 4729. of the Revised Code;	1757 1758
(6) Physical therapists who are authorized to practice physical therapy under sections 4755.40 to 4755.56 of the Revised Code;	1759 1760 1761
(7) Occupational therapists who are authorized to practice occupational therapy under sections 4755.04 to 4755.13 of the Revised Code;	1762 1763 1764
(8) Mechanotherapists who are authorized to practice mechanotherapy under section 4731.151 of the Revised Code;	1765 1766
(9) Doctors of medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery who are authorized for their respective practices under this chapter;	1767 1768 1769
<u>(10) Professional clinical counselors, professional counselors, independent social workers, social workers, social work assistants, independent marriage and family therapists, marriage and family therapists, and art therapists who are authorized for their respective practices under Chapter 4757. of the Revised Code.</u>	1770 1771 1772 1773 1774 1775
(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:	1776 1777 1778 1779
(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, psychology, nursing, pharmacy, physical therapy, occupational therapy, or mechanotherapy, <u>professional counseling, social work, marriage and</u>	1780 1781 1782 1783 1784 1785 1786 1787

family therapy, or art therapy, but who is not also licensed, 1788
certificated, or otherwise legally authorized to practice medicine 1789
and surgery, osteopathic medicine and surgery, or podiatric 1790
medicine and surgery. 1791

(2) A mechanotherapist from engaging in the practice of 1792
mechanotherapy in combination with a person who is licensed, 1793
certificated, or otherwise legally authorized to engage in the 1794
practice of optometry, chiropractic, acupuncture through the state 1795
chiropractic board, psychology, nursing, pharmacy, physical 1796
therapy, occupational therapy, medicine and surgery, osteopathic 1797
medicine and surgery, ~~or~~ podiatric medicine and surgery, 1798
professional counseling, social work, marriage and family therapy, 1799
or art therapy, but who is not also licensed, certificated, or 1800
otherwise legally authorized to engage in the practice of 1801
mechanotherapy. 1802

Sec. 4731.65. As used in sections 4731.65 to 4731.71 of the 1803
Revised Code: 1804

(A)(1) "Clinical laboratory services" means either of the 1805
following: 1806

(a) Any examination of materials derived from the human body 1807
for the purpose of providing information for the diagnosis, 1808
prevention, or treatment of any disease or impairment or for the 1809
assessment of health; 1810

(b) Procedures to determine, measure, or otherwise describe 1811
the presence or absence of various substances or organisms in the 1812
body. 1813

(2) "Clinical laboratory services" does not include the mere 1814
collection or preparation of specimens. 1815

(B) "Designated health services" means any of the following: 1816

(1) Clinical laboratory services; 1817

(2) Home health care services;	1818
(3) Outpatient prescription drugs.	1819
(C) "Fair market value" means the value in arms-length transactions, consistent with general market value and:	1820 1821
(1) With respect to rentals or leases, the value of rental property for general commercial purposes, not taking into account its intended use;	1822 1823 1824
(2) With respect to a lease of space, not adjusted to reflect the additional value the prospective lessee or lessor would attribute to the proximity or convenience to the lessor if the lessor is a potential source of referrals to the lessee.	1825 1826 1827 1828
(D) "Governmental health care program" means any program providing health care benefits that is administered by the federal government, this state, or a political subdivision of this state, including the medicare program established under Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, health care coverage for public employees, health care benefits administered by the bureau of workers' compensation, the medicaid program established under Chapter 5111. of the Revised Code, and the children's buy-in program established under sections 5101.5211 to 5101.5216 of the Revised Code.	1829 1830 1831 1832 1833 1834 1835 1836 1837 1838
(E)(1) "Group practice" means a group of two or more holders of certificates under this chapter legally organized as a partnership, professional corporation or association, limited liability company, foundation, nonprofit corporation, faculty practice plan, or similar group practice entity, including an organization comprised of a nonprofit medical clinic that contracts with a professional corporation or association of physicians to provide medical services exclusively to patients of the clinic in order to comply with section 1701.03 of the Revised Code and including a corporation, limited liability company,	1839 1840 1841 1842 1843 1844 1845 1846 1847 1848

partnership, or professional association described in division (B) 1849
of section 4731.226 of the Revised Code formed for the purpose of 1850
providing a combination of the professional services of 1851
optometrists who are licensed, certificated, or otherwise legally 1852
authorized to practice optometry under Chapter 4725. of the 1853
Revised Code, chiropractors who are licensed, certificated, or 1854
otherwise legally authorized to practice chiropractic or 1855
acupuncture under Chapter 4734. of the Revised Code, psychologists 1856
who are licensed, certificated, or otherwise legally authorized to 1857
practice psychology under Chapter 4732. of the Revised Code, 1858
registered or licensed practical nurses who are licensed, 1859
certificated, or otherwise legally authorized to practice nursing 1860
under Chapter 4723. of the Revised Code, pharmacists who are 1861
licensed, certificated, or otherwise legally authorized to 1862
practice pharmacy under Chapter 4729. of the Revised Code, 1863
physical therapists who are licensed, certificated, or otherwise 1864
legally authorized to practice physical therapy under sections 1865
4755.40 to 4755.56 of the Revised Code, occupational therapists 1866
who are licensed, certificated, or otherwise legally authorized to 1867
practice occupational therapy under sections 4755.04 to 4755.13 of 1868
the Revised Code, mechanotherapists who are licensed, 1869
certificated, or otherwise legally authorized to practice 1870
mechanotherapy under section 4731.151 of the Revised Code, 1871
professional clinical counselors, professional counselors, 1872
independent social workers, social workers, social work 1873
assistants, independent marriage and family therapists, marriage 1874
and family therapists, and art therapists who are licensed, 1875
certificated, or otherwise legally authorized for their respective 1876
practices under Chapter 4757. of the Revised Code, and doctors of 1877
medicine and surgery, osteopathic medicine and surgery, or 1878
podiatric medicine and surgery who are licensed, certificated, or 1879
otherwise legally authorized for their respective practices under 1880
this chapter, to which all of the following apply: 1881

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

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

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

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

(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 1912
be performed by or under the supervision of the other physician; 1913

(2) A request for or establishment of a plan of care by a 1914
certificate holder that includes the provision of designated 1915
health services. 1916

(I) "Third-party payer" has the same meaning as in section 1917
3901.38 of the Revised Code. 1918

Sec. 4732.28. (A) An individual whom the state board of 1919
psychology licenses, certificates, or otherwise legally authorizes 1920
to engage in the practice of psychology may render the 1921
professional services of a psychologist within this state through 1922
a corporation formed under division (B) of section 1701.03 of the 1923
Revised Code, a limited liability company formed under Chapter 1924
1705. of the Revised Code, a partnership, or a professional 1925
association formed under Chapter 1785. of the Revised Code. This 1926
division does not preclude an individual of that nature from 1927
rendering professional services as a psychologist through another 1928
form of business entity, including, but not limited to, a 1929
nonprofit corporation or foundation, or in another manner that is 1930
authorized by or in accordance with this chapter, another chapter 1931
of the Revised Code, or rules of the state board of psychology 1932
adopted pursuant to this chapter. 1933

(B) A corporation, limited liability company, partnership, or 1934
professional association described in division (A) of this section 1935
may be formed for the purpose of providing a combination of the 1936
professional services of the following individuals who are 1937
licensed, certificated, or otherwise legally authorized to 1938
practice their respective professions: 1939

(1) Optometrists who are authorized to practice optometry 1940
under Chapter 4725. of the Revised Code; 1941

(2) Chiropractors who are authorized to practice chiropractic or acupuncture under Chapter 4734. of the Revised Code;	1942 1943
(3) Psychologists who are authorized to practice psychology under this chapter;	1944 1945
(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;	1946 1947 1948
(5) Pharmacists who are authorized to practice pharmacy under Chapter 4729. of the Revised Code;	1949 1950
(6) Physical therapists who are authorized to practice physical therapy under sections 4755.40 to 4755.56 of the Revised Code;	1951 1952 1953
(7) Occupational therapists who are authorized to practice occupational therapy under sections 4755.04 to 4755.13 of the Revised Code;	1954 1955 1956
(8) Mechanotherapists who are authorized to practice mechanotherapy under section 4731.151 of the Revised Code;	1957 1958
(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;	1959 1960 1961 1962
<u>(10) Professional clinical counselors, professional counselors, independent social workers, social workers, social work assistants, independent marriage and family therapists, marriage and family therapists, and art therapists who are authorized for their respective practices under Chapter 4757. of the Revised Code.</u>	1963 1964 1965 1966 1967 1968
This division shall apply notwithstanding a provision of a code of ethics applicable to a psychologist that prohibits a psychologist from engaging in the practice of psychology in	1969 1970 1971

combination with a person who is licensed, certificated, or 1972
otherwise legally authorized to practice optometry, chiropractic, 1973
acupuncture through the state chiropractic board, nursing, 1974
pharmacy, physical therapy, occupational therapy, mechanotherapy, 1975
medicine and surgery, osteopathic medicine and surgery, ~~or~~ 1976
podiatric medicine and surgery, professional counseling, social 1977
work, marriage and family therapy, or art therapy, but who is not 1978
also licensed, certificated, or otherwise legally authorized to 1979
engage in the practice of psychology. 1980

Sec. 4734.17. (A) An individual whom the state chiropractic 1981
board licenses to engage in the practice of chiropractic or 1982
certifies to practice acupuncture may render the professional 1983
services of a chiropractor or chiropractor certified to practice 1984
acupuncture within this state through a corporation formed under 1985
division (B) of section 1701.03 of the Revised Code, a limited 1986
liability company formed under Chapter 1705. of the Revised Code, 1987
a partnership, or a professional association formed under Chapter 1988
1785. of the Revised Code. This division does not preclude a 1989
chiropractor from rendering professional services as a 1990
chiropractor or chiropractor certified to practice acupuncture 1991
through another form of business entity, including, but not 1992
limited to, a nonprofit corporation or foundation, or in another 1993
manner that is authorized by or in accordance with this chapter, 1994
another chapter of the Revised Code, or rules of the state 1995
chiropractic board adopted pursuant to this chapter. 1996

(B) A corporation, limited liability company, partnership, or 1997
professional association described in division (A) of this section 1998
may be formed for the purpose of providing a combination of the 1999
professional services of the following individuals who are 2000
licensed, certificated, or otherwise legally authorized to 2001
practice their respective professions: 2002

(1) Optometrists who are authorized to practice optometry, under Chapter 4725. of the Revised Code;	2003 2004
(2) Chiropractors who are authorized to practice chiropractic or acupuncture under this chapter;	2005 2006
(3) Psychologists who are authorized to practice psychology under Chapter 4732. of the Revised Code;	2007 2008
(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;	2009 2010 2011
(5) Pharmacists who are authorized to practice pharmacy under Chapter 4729. of the Revised Code;	2012 2013
(6) Physical therapists who are authorized to practice physical therapy under sections 4755.40 to 4755.56 of the Revised Code;	2014 2015 2016
(7) Occupational therapists who are authorized to practice occupational therapy under sections 4755.04 to 4755.13 of the Revised Code;	2017 2018 2019
(8) Mechanotherapists who are authorized to practice mechanotherapy under section 4731.151 of the Revised Code;	2020 2021
(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;	2022 2023 2024 2025
<u>(10) Professional clinical counselors, professional</u> <u>counselors, independent social workers, social workers, social</u> <u>work assistants, independent marriage and family therapists,</u> <u>marriage and family therapists, and art therapists who are</u> <u>authorized for their respective practices under Chapter 4757. of</u> <u>the Revised Code.</u>	2026 2027 2028 2029 2030 2031
This division shall apply notwithstanding a provision of any	2032

code of ethics established or adopted under section 4734.16 of the Revised Code that prohibits an individual from engaging in the practice of chiropractic or acupuncture in combination with an individual who is licensed, certificated, or otherwise authorized for the practice of optometry, psychology, nursing, pharmacy, physical therapy, occupational therapy, mechanotherapy, medicine and surgery, osteopathic medicine and surgery, ~~or~~ podiatric medicine and surgery, professional counseling, social work, marriage and family therapy, or art therapy, but who is not also licensed under this chapter to engage in the practice of chiropractic.

Sec. 4755.471. (A) An individual whom the physical therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers board licenses, certificates, or otherwise legally authorizes to engage in the practice of physical therapy may render the professional services of a physical therapist 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 rendering professional services as a physical 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 sections 4755.40 to 4755.53 of the Revised Code, another chapter of the Revised Code, or rules of the Ohio occupational therapy, physical therapy, and athletic trainers board adopted pursuant to sections 4755.40 to 4755.53 of the Revised Code.

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

may be formed for the purpose of providing a combination of the professional services of the following individuals who are licensed, certificated, or otherwise legally authorized to practice their respective professions:

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

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

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

(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;

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

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

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

(8) 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;

(9) Professional clinical counselors, professional counselors, independent social workers, social workers, social work assistants, independent marriage and family therapists, marriage and family therapists, and art therapists who are authorized for their respective practices under Chapter 4757. of the Revised Code.

This division shall apply notwithstanding a provision of a code of ethics applicable to a physical therapist that prohibits a physical therapist from engaging in the practice of physical therapy 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, pharmacy, mechanotherapy, medicine and surgery, osteopathic medicine and surgery, ~~or~~ podiatric medicine and surgery, professional counseling, social work, marriage and family therapy, or art therapy, but who is not also licensed, certificated, or otherwise legally authorized to engage in the practice of physical therapy.

Sec. 4757.01. As used in this chapter:

(A) "Practice of professional counseling" means rendering or offering to render to individuals, groups, organizations, or the general public a counseling service involving the application of clinical counseling principles, methods, or procedures to assist individuals in achieving more effective personal, social, educational, or career development and adjustment, including the diagnosis and treatment of mental and emotional disorders.

(B) "Clinical counseling principles, methods, or procedures" means an approach to counseling that emphasizes the counselor's role in systematically assisting clients through all of the following: assessing and analyzing background and current information, diagnosing mental and emotional disorders, exploring possible solutions, and developing and providing a treatment plan for mental and emotional adjustment or development. "Clinical counseling principles, methods, or procedures" includes at least counseling, appraisal, consulting, and referral.

(C) "Practice of social work" means the application of specialized knowledge of human development and behavior and

social, economic, and cultural systems in directly assisting 2126
individuals, families, and groups in a clinical setting to improve 2127
or restore their capacity for social functioning, including 2128
counseling, the use of psychosocial interventions, and the use of 2129
social psychotherapy, which includes the diagnosis and treatment 2130
of mental and emotional disorders. 2131

(D) "Accredited educational institution" means an institution 2132
accredited by a national or regional accrediting agency accepted 2133
by the board of regents. 2134

(E) "Scope of practice" means the services, methods, and 2135
techniques in which and the areas for which a person licensed or 2136
registered under this chapter is trained and qualified. 2137

(F) "Mental and emotional disorders" means those disorders 2138
that are classified in accepted nosologies such as the 2139
international classification of diseases and the diagnostic and 2140
statistical manual of mental disorders and in future editions of 2141
those nosologies. 2142

(G) "Marriage and family therapy" means the diagnosis, 2143
evaluation, assessment, counseling, management and treatment of 2144
mental and emotional disorders, whether cognitive, affective, or 2145
behavioral, within the context of marriage and family systems, 2146
through the professional application of marriage and family 2147
therapies and techniques. 2148

(H) "Practice of marriage and family therapy" means the 2149
diagnosis, treatment, evaluation, assessment, counseling, and 2150
management, of mental and emotional disorders, whether cognitive, 2151
affective, or behavioral, within the context of marriage and 2152
family systems, to individuals, couples, and families, singly or 2153
in groups, whether those services are offered directly to the 2154
general public or through public or private organizations, for a 2155
fee, salary, or other consideration, through the professional 2156

application of marriage and family theories, therapies, and 2157
techniques, including, but not limited to, psychotherapeutic 2158
theories, therapies and techniques that marriage and family 2159
therapists are educated and trained to perform. 2160

(I) "Practice of art therapy" means the diagnosis, treatment, 2161
evaluation, assessment, and remediation of mental and emotional 2162
disorders, whether cognitive, affective, or behavioral, within the 2163
context of art therapy principles and processes, to individuals, 2164
couples, and families, singly or in groups, whether those services 2165
are offered directly to the general public or through public or 2166
private organizations, for a fee, salary, or other consideration, 2167
through the professional application of art therapy theories and 2168
techniques, including, but not limited to, psychotherapeutic 2169
theories, therapies, and techniques that art therapists are 2170
educated and trained to perform. 2171

Sec. 4757.02. (A) Except as provided in division (C) of this 2172
section and section 4757.41 of the Revised Code: 2173

(1) No person shall engage in or claim to the public to be 2174
engaging in the practice of professional counseling for a fee, 2175
salary, or other consideration unless the person is currently 2176
licensed under this chapter as a professional clinical counselor 2177
or professional counselor. 2178

(2) No person shall practice or claim to the public to be 2179
practicing social work for a fee, salary, or other consideration 2180
unless the person is currently licensed under this chapter as an 2181
independent social worker or a social worker. 2182

(3) No person shall claim to the public to be a social work 2183
assistant unless the person is currently registered under this 2184
chapter as a social work assistant. 2185

(4) No person shall engage in the practice of marriage and 2186

family therapy or claim to the public to be engaging in the 2187
practice of marriage and family therapy unless the person is 2188
currently licensed under this chapter as a marriage and family 2189
therapist. 2190

(5) Beginning one year after the effective date of this 2191
amendment, no person shall engage in or claim to the public to be 2192
engaging in the practice of art therapy for a fee, salary, or 2193
other consideration unless the person is currently licensed under 2194
this chapter as an art therapist. 2195

(B)(1) No person shall use the title "professional clinical 2196
counselor," "professional counselor," or any other title or 2197
description incorporating the word "counselor" or any initials 2198
used to identify persons acting in those capacities unless 2199
currently authorized under this chapter by licensure to act in the 2200
capacity indicated by the title or initials. 2201

(2) No person shall use the title "social worker," 2202
"independent social worker," "social work assistant," or any other 2203
title or description incorporating the words "social worker" or 2204
any initials used to identify persons acting in those capacities 2205
unless the person is currently authorized by licensure or 2206
registration under this chapter to act in the capacity indicated 2207
by the title or initials. 2208

(3) No person shall use the title "marriage and family 2209
therapist" or any initials used to identify persons acting in that 2210
capacity unless the person is currently authorized by licensure 2211
under this chapter to act in the capacity indicated by the title 2212
or initials. 2213

(4) Beginning one year after the effective date of this 2214
amendment, no person shall use the title "art therapist" or any 2215
other title or description that incorporates the phrase "art 2216
therapist"; otherwise hold the person out to be an art therapist; 2217

or use any initials commonly used to identify art therapists, 2218
unless the person is currently licensed under this chapter as an 2219
art therapist. 2220

(C)(1) Divisions (A)(1) to (3) of this section do not apply 2221
to the practice of marriage and family therapy by a person holding 2222
a valid license or temporary license as a marriage and family 2223
therapist or independent marriage and family therapist under this 2224
chapter. 2225

(2) Division (A)(4) of this section does not apply to the 2226
following persons licensed or registered under this chapter: 2227
professional clinical counselors, professional counselors, 2228
independent social workers, social workers, and social work 2229
assistants. 2230

Sec. 4757.03. There is hereby created the counselor, social 2231
worker, ~~and~~ marriage and family therapist, and art therapist 2232
board, consisting of ~~fifteen~~ eighteen members. The governor shall 2233
appoint the members with the advice and consent of the senate. 2234

Four of the members shall be individuals licensed under this 2235
chapter as professional clinical counselors or professional 2236
counselors. At all times, the counselor membership shall include 2237
at least two licensed professional clinical counselors, at least 2238
one individual who has received a doctoral degree in counseling 2239
from an accredited educational institution recognized by the board 2240
and holds a graduate level teaching position in a counselor 2241
education program, and at least two individuals who have received 2242
at least a master's degree in counseling from an accredited 2243
educational institution recognized by the board. 2244

Two of the members shall be individuals licensed under this 2245
chapter as independent marriage and family therapists and two 2246
shall be individuals licensed under this chapter as marriage and 2247
family therapists or, if the board has not yet licensed 2248

independent marriage and family therapists or marriage and family 2249
therapists, eligible for licensure as independent marriage and 2250
family therapists or marriage and family therapists. They shall 2251
have, during the five years preceding appointment, actively 2252
engaged in the practice of marriage and family therapy, in 2253
educating and training master's, doctoral, or postdoctoral 2254
students of marriage and family therapy, or in marriage and family 2255
therapy research and, during the two years immediately preceding 2256
appointment, shall have devoted the majority of their professional 2257
time to the activity while residing in this state. 2258

Two members shall be individuals licensed under this chapter 2259
as independent social workers. Two members shall be individuals 2260
licensed under this chapter as social workers, at least one of 2261
whom must hold a bachelor's or master's degree in social work from 2262
an accredited educational institution recognized by the board. At 2263
all times, the social worker membership shall include one educator 2264
who holds a teaching position in a baccalaureate or master's 2265
degree social work program at an accredited educational 2266
institution recognized by the board. 2267

~~Three~~ Two members shall be individuals licensed under this 2268
chapter as art therapists. 2269

Four members shall be representatives of the general public 2270
who have not practiced art therapy, professional counseling, 2271
marriage and family therapy, psychology or psychiatry, or social 2272
work and have not been involved in the delivery of art therapy, 2273
professional counseling, marriage and family therapy, psychology 2274
or psychiatry, or social work services. At least one of the 2275
members representing the general public shall be at least sixty 2276
years of age. During their terms the public members shall not 2277
practice art therapy, professional counseling, marriage and family 2278
therapy, psychology or psychiatry, or social work or be involved 2279
in the delivery of art therapy, professional counseling, marriage 2280

and family therapy, or social work services. 2281

Not more than ~~eight~~ ten members of the board may be members 2282
of the same political party or sex. At least one member of the 2283
board shall be of African, Native American, Hispanic, or Asian 2284
descent. 2285

Of the initial appointees, three shall be appointed for terms 2286
ending October 10, 1985, four shall be appointed for terms ending 2287
October 10, 1986, and four shall be appointed for terms ending 2288
October 10, 1987. Of the two initial independent marriage and 2289
family therapists appointed to the board, one shall be appointed 2290
for a term ending two years after ~~the effective date of this~~ 2291
~~amendment~~ April 7, 2003, and one for a term ending three years 2292
after that date. Of the two initial marriage and family therapists 2293
appointed to the board, one shall be appointed for a term ending 2294
two years after ~~the effective date of this amendment~~ April 7, 2295
2003, and one for a term ending three years after that date. Of 2296
the two initial art therapists appointed to the board, one shall 2297
be appointed for a term ending one year after the effective date 2298
of this amendment and one for a term ending three years after that 2299
date. The additional public member appointed to the board shall be 2300
appointed for a term ending three years after the effective date 2301
of this amendment. After the initial appointments, terms of office 2302
shall be three years, each term ending on the same day of the same 2303
month of the year as did the term that it succeeds. 2304

A member shall hold office from the date of appointment until 2305
the end of the term for which the member was appointed. A member 2306
appointed to fill a vacancy occurring prior to the expiration of 2307
the term for which the member's predecessor was appointed shall 2308
hold office for the remainder of that term. A member shall 2309
continue in office after the expiration date of the member's term 2310
until a successor takes office or until a period of sixty days has 2311
elapsed, whichever occurs first. Members may be reappointed, 2312

except that if a person has held office for two consecutive full 2313
terms, the person shall not be reappointed to the board sooner 2314
than one year after the expiration of the second full term as a 2315
member of the board. 2316

Sec. 4757.04. Within the counselor, social worker, ~~and~~ 2317
marriage and family therapist, and art therapist board, there is 2318
hereby created the counselors professional standards committee, 2319
the social workers professional standards committee, ~~and~~ the 2320
marriage and family therapist professional standards committee, 2321
and the art therapist professional standards committee. 2322

The counselors professional standards committee ~~consists~~ 2323
shall consist of the board's professional clinical counselor and 2324
professional counselor members ~~and one of the members representing~~ 2325
~~the public who is not the member representing the public on the~~ 2326
~~marriage and family therapist professional standards committee or~~ 2327
~~the social workers professional standards committee.~~ The committee 2328
has full authority to act on behalf of the board on all matters 2329
concerning professional clinical counselors and professional 2330
counselors. 2331

The social workers professional standards committee ~~consists~~ 2332
shall consist of the board's independent social worker and social 2333
worker members ~~and one of the members representing the public who~~ 2334
~~is not the member representing the public on the counselors~~ 2335
~~professional standards committee or the marriage and family~~ 2336
~~therapist professional standards committee.~~ The committee has full 2337
authority to act on behalf of the board on all matters concerning 2338
independent social workers, social workers, and social work 2339
assistants. 2340

The marriage and family therapist professional standards 2341
committee ~~consists~~ shall consist of the board's marriage and 2342
family therapists ~~and one of the members representing the public~~ 2343

~~who is not the member representing the public on the counselors
professional standards committee or the social workers
professional standards committee.~~ The committee has full authority
to act on behalf of the board on all matters concerning
independent marriage and family therapists and marriage and family
therapists.

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

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

Sec. 4757.05. (A) The counselor, social worker, ~~and~~ marriage
and family therapist, and art therapist board shall meet as a
whole to discuss and review issues regarding personnel, budgetary
matters, administration, and any other matter pertaining to the
operation of the entire board. The board shall hold at least one
regular meeting every three months. Additional meetings may be
held at such times as the board determines, upon call of the
chairperson, or upon the written request of ~~four~~ seven or more
members of the board to the executive director. If ~~four~~ seven or
more members so request a meeting, the executive director shall
call a meeting to commence in not more than seven days. ~~Eight~~ Ten
members of the board constitute a quorum to conduct business.
Except as provided in section 4757.39 of the Revised Code, no
action shall be taken without the concurrence of at least a
quorum.

The counselors professional standards committee, the social
workers professional standards committee, ~~and~~ the marriage and
family therapist professional standards committee, and the art

therapist professional standards committee, shall meet as 2375
necessary to fulfill their duties established by this chapter and 2376
the rules adopted under it. Three members of ~~a committee~~ the 2377
counselors, social workers, and marriage and family therapists 2378
committees constitute a quorum for ~~that~~ each committee to conduct 2379
business. Two members of the art therapists committee constitute a 2380
quorum to conduct business. No action shall be taken without the 2381
concurrence of at least a quorum. 2382

(B) At its first meeting each year, the board shall elect a 2383
chairperson from among its members. At the first meeting held each 2384
year by the board's professional standards committees, each 2385
committee shall elect from among its members a chairperson. The 2386
chairpersons of the committees shall serve as co-vice-chairpersons 2387
of the board. Neither the board nor its committees shall elect a 2388
member to serve more than two consecutive terms in the same 2389
office. 2390

(C) The board shall employ an executive director. The board 2391
may employ and prescribe the powers and duties of such employees 2392
and consultants as are necessary for it and its professional 2393
standards committees to carry out this chapter and rules adopted 2394
under it. 2395

(D) The members of the board shall receive an amount fixed 2396
under division (J) of section 124.15 of the Revised Code for each 2397
day employed in the discharge of their official duties as board or 2398
committee members and shall be reimbursed for their necessary and 2399
actual expenses incurred in the performance of their official 2400
duties. 2401

(E) The board and each of its professional standards 2402
committees shall keep any records and minutes necessary to fulfill 2403
the duties established by this chapter and the rules adopted under 2404
it. 2405

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

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

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

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

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

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

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

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

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

(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.

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 association or other organization representing the interests of ~~those involved in professional counseling, social work, or marriage and family therapy~~ the professions governed by the board under this chapter.

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

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

art therapist board shall not grant a license to an applicant for 2465
an initial license unless the applicant complies with sections 2466
4776.01 to 4776.04 of the Revised Code and the board, in its 2467
discretion, decides that the results of the criminal records check 2468
do not make the applicant ineligible for a license issued pursuant 2469
~~to section 4757.22, 4757.23, 4757.27, 4757.28, 4757.29, 4757.30,~~ 2470
~~or 4757.301 of the Revised Code~~ under this chapter. 2471

Sec. 4757.11. The counselor, social worker, ~~and~~ marriage and 2472
family therapist, and art therapist board shall establish a code 2473
of ethical practice for persons licensed or registered under this 2474
chapter ~~as professional clinical counselors or professional~~ 2475
~~counselors. The board shall establish a code of ethical practice~~ 2476
~~for persons licensed under this chapter as independent social~~ 2477
~~workers or social workers, persons registered under this chapter~~ 2478
~~as social work assistants, and persons licensed as independent~~ 2479
~~marriage and family therapists or marriage and family therapists.~~ 2480
The codes of ethical practice shall be established by adopting 2481
rules in accordance with Chapter 119. of the Revised Code. The 2482
codes of ethical practice shall define unprofessional conduct, 2483
which shall include engaging in a dual relationship with a client 2484
or former client, committing an act of sexual abuse, misconduct, 2485
or exploitation of a client or former client, and, except as 2486
permitted by law, violating client confidentiality. The codes of 2487
ethical practice may be based on any codes of ethical practice 2488
developed by national organizations representing the interests of 2489
~~those involved in professional counseling, social work, or~~ 2490
~~marriage and family therapy~~ the professions governed by the board 2491
under this chapter. The board may establish standards in its codes 2492
of ethical practice that are more stringent than those established 2493
by national organizations. 2494

Sec. 4757.12. (A) A person who is licensed or registered 2495

under this chapter, and a person or agency that employs a person 2496
licensed or registered under this chapter, may charge a client or 2497
receive remuneration for professional ~~counseling, social work, or~~ 2498
~~marriage and family therapy~~ services only if one of the following 2499
applies: 2500

(1) Prior to the performance of services, the client is 2501
furnished a copy of a professional disclosure statement containing 2502
the information described in division (B) of this section; 2503

(2) A professional disclosure statement containing the 2504
information described in division (B) of this section is displayed 2505
in a conspicuous location at the place where the services are 2506
performed and a copy of the statement is provided to the client 2507
upon request. 2508

(B) The professional disclosure statement required by 2509
division (A) of this section shall contain the following: 2510

(1) The name, title, business address, and business telephone 2511
number of the ~~professional clinical counselor, professional~~ 2512
~~counselor, social work assistant, social worker, independent~~ 2513
~~social worker, independent marriage and family therapist, or~~ 2514
~~marriage and family therapist~~ person performing the services; 2515

(2) The formal professional education of the person 2516
performing the services, including the institutions the person 2517
attended, the dates attended, and the degrees received from them; 2518

(3) The areas of competence in the field in which the person 2519
is licensed or registered and the services the person provides; 2520

(4) In the case of a person who is engaged in a private 2521
individual practice, partnership, or group practice, the person's 2522
fee schedule, listed by type of service or hourly rate; 2523

(5) At the bottom of the first page of the disclosure 2524
statement, the words, "This information is required by the 2525

counselor, social worker, ~~and~~ marriage and family therapist, and 2526
art therapist board, which regulates the practices of professional 2527
counseling, social work, ~~and~~ marriage and family therapy, and art 2528
therapy in this state." and, immediately beneath those words, the 2529
name, address, and telephone number of the board. 2530

Sec. 4757.15. The counselor, social worker, ~~and~~ marriage and 2531
family therapist, and art therapist board shall prepare, cause to 2532
be prepared, or procure the use of, and grade, have graded, or 2533
procure the grading of, counseling, social work, and marriage and 2534
family therapist examinations to determine the competence of 2535
applicants for such licensure under this chapter. The board may 2536
administer separate examinations to reflect differences in 2537
educational degrees earned by applicants. The board may develop 2538
the examinations or use examinations prepared by state or national 2539
organizations that represent the interests of those involved in 2540
professional counseling, social work, or marriage and family 2541
therapy. The board shall conduct examinations at least twice each 2542
year and shall determine the level of competence necessary for a 2543
passing score. 2544

Sec. 4757.16. (A) A person seeking to be licensed under this 2545
chapter as a professional clinical counselor ~~or~~, professional 2546
counselor, independent social worker, social worker, independent 2547
marriage and family therapist, marriage and family therapist, or 2548
art therapist, or seeking to be registered under this chapter as a 2549
social work assistant, shall file with the ~~counselors~~ appropriate 2550
professional standards committee ~~of the counselor, social worker,~~ 2551
~~and marriage and family therapist~~ board a written application on a 2552
form prescribed by the counselor, social worker, marriage and 2553
family therapist, and art therapist board. ~~A person seeking to be~~ 2554
~~licensed under this chapter as an independent social worker or~~ 2555
~~social worker or registered under this chapter as a social work~~ 2556

~~assistant shall file with the social workers professional 2557
standards committee of the board a written application on a form 2558
prescribed by the board. A person seeking to be licensed under 2559
this chapter as an independent marriage and family therapist or a 2560
marriage and family therapist shall file with the marriage and 2561
family therapist professional standards committee of the board a 2562
written application on a form prescribed by the board. 2563~~

Each form prescribed by the board shall contain a statement 2564
informing the applicant that a person who knowingly makes a false 2565
statement on the form is guilty of falsification under section 2566
2921.13 of the Revised Code, a misdemeanor of the first degree. 2567

(B) The professional standards committees shall review each 2568
application received and shall determine whether the applicant 2569
meets the requirements to receive the license or certificate of 2570
registration for which application has been made. 2571

Sec. 4757.17. The professional standards committees of the 2572
counselor, social worker, ~~and~~ marriage and family therapist, and 2573
art therapist board shall review the applications of applicants 2574
for licensure or registration under this chapter who have received 2575
a post-secondary degree from an educational institution outside 2576
the United States. The committee reviewing the application shall 2577
determine whether the applicant's experience, command of the 2578
English language, and completed academic program meet the 2579
standards of an academic program of an accredited educational 2580
institution. If they do, the applicant shall be considered to have 2581
received the education from an accredited educational institution 2582
as required by this chapter and rules adopted under it. 2583

Sec. 4757.18. The counselor, social worker, ~~and~~ marriage and 2584
family therapist, and art therapist board may enter into a 2585
reciprocal agreement with any state that regulates individuals 2586

practicing in the same capacities as those regulated under this 2587
chapter if the board finds that the state has requirements 2588
substantially equivalent to the requirements this state has for 2589
receipt of a license or certificate of registration under this 2590
chapter. In a reciprocal agreement, the board agrees to issue the 2591
appropriate license or certificate of registration to any resident 2592
of the other state whose practice is currently authorized by that 2593
state if that state's regulatory body agrees to authorize the 2594
appropriate practice of any resident of this state who holds a 2595
valid license or certificate of registration issued under this 2596
chapter. 2597

The professional standards committees of the board may, by 2598
endorsement, issue the appropriate license or certificate of 2599
registration to a resident of a state with which the board does 2600
not have a reciprocal agreement, if the person submits proof 2601
satisfactory to the committee of currently being licensed, 2602
certified, registered, or otherwise authorized to practice by that 2603
state. 2604

Sec. 4757.19. On receipt of a notice pursuant to section 2605
3123.43 of the Revised Code, the counselor, social worker, ~~and~~ 2606
marriage and family therapist, and art therapist board shall 2607
comply with sections 3123.41 to 3123.50 of the Revised Code and 2608
any applicable rules adopted under section 3123.63 of the Revised 2609
Code with respect to a license or certificate of registration 2610
issued pursuant to this chapter. 2611

Sec. 4757.22. (A) The counselors professional standards 2612
committee of the counselor, social worker, ~~and~~ marriage and family 2613
therapist, and art therapist board shall issue a license to 2614
practice as a professional clinical counselor to each applicant 2615
who submits a properly completed application, pays the fee 2616

established under section 4757.31 of the Revised Code, and meets 2617
the requirements specified in division (B) of this section. 2618

(B) To be eligible for a professional clinical counselor 2619
license, an individual must meet the following requirements: 2620

(1) The individual must be of good moral character. 2621

(2) The individual must hold from an accredited educational 2622
institution a graduate degree in counseling. 2623

(3) The individual must complete a minimum of ninety quarter 2624
hours of graduate credit in counselor training acceptable to the 2625
committee, including a minimum of thirty quarter hours of 2626
instruction in the following areas: 2627

(a) Clinical psychopathology, personality, and abnormal 2628
behavior; 2629

(b) Evaluation of mental and emotional disorders; 2630

(c) Diagnosis of mental and emotional disorders; 2631

(d) Methods of prevention, intervention, and treatment of 2632
mental and emotional disorders. 2633

(4) The individual must complete, in either a private or 2634
clinical counseling setting, supervised experience in counseling 2635
that is of a type approved by the committee, is supervised by a 2636
professional clinical counselor or other qualified professional 2637
approved by the committee, and is in the following amounts: 2638

(a) In the case of an individual holding only a master's 2639
degree, not less than two years of experience, which must be 2640
completed after the award of the master's degree; 2641

(b) In the case of an individual holding a doctorate, not 2642
less than one year of experience, which must be completed after 2643
the award of the doctorate. 2644

(5) The individual must pass a field evaluation that meets 2645

the following requirements: 2646

(a) Has been completed by the applicant's instructors, 2647
employers, supervisors, or other persons determined by the 2648
committee to be competent to evaluate an individual's professional 2649
competence; 2650

(b) Includes documented evidence of the quality, scope, and 2651
nature of the applicant's experience and competence in diagnosing 2652
and treating mental and emotional disorders. 2653

(6) The individual must pass an examination administered by 2654
the board for the purpose of determining ability to practice as a 2655
professional clinical counselor. 2656

(C) To be accepted by the committee for purposes of division 2657
(B) of this section, counselor training must include at least the 2658
following: 2659

(1) Instruction in human growth and development; counseling 2660
theory; counseling techniques; group dynamics, processing, and 2661
counseling; appraisal of individuals; research and evaluation; 2662
professional, legal, and ethical responsibilities; social and 2663
cultural foundations; and lifestyle and career development; 2664

(2) Participation in a supervised practicum and internship in 2665
counseling. 2666

(D) The committee may issue a provisional license to an 2667
applicant who meets all of the requirements to be licensed under 2668
this section, pending the receipt of transcripts or action by the 2669
committee to issue a license to practice as a professional 2670
clinical counselor. 2671

(E) An individual may not sit for the licensing examination 2672
unless the individual meets the educational requirements to be 2673
licensed under this section. An individual who is denied admission 2674
to the licensing examination may appeal the denial in accordance 2675

with Chapter 119. of the Revised Code. 2676

(F) The board shall adopt any rules necessary for the 2677
committee to implement this section, including criteria for the 2678
committee to use in determining whether an applicant's training 2679
should be accepted and supervised experience approved. Rules 2680
adopted under this division shall be adopted in accordance with 2681
Chapter 119. of the Revised Code. 2682

Sec. 4757.23. (A) The counselors professional standards 2683
committee of the counselor, social worker, ~~and~~ marriage and family 2684
therapist, and art therapist board shall issue a license as a 2685
professional counselor to each applicant who submits a properly 2686
completed application, pays the fee established under section 2687
4757.31 of the Revised Code, and meets the requirements 2688
established under division (B) of this section. 2689

(B) To be eligible for a license as a professional counselor, 2690
an individual must meet the following requirements: 2691

(1) The individual must be of good moral character. 2692

(2) The individual must hold from an accredited educational 2693
institution a graduate degree in counseling. 2694

(3) The individual must complete a minimum of ninety quarter 2695
hours of graduate credit in counselor training acceptable to the 2696
committee, which the individual may complete while working toward 2697
receiving a graduate degree in counseling or subsequent to 2698
receiving the degree. 2699

(4) The individual must pass an examination administered by 2700
the board for the purpose of determining ability to practice as a 2701
professional counselor. 2702

(C) To be accepted by the committee for purposes of division 2703
(B) of this section, counselor training must include at least the 2704
following: 2705

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

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

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

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

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

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

(B) To be eligible for a license as an independent social worker, an individual must meet the following requirements:	2736 2737
(1) The individual must be of good moral character.	2738
(2) The individual must hold from an accredited educational institution a master's degree or a doctorate in social work.	2739 2740
(3) The individual must complete at least two years of post-master's degree social work experience supervised by an independent social worker.	2741 2742 2743
(4) The individual must pass an examination administered by the board for the purpose of determining ability to practice as an independent social worker.	2744 2745 2746
(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.	2747 2748 2749 2750
(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.	2751 2752 2753 2754 2755 2756
Sec. 4757.28. (A) The social workers professional standards committee of the counselor, social worker, and marriage and family therapist, <u>and art therapist</u> board shall issue a license as a social worker to each applicant who submits a properly completed application, pays the fee established under section 4757.31 of the Revised Code, and meets the requirements specified in division (B) of this section. A social worker license shall clearly indicate each academic degree earned by the person to whom it is issued.	2757 2758 2759 2760 2761 2762 2763 2764
(B) To be eligible for a license as a social worker, an	2765

individual must meet the following requirements:	2766
(1) The individual must be of good moral character.	2767
(2) The individual must hold from an accredited educational institution one of the following:	2768
(a) A baccalaureate degree in social work or, prior to October 10, 1992, a baccalaureate degree in a program closely related to social work and approved by the committee;	2770
(b) A master's degree in social work;	2771
(c) A doctorate in social work.	2772
(3) The individual must pass an examination administered by the board for the purpose of determining ability to practice as a social worker.	2773
(C) The committee may issue a temporary license to an applicant who meets all of the requirements to be licensed under this section, pending the receipt of transcripts or action by the committee to issue a license as a social worker. However, the committee may issue a temporary license to an applicant who provides the board with a statement from the applicant's academic institution indicating that the applicant is in good standing with the institution, that the applicant has met the academic requirements for the applicant's degree, and the date the applicant will receive the applicant's degree.	2774
(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.	2775
Sec. 4757.29. (A) The social workers professional standards committee of the counselor, social worker, and marriage and family	2776
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therapist, and art therapist board shall issue a certificate of 2796
registration as a social work assistant to each applicant who 2797
submits a properly completed application, pays the fee established 2798
under section 4757.31 of the Revised Code, is of good moral 2799
character, and holds from an accredited educational institution an 2800
associate degree in social service technology or a bachelor's 2801
degree that is equivalent to an associate degree in social service 2802
technology or a related bachelor's or higher degree that is 2803
approved by the committee. 2804

(B) On and after March 18, 1997, a counselor assistant 2805
certificate of registration issued under former section 4757.08 of 2806
the Revised Code shall be considered a certificate of registration 2807
as a social work assistant. The holder of the certificate is 2808
subject to the supervision requirements specified in section 2809
4757.26 of the Revised Code, the continuing education requirements 2810
specified in section 4757.33 of the Revised Code, and regulation 2811
by the social workers professional standards committee. On the 2812
first renewal occurring after March 18, 1997, the committee shall 2813
issue a certificate of registration as a social work assistant to 2814
each former counselor assistant who qualifies for renewal. 2815

(C) The social workers professional standards committee shall 2816
issue a certificate of registration as a social work assistant to 2817
any person who, on or before March 18, 1998, meets the 2818
requirements for a certificate of registration as a counselor 2819
assistant pursuant to division (A)(3) of former section 4757.08 of 2820
the Revised Code, submits a properly completed application, pays 2821
the fee established under section 4757.31 of the Revised Code, and 2822
is of good moral character. 2823

Sec. 4757.30. (A) The marriage and family therapist 2824
professional standards committee of the counselor, social worker, 2825
~~and~~ marriage and family therapist, and art therapist board shall 2826

issue a license to practice as a marriage and family therapist to	2827
a person who has done all of the following:	2828
(1) Properly completed an application for the license;	2829
(2) Paid the required fee established by the board under	2830
section 4757.31 of the Revised Code;	2831
(3) Achieved one of the following:	2832
(a) Received from an educational institution accredited at	2833
the time the degree was granted by a regional accrediting	2834
organization recognized by the board a master's degree or a	2835
doctorate in marriage and family therapy;	2836
(b) Completed a graduate degree that includes a minimum of	2837
ninety quarter hours of graduate level course work in marriage and	2838
family therapy training that is acceptable to the committee;	2839
(4) Passed an examination administered by the board for the	2840
purpose of determining the person's ability to be a marriage and	2841
family therapist;	2842
(5) Completed a practicum that includes at least three	2843
hundred hours of client contact.	2844
(B) To be accepted by the committee for purposes of division	2845
(A)(3)(b) of this section, marriage and family therapist training	2846
must include instruction in at least the following:	2847
(1) Research and evaluation;	2848
(2) Professional, legal, and ethical responsibilities;	2849
(3) Marriage and family studies;	2850
(4) Marriage and family therapy, including therapeutic theory	2851
and techniques for individuals, groups, and families;	2852
(5) Human development;	2853
(6) Appraisal of individuals and families;	2854

(7) Diagnosis of mental and emotional disorders;	2855
(8) Systems theory.	2856
(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:	2857 2858 2859 2860
(1) Meets all of the requirements of division (A) of this section;	2861 2862
(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.	2863 2864 2865
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.	2866 2867 2868 2869 2870 2871 2872 2873
(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.	2874 2875 2876 2877
(E) A marriage and family therapist may diagnose and treat mental and emotional disorders only under the supervision of a psychologist, psychiatrist, professional clinical counselor, independent social worker, or independent marriage and family therapist. An independent marriage and family therapist may diagnose and treat mental and emotional disorders without supervision.	2878 2879 2880 2881 2882 2883 2884

(F) Nothing in this chapter or rules adopted under it 2885
authorizes an independent marriage and family therapist or a 2886
marriage and family therapist to admit a patient to a hospital or 2887
requires a hospital to allow a marriage and family therapist to 2888
admit a patient. 2889

(G) An independent marriage and family therapist or a 2890
marriage and family therapist may not diagnose, treat, or advise 2891
on conditions outside the recognized boundaries of the marriage 2892
and family therapist's competency. An independent marriage and 2893
family therapist or a marriage and family therapist shall make 2894
appropriate and timely referrals when a client's needs exceed the 2895
marriage and family therapist's competence level. 2896

Sec. 4757.301. On receipt of an application for a license as 2897
a marriage and family therapist, the counselor, social worker, ~~and~~ 2898
marriage and family therapist, and art therapist board may issue a 2899
temporary license to an individual who qualifies under division 2900
(A) of section 4757.30 of the Revised Code for licensure as a 2901
marriage and family therapist or divisions (A) and (C) of section 2902
4757.30 of the Revised Code for licensure as an independent 2903
marriage and family therapist, except that the individual is 2904
awaiting the next opportunity to take an examination required by 2905
the board under that division. The temporary license allows the 2906
holder to engage in the practice of independent marriage and 2907
family therapy or marriage and family therapy as appropriate and 2908
is valid from the date of issuance until the earlier of one year 2909
from that date, the date the applicant withdraws from taking the 2910
examination, the date the applicant is notified that the applicant 2911
failed the examination, or the date the applicant's license is 2912
issued under section 4757.30 of the Revised Code. A temporary 2913
license may not be renewed. 2914

Sec. 4757.31. (A) Subject to division (B) of this section, 2915

the counselor, social worker, ~~and~~ marriage and family therapist, 2916
and art therapist board shall establish, and may from time to time 2917
adjust, fees to be charged for the following: 2918

(1) Examination for licensure as a professional clinical 2919
counselor, professional counselor, marriage and family therapist, 2920
independent marriage and family therapist, social worker, or 2921
independent social worker; 2922

(2) Initial licenses of professional clinical counselors, 2923
professional counselors, marriage and family therapists, 2924
independent marriage and family therapists, social workers, ~~and~~ 2925
independent social workers, and art therapists except that the 2926
board shall charge only one fee to a person who fulfills all 2927
requirements for more than one of the following initial licenses: 2928
an initial license as a social worker or independent social 2929
worker, an initial license as a professional counselor or 2930
professional clinical counselor, ~~and~~ an initial license as a 2931
marriage and family therapist or independent marriage and family 2932
therapist, and an initial license as an art therapist; 2933

(3) Initial certificates of registration of social work 2934
assistants; 2935

(4) Renewal and late renewal of licenses of professional 2936
clinical counselors, professional counselors, marriage and family 2937
therapists, independent marriage and family therapists, art 2938
therapists, social workers, and independent social workers and 2939
renewal and late renewal of certificates of registration of social 2940
work assistants; 2941

(5) Verification, to another jurisdiction, of a license or 2942
registration issued by the board; 2943

(6) Continuing education programs offered by the board to 2944
licensees or registrants. 2945

(B) The fees charged under division (A)(1) of this section shall be established in amounts sufficient to cover the direct expenses incurred in examining applicants for licensure. The fees charged under divisions (A)(2) to (6) of this section shall be nonrefundable and shall be established in amounts sufficient to cover the necessary expenses in administering this chapter and rules adopted under it that are not covered by fees charged under division (A)(1) or (C) of this section. The renewal fee for a license or certificate of registration shall not be less than the initial fee for that license or certificate. The fees charged for licensure and registration and the renewal of licensure and registration may differ for the various types of licensure and registration, but shall not exceed one hundred twenty-five dollars each, unless the board determines that amounts in excess of one hundred twenty-five dollars are needed to cover its necessary expenses in administering this chapter and rules adopted under it and the amounts in excess of one hundred twenty-five dollars are approved by the controlling board.

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

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

Subject to section 4757.36 of the Revised Code, the staff of the appropriate professional standards committee of the counselor, social worker, ~~and~~ marriage and family therapist, and art therapist board shall, on behalf of each committee, issue a

renewed license or certificate of registration to each applicant 2977
who has paid the renewal fee established by the board under 2978
section 4757.31 of the Revised Code ~~and~~, satisfied the continuing 2979
education requirements established by the board under section 2980
4757.33 of the Revised Code, and in the case of an art therapist, 2981
maintained the appropriate certification or registration from the 2982
art therapy credentials board, inc. 2983

A license or certificate of registration that is not renewed 2984
lapses on its expiration date. A license or certificate of 2985
registration that has lapsed may be restored if the individual, 2986
not later than two years after the license or certificate expired, 2987
applies for restoration of the license or certificate. The staff 2988
of the appropriate professional standards committee shall issue a 2989
restored license or certificate of registration to the applicant 2990
if the applicant pays the renewal fee established under section 2991
4757.31 of the Revised Code and satisfies the continuing education 2992
requirements established under section 4757.33 of the Revised Code 2993
for restoring the license or certificate of registration. The 2994
board and its professional standards committees shall not require 2995
a person to take an examination as a condition of having a lapsed 2996
license or certificate of registration restored. 2997

Sec. 4757.33. (A) Except as provided in division (B) of this 2998
section, each person who holds a license or certificate of 2999
registration issued under this chapter shall complete during the 3000
period that the license or certificate is in effect not less than 3001
thirty clock hours of continuing professional education as a 3002
condition of receiving a renewed license or certificate. To have a 3003
lapsed license or certificate of registration restored, a person 3004
shall complete the number of hours of continuing education 3005
specified by the counselor, social worker, ~~and~~ marriage and family 3006
therapist, and art therapist board in rules it shall adopt in 3007
accordance with Chapter 119. of the Revised Code. 3008

The professional standards committees of the ~~counselor,~~ 3009
~~social worker, and marriage and family therapist~~ board shall adopt 3010
rules in accordance with Chapter 119. of the Revised Code 3011
establishing standards and procedures to be followed by the 3012
committees in conducting the continuing education approval 3013
process. 3014

(B) The board may waive the continuing education requirements 3015
established under this section for persons who are unable to 3016
fulfill them because of military service, illness, residence 3017
abroad, or any other reason the committee considers acceptable. 3018

In the case of a social worker licensed by virtue of 3019
receiving, prior to October 10, 1992, a baccalaureate degree in a 3020
program closely related to social work, as a condition of the 3021
first renewal of the license, the social worker must complete at 3022
an accredited educational institution a minimum of five semester 3023
hours of social work graduate or undergraduate credit, or their 3024
equivalent, that is acceptable to the committee and includes a 3025
course in social work theory and a course in social work methods. 3026

Sec. 4757.34. Not later than ninety days after December 9, 3027
1994, the counselor, social worker, ~~and~~ marriage and family 3028
therapist, and art therapist board shall approve one or more 3029
continuing education courses of study that assist social workers, 3030
independent social workers, social work assistants, independent 3031
marriage and family therapists, marriage and family therapists, 3032
professional clinical counselors, ~~and~~ professional counselors, and 3033
art therapists in recognizing the signs of domestic violence and 3034
its relationship to child abuse. Social workers, independent 3035
social workers, social work assistants, independent marriage and 3036
family therapists, marriage and family therapists, professional 3037
clinical counselors, ~~and~~ professional counselors, and art 3038
therapists are not required to take the courses. 3039

Sec. 4757.36. (A) The appropriate professional standards 3040
committee of the counselor, social worker, ~~and~~ marriage and family 3041
therapist, and art therapist board may, in accordance with Chapter 3042
119. of the Revised Code, take any action specified in division 3043
(B) of this section against an individual who has applied for or 3044
holds a license to practice as a professional clinical counselor, 3045
professional counselor, independent marriage and family therapist, 3046
marriage and family therapist, social worker, ~~or~~ independent 3047
social worker, or art therapist, or a certificate of registration 3048
to practice as a social work assistant, for any reason described 3049
in division (C) of this section. 3050

(B) In its imposition of sanctions against an individual, the 3051
board may do any of the following: 3052

(1) Refuse to issue or refuse to renew a license or 3053
certificate of registration; 3054

(2) Suspend, revoke, or otherwise restrict a license or 3055
certificate of registration; 3056

(3) Reprimand an individual holding a license or certificate 3057
of registration; 3058

(4) Impose a fine in accordance with the graduated system of 3059
fines established by the board in rules adopted under section 3060
4757.10 of the Revised Code. 3061

(C) The appropriate professional standards committee of the 3062
board may take an action specified in division (B) of this section 3063
for any of the following reasons: 3064

(1) Commission of an act that violates any provision of this 3065
chapter or rules adopted under it; 3066

(2) Knowingly making a false statement on an application for 3067
licensure or registration, or for renewal of a license or 3068
certificate of registration; 3069

(3) Accepting a commission or rebate for referring persons to	3070
any professionals licensed, certified, or registered by any court	3071
or board, commission, department, division, or other agency of the	3072
state, including, but not limited to, individuals practicing	3073
counseling, social work, or marriage and family therapy, <u>or art</u>	3074
<u>therapy</u> or practicing in fields related to counseling, social	3075
work, or marriage and family therapy, <u>or art therapy</u> ;	3076
(4) A failure to comply with section 4757.12 of the Revised	3077
Code;	3078
(5) A conviction in this or any other state of a crime that	3079
is a felony in this state;	3080
(6) A failure to perform properly as a professional clinical	3081
counselor, professional counselor, independent marriage and family	3082
therapist, marriage and family therapist, <u>art therapist</u> , social	3083
work assistant, social worker, or independent social worker due to	3084
the use of alcohol or other drugs or any other physical or mental	3085
condition;	3086
(7) A conviction in this state or in any other state of a	3087
misdemeanor committed in the course of practice as a professional	3088
clinical counselor, professional counselor, independent marriage	3089
and family therapist, marriage and family therapist, <u>art</u>	3090
<u>therapist</u> , social work assistant, social worker, or independent	3091
social worker;	3092
(8) Practicing outside the scope of practice applicable to	3093
that person;	3094
(9) Practicing in violation of the supervision requirements	3095
specified under sections 4757.21 and 4757.26, and division (E) of	3096
section 4757.30, of the Revised Code;	3097
(10) A violation of the person's code of ethical practice	3098
adopted by rule of the board pursuant to section 4757.11 of the	3099
Revised Code;	3100

(11) Revocation or suspension of a license or certificate of registration, 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.

(D) One year or more after the date of suspension or revocation of a license or certificate of registration under this section, application may be made to the appropriate professional standards committee for reinstatement. The committee may accept or refuse 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. 4757.361. (A) As used in this section, with regard to offenses committed in Ohio, "aggravated murder," "murder," "voluntary manslaughter," "felonious assault," "kidnapping," "rape," "sexual battery," "gross sexual imposition," "aggravated arson," "aggravated robbery," and "aggravated burglary" mean such offenses as defined in Title XXIX of the Revised Code; with regard to offenses committed in other jurisdictions, the terms mean offenses comparable to offenses defined in Title XXIX of the Revised Code.

(B) When there is clear and convincing evidence that continued practice by an individual licensed under this chapter presents a danger of immediate and serious harm to the public, as determined on consideration of the evidence by the professional standards committees of the counselor, social worker, and marriage

and family therapist, and art therapist board, the appropriate 3132
committee shall impose on the individual a summary suspension 3133
without a hearing. 3134

Immediately following the decision to impose a summary 3135
suspension, the appropriate committee shall issue a written order 3136
of suspension and cause it to be delivered by certified mail or in 3137
person in accordance with section 119.07 of the Revised Code. The 3138
order shall not be subject to suspension by the court during the 3139
pendency of any appeal filed under section 119.12 of the Revised 3140
Code. If the individual subject to the suspension requests an 3141
adjudication, the date set for the adjudication shall be within 3142
fifteen days but not earlier than seven days after the individual 3143
makes the request, unless another date is agreed to by both the 3144
individual and the committee imposing the suspension. The summary 3145
suspension shall remain in effect, unless reversed by the 3146
committee, until a final adjudication order issued by the 3147
committee pursuant to this section and Chapter 119. of the Revised 3148
Code becomes effective. 3149

The committee shall issue its final adjudication order within 3150
ninety days after completion of the adjudication. If the committee 3151
does not issue a final order within the ninety-day period, the 3152
summary suspension shall be void, but any final adjudication order 3153
issued subsequent to the ninety-day period shall not be affected. 3154

(C) The license issued to an individual under this chapter is 3155
automatically suspended on that individual's conviction of, plea 3156
of guilty to, or judicial finding with regard to any of the 3157
following: aggravated murder, murder, voluntary manslaughter, 3158
felonious assault, kidnapping, rape, sexual battery, gross sexual 3159
imposition, aggravated arson, aggravated robbery, or aggravated 3160
burglary. The suspension shall remain in effect from the date of 3161
the conviction, plea, or finding until an adjudication is held 3162
under Chapter 119. of the Revised Code. If the appropriate 3163

committee has knowledge that an automatic suspension has occurred, 3164
it shall notify the individual subject to the suspension. If the 3165
individual is notified and either fails to request an adjudication 3166
within the time periods established by Chapter 119. of the Revised 3167
Code or fails to participate in the adjudication, the committee 3168
shall enter a final order permanently revoking the person's 3169
license or certificate. 3170

Sec. 4757.38. The counselor, social worker, ~~and~~ marriage and 3171
family therapist, and art therapist board shall investigate 3172
alleged violations of this chapter or the rules adopted under it 3173
and alleged irregularities in the delivery of services ~~related to~~ 3174
~~professional counseling, social work, or marriage and family~~ 3175
~~therapy~~ by persons licensed or registered under this chapter. As 3176
part of its conduct of an investigation, the board may issue 3177
subpoenas, examine witnesses, and administer oaths. 3178

The board may receive any information necessary to conduct an 3179
investigation under this section. If the board is investigating 3180
the provision of services to a couple or group, it is not 3181
necessary for both members of the couple or all members of the 3182
group to consent to the release of information relevant to the 3183
investigation. 3184

The board shall ensure that all records it holds pertaining 3185
to an investigation remain confidential. The board shall adopt 3186
rules establishing procedures to be followed in maintaining the 3187
confidentiality of its investigative records. The rules shall be 3188
adopted in accordance with Chapter 119. of the Revised Code. 3189

Sec. 4757.40. In addition to any other remedies provided by 3190
law, the counselor ~~and~~, social worker, marriage and family 3191
therapist, and art therapist board may apply to an appropriate 3192
court for an order enjoining the violation of any provision of 3193

this chapter, and on a showing that any person has violated or is 3194
about to violate any provision of this chapter, the court shall 3195
grant an order enjoining the violation. 3196

Sec. 4757.43. Nothing in this chapter or the rules adopted 3197
under it shall be construed as authorizing a ~~professional clinical~~ 3198
~~counselor~~~~professional counselor, independent marriage and family~~ 3199
~~therapist, , marriage and family therapist, independent social~~ 3200
~~worker, social worker, or social work assistant~~ a person licensed 3201
or registered under this chapter to admit a patient to a hospital 3202
or as requiring a hospital to allow any of those individuals to 3203
admit a patient. 3204

Sec. 4757.44. For the purposes of section 2305.51 of the 3205
Revised Code, a person who holds a license issued under this 3206
chapter is a mental health professional. 3207

A license holder is not liable in damages in a civil action, 3208
and shall not be subject to disciplinary action by the counselor, 3209
social worker, ~~and~~ marriage and family therapist, and art 3210
therapist board, for disclosing any confidential information about 3211
a client that is disclosed for the purposes of section 2305.51 of 3212
the Revised Code. 3213

Sec. 4757.45. (A) An individual seeking a license to practice 3214
as an art therapist shall submit an application to the art 3215
therapist professional standards committee of the counselor, 3216
social worker, marriage and family therapist, and art therapist 3217
board. The application shall be accompanied by the fee established 3218
under section 4757.31 of the Revised Code. 3219

(B) The committee shall review all applications received. If 3220
an applicant submits a properly completed application and meets 3221
the requirements specified in section 4757.46 of the Revised Code, 3222
the committee shall issue to the applicant a license to practice 3223

as an art therapist. 3224

(C) A license is valid for the period specified in rules 3225
adopted under section 4757.51 of the Revised Code and may be 3226
renewed in accordance with procedures specified in the rules. 3227

Sec. 4757.46. To be eligible to receive a license to practice 3228
as an art therapist, an individual shall meet all of the following 3229
requirements: 3230

(A) Be of good moral character; 3231

(B) Be at least twenty-one years of age; 3232

(C) Hold current certification from the art therapy 3233
credentials board, inc., and submit evidence of that certification 3234
with the application submitted under section 4757.45 of the 3235
Revised Code; 3236

(D) Obtain three letters of recommendation from professional 3237
sources, one of which shall be from an art therapist, and submit 3238
the letters in accordance with procedures established in rules 3239
adopted under section 4757.51 of the Revised Code. 3240

Sec. 4757.47. (A) The art therapist professional standards 3241
committee of the counselor, social worker, marriage and family 3242
therapist, and art therapist board may issue a temporary license 3243
to an applicant who meets any of the following requirements: 3244

(1) Provides evidence to the committee that the applicant is 3245
currently board certified by the art therapy credentials board, 3246
inc., and further action by the committee to issue an art 3247
therapist license is pending; 3248

(2) Provides evidence to the committee that the applicant is 3249
a registered art therapist with the art therapy credentials board, 3250
inc.; 3251

(3) Provides evidence to the committee that the applicant 3252

holds a degree from an art therapy program approved by the 3253
American art therapy association or the equivalent of such a 3254
degree as determined by the committee. 3255

(B) A temporary license issued under this section shall be 3256
valid for two years and may be renewed upon expiration of the 3257
initial temporary license. A temporary license may not be renewed 3258
more than two times. 3259

(C) An applicant holding a temporary license issued under 3260
this section shall engage in the practice of art therapy under the 3261
supervision of a licensed art therapist and in accordance with 3262
guidelines established by the art therapy credentials board, inc. 3263

Sec. 4757.48. A person licensed under this chapter as an art 3264
therapist may engage in the practice of art therapy through the 3265
integrated use of psychotherapeutic principles and visual art 3266
media and processes in the assessment, evaluation, treatment, 3267
amelioration, and remediation of emotional, cognitive, 3268
neurological, psychosocial, physical, and developmental issues. A 3269
licensed art therapist may provide training and supervision to art 3270
therapy students or prospective applicants for licensure. 3271

Sec. 4757.49. A person licensed under this chapter to 3272
practice as an art therapist may diagnose and treat mental and 3273
emotional disorders, except that the art therapist may make a 3274
diagnosis only under the supervision of a psychologist, 3275
psychiatrist, professional clinical counselor, independent 3276
marriage and family therapist, or independent social worker. An 3277
art therapist may engage in the private practice of art therapy as 3278
an individual practitioner or as a member of a partnership or 3279
group practice. 3280

Sec. 4757.50. The counselor, social worker, marriage and 3281
family therapist, and art therapist board shall adopt any rules 3282

necessary for implementation of sections 4757.45 to 4757.50 of the 3283
Revised Code. The rules shall be adopted in accordance with 3284
Chapter 119. of the Revised Code. 3285

Sec. 4757.55. (A) An individual licensed or registered with 3286
the counselor, social worker, marriage and family therapist, and 3287
art therapist board to engage in the individual's respective 3288
practice may render the individual's professional services within 3289
this state through a corporation formed under division (B) of 3290
section 1701.03 of the Revised Code, a limited liability company 3291
formed under Chapter 1705. of the Revised Code, a partnership, or 3292
a professional association formed under Chapter 1785. of the 3293
Revised Code. This division does not preclude an individual of 3294
that nature from rendering professional services through another 3295
form of business entity, including, but not limited to, a 3296
nonprofit corporation or foundation, or in another manner that is 3297
authorized by or in accordance with this chapter, another chapter 3298
of the Revised Code, or rules of the board adopted pursuant to 3299
this chapter. 3300

(B) A corporation, limited liability company, partnership, or 3301
professional association described in division (A) of this section 3302
may be formed for the purpose of providing a combination of the 3303
professional services of the following individuals who are 3304
licensed, certificated, or otherwise legally authorized to 3305
practice their respective professions: 3306

(1) Optometrists who are authorized to practice optometry 3307
under Chapter 4725. of the Revised Code; 3308

(2) Chiropractors who are authorized to practice chiropractic 3309
or acupuncture under Chapter 4734. of the Revised Code; 3310

(3) Psychologists who are authorized to practice psychology 3311
under Chapter 4732. of the Revised Code; 3312

<u>(4) Registered or licensed practical nurses who are</u>	3313
<u>authorized to practice nursing as registered nurses or as licensed</u>	3314
<u>practical nurses under Chapter 4723. of the Revised Code;</u>	3315
<u>(5) Pharmacists who are authorized to practice pharmacy under</u>	3316
<u>Chapter 4729. of the Revised Code;</u>	3317
<u>(6) Physical therapists who are authorized to practice</u>	3318
<u>physical therapy under sections 4755.40 to 4755.56 of the Revised</u>	3319
<u>Code;</u>	3320
<u>(7) Occupational therapists who are authorized to practice</u>	3321
<u>occupational therapy under sections 4755.04 to 4755.13 of the</u>	3322
<u>Revised Code;</u>	3323
<u>(8) Mechanotherapists who are authorized to practice</u>	3324
<u>mechanotherapy under section 4731.151 of the Revised Code;</u>	3325
<u>(9) Doctors of medicine and surgery, osteopathic medicine and</u>	3326
<u>surgery, or podiatric medicine and surgery who are authorized for</u>	3327
<u>their respective practices under Chapter 4731. of the Revised</u>	3328
<u>Code;</u>	3329
<u>(10) Professional clinical counselors, professional</u>	3330
<u>counselors, independent social workers, social workers, social</u>	3331
<u>work assistants, independent marriage and family therapists,</u>	3332
<u>marriage and family therapists, and art therapists who are</u>	3333
<u>authorized for their respective practices under Chapter 4757. of</u>	3334
<u>the Revised Code.</u>	3335
<u>This division shall apply notwithstanding a provision of a</u>	3336
<u>code of ethics applicable to a professional clinical counselor,</u>	3337
<u>professional counselor, independent social worker, social worker,</u>	3338
<u>social work assistant, independent marriage and family therapist,</u>	3339
<u>marriage and family therapist, or art therapist that prohibits the</u>	3340
<u>individual from engaging in the individual's respective practice</u>	3341
<u>in combination with a person who is licensed, certificated, or</u>	3342
<u>otherwise legally authorized to practice optometry, chiropractic,</u>	3343

acupuncture through the state chiropractic board, psychology, 3344
nursing, physical therapy, occupational therapy, mechanotherapy, 3345
medicine and surgery, osteopathic medicine and surgery, or 3346
podiatric medicine and surgery, but who is not also licensed, 3347
certificated, or otherwise legally authorized to engage in the 3348
practice of professional counseling, social work, marriage and 3349
family therapy, or art therapy. 3350

Sec. 5101.61. (A) As used in this section: 3351

(1) "Senior service provider" means any person who provides 3352
care or services to a person who is an adult as defined in 3353
division (B) of section 5101.60 of the Revised Code. 3354

(2) "Ambulatory health facility" means a nonprofit, public or 3355
proprietary freestanding organization or a unit of such an agency 3356
or organization that: 3357

(a) Provides preventive, diagnostic, therapeutic, 3358
rehabilitative, or palliative items or services furnished to an 3359
outpatient or ambulatory patient, by or under the direction of a 3360
physician or dentist in a facility which is not a part of a 3361
hospital, but which is organized and operated to provide medical 3362
care to outpatients; 3363

(b) Has health and medical care policies which are developed 3364
with the advice of, and with the provision of review of such 3365
policies, an advisory committee of professional personnel, 3366
including one or more physicians, one or more dentists, if dental 3367
care is provided, and one or more registered nurses; 3368

(c) Has a medical director, a dental director, if dental care 3369
is provided, and a nursing director responsible for the execution 3370
of such policies, and has physicians, dentists, nursing, and 3371
ancillary staff appropriate to the scope of services provided; 3372

(d) Requires that the health care and medical care of every 3373

patient be under the supervision of a physician, provides for 3374
medical care in a case of emergency, has in effect a written 3375
agreement with one or more hospitals and other centers or clinics, 3376
and has an established patient referral system to other resources, 3377
and a utilization review plan and program; 3378

(e) Maintains clinical records on all patients; 3379

(f) Provides nursing services and other therapeutic services 3380
in accordance with programs and policies, with such services 3381
supervised by a registered professional nurse, and has a 3382
registered professional nurse on duty at all times of clinical 3383
operations; 3384

(g) Provides approved methods and procedures for the 3385
dispensing and administration of drugs and biologicals; 3386

(h) Has established an accounting and record keeping system 3387
to determine reasonable and allowable costs; 3388

(i) "Ambulatory health facilities" also includes an 3389
alcoholism treatment facility approved by the joint commission on 3390
accreditation of healthcare organizations as an alcoholism 3391
treatment facility or certified by the department of alcohol and 3392
drug addiction services, and such facility shall comply with other 3393
provisions of this division not inconsistent with such 3394
accreditation or certification. 3395

(3) "Community mental health facility" means a facility which 3396
provides community mental health services and is included in the 3397
comprehensive mental health plan for the alcohol, drug addiction, 3398
and mental health service district in which it is located. 3399

(4) "Community mental health service" means services, other 3400
than inpatient services, provided by a community mental health 3401
facility. 3402

(5) "Home health agency" means an institution or a distinct 3403

part of an institution operated in this state which: 3404

(a) Is primarily engaged in providing home health services; 3405

(b) Has home health policies which are established by a group 3406
of professional personnel, including one or more duly licensed 3407
doctors of medicine or osteopathy and one or more registered 3408
professional nurses, to govern the home health services it 3409
provides and which includes a requirement that every patient must 3410
be under the care of a duly licensed doctor of medicine or 3411
osteopathy; 3412

(c) Is under the supervision of a duly licensed doctor of 3413
medicine or doctor of osteopathy or a registered professional 3414
nurse who is responsible for the execution of such home health 3415
policies; 3416

(d) Maintains comprehensive records on all patients; 3417

(e) Is operated by the state, a political subdivision, or an 3418
agency of either, or is operated not for profit in this state and 3419
is licensed or registered, if required, pursuant to law by the 3420
appropriate department of the state, county, or municipality in 3421
which it furnishes services; or is operated for profit in this 3422
state, meets all the requirements specified in divisions (A)(5)(a) 3423
to (d) of this section, and is certified under Title XVIII of the 3424
"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as 3425
amended. 3426

(6) "Home health service" means the following items and 3427
services, provided, except as provided in division (A)(6)(g) of 3428
this section, on a visiting basis in a place of residence used as 3429
the patient's home: 3430

(a) Nursing care provided by or under the supervision of a 3431
registered professional nurse; 3432

(b) Physical, occupational, or speech therapy ordered by the 3433

patient's attending physician;	3434
(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;	3435 3436 3437
(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;	3438 3439 3440
(e) Medical supplies and the use of medical appliances;	3441
(f) Medical services of interns and residents-in-training under an approved teaching program of a nonprofit hospital and under the direction and supervision of the patient's attending physician;	3442 3443 3444 3445
(g) Any of the foregoing items and services which:	3446
(i) Are provided on an outpatient basis under arrangements made by the home health agency at a hospital or skilled nursing facility;	3447 3448 3449
(ii) Involve the use of equipment of such a nature that the items and services cannot readily be made available to the patient in the patient's place of residence, or which are furnished at the hospital or skilled nursing facility while the patient is there to receive any item or service involving the use of such equipment.	3450 3451 3452 3453 3454
<u>(B)</u> Any attorney, physician, osteopath, podiatrist, chiropractor, dentist, psychologist, any employee of a hospital as defined in section 3701.01 of the Revised Code, any nurse licensed under Chapter 4723. of the Revised Code, any employee of an ambulatory health facility, any employee of a home health agency, any employee of an adult care facility as defined in section 3722.01 of the Revised Code, any employee of a nursing home, residential care facility, or home for the aging, as defined in section 3721.01 of the Revised Code, any senior service provider,	3455 3456 3457 3458 3459 3460 3461 3462 3463

any peace officer, coroner, clergyman, any employee of a community 3464
mental health facility, and any person ~~engaged in social work or~~ 3465
~~counseling~~ licensed or registered under Chapter 4757. of the 3466
Revised Code having reasonable cause to believe that an adult is 3467
being abused, neglected, or exploited, or is in a condition which 3468
is the result of abuse, neglect, or exploitation shall immediately 3469
report such belief to the county department of job and family 3470
services. This section does not apply to employees of any hospital 3471
or public hospital as defined in section 5122.01 of the Revised 3472
Code. 3473

~~(B)~~(C) Any person having reasonable cause to believe that an 3474
adult has suffered abuse, neglect, or exploitation may report, or 3475
cause reports to be made of such belief to the department. 3476

~~(C)~~(D) The reports made under this section shall be made 3477
orally or in writing except that oral reports shall be followed by 3478
a written report if a written report is requested by the 3479
department. Written reports shall include: 3480

(1) The name, address, and approximate age of the adult who 3481
is the subject of the report; 3482

(2) The name and address of the individual responsible for 3483
the adult's care, if any individual is, and if the individual is 3484
known; 3485

(3) The nature and extent of the alleged abuse, neglect, or 3486
exploitation of the adult; 3487

(4) The basis of the reporter's belief that the adult has 3488
been abused, neglected, or exploited. 3489

~~(D)~~(E) Any person with reasonable cause to believe that an 3490
adult is suffering abuse, neglect, or exploitation who makes a 3491
report pursuant to this section or who testifies in any 3492
administrative or judicial proceeding arising from such a report, 3493
or any employee of the state or any of its subdivisions who is 3494

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)~~(F) 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.

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

Sec. 5101.99. (A) Whoever violates division ~~(A)~~ or (B) or (C) of section 5101.61 of the Revised Code shall be fined not more than five hundred dollars.

(B) Whoever violates division (A) of section 5101.27 of the Revised Code is guilty of a misdemeanor of the first degree.

(C) Whoever violates section 5101.133 of the Revised Code is guilty of a misdemeanor of the fourth degree.

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

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

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

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

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

(C)(1) Any person listed in division (C)(2) of this section, having reason to believe that a person with mental retardation or a developmental disability has suffered or faces a substantial risk of suffering any wound, injury, disability, or condition of such a nature as to reasonably indicate abuse or neglect of that person, shall immediately report or cause reports to be made of such information to the entity specified in this division. Except as provided in section 5120.173 of the Revised Code or as otherwise provided in this division, the person making the report shall make it to a law enforcement agency or to the county board of developmental disabilities. If the report concerns a resident of a facility operated by the department of developmental disabilities the report shall be made either to a law enforcement agency or to the department. If the report concerns any act or omission of an employee of a county board of developmental disabilities, the report immediately shall be made to the department and to the county board.

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

(a) Any physician, including a hospital intern or resident, 3556
any dentist, podiatrist, chiropractor, practitioner of a limited 3557
branch of medicine as specified in section 4731.15 of the Revised 3558
Code, hospital administrator or employee of a hospital, nurse 3559
licensed under Chapter 4723. of the Revised Code, employee of an 3560
ambulatory health facility as defined in section 5101.61 of the 3561
Revised Code, employee of a home health agency, employee of an 3562
adult care facility licensed under Chapter 3722. of the Revised 3563
Code, or employee of a community mental health facility; 3564

(b) Any school teacher or school authority, ~~social worker,~~ 3565
psychologist, attorney, peace officer, coroner, or residents' 3566
rights advocate as defined in section 3721.10 of the Revised Code; 3567

(c) A superintendent, board member, or employee of a county 3568
board of developmental disabilities; an administrator, board 3569
member, or employee of a residential facility licensed under 3570
section 5123.19 of the Revised Code; an administrator, board 3571
member, or employee of any other public or private provider of 3572
services to a person with mental retardation or a developmental 3573
disability, or any MR/DD employee, as defined in section 5123.50 3574
of the Revised Code; 3575

(d) A member of a citizen's advisory council established at 3576
an institution or branch institution of the department of 3577
developmental disabilities under section 5123.092 of the Revised 3578
Code; 3579

(e) A clergyman who is employed in a position that includes 3580
providing specialized services to an individual with mental 3581
retardation or another developmental disability, while acting in 3582
an official or professional capacity in that position, or a person 3583
who is employed in a position that includes providing specialized 3584
services to an individual with mental retardation or another 3585
developmental disability and who, while acting in an official or 3586
professional capacity, renders spiritual treatment through prayer 3587

in accordance with the tenets of an organized religion; 3588

(f) A person licensed or registered under Chapter 4757. of 3589
the Revised Code. 3590

(3)(a) The reporting requirements of this division do not 3591
apply to members of the legal rights service commission or to 3592
employees of the legal rights service. 3593

(b) An attorney or physician is not required to make a report 3594
pursuant to division (C)(1) of this section concerning any 3595
communication the attorney or physician receives from a client or 3596
patient in an attorney-client or physician-patient relationship, 3597
if, in accordance with division (A) or (B) of section 2317.02 of 3598
the Revised Code, the attorney or physician could not testify with 3599
respect to that communication in a civil or criminal proceeding, 3600
except that the client or patient is deemed to have waived any 3601
testimonial privilege under division (A) or (B) of section 2317.02 3602
of the Revised Code with respect to that communication and the 3603
attorney or physician shall make a report pursuant to division 3604
(C)(1) of this section, if both of the following apply: 3605

(i) The client or patient, at the time of the communication, 3606
is a person with mental retardation or a developmental disability. 3607

(ii) The attorney or physician knows or suspects, as a result 3608
of the communication or any observations made during that 3609
communication, that the client or patient has suffered or faces a 3610
substantial risk of suffering any wound, injury, disability, or 3611
condition of a nature that reasonably indicates abuse or neglect 3612
of the client or patient. 3613

(4) Any person who fails to make a report required under 3614
division (C) of this section and who is an MR/DD employee, as 3615
defined in section 5123.50 of the Revised Code, shall be eligible 3616
to be included in the registry regarding misappropriation, abuse, 3617
neglect, or other specified misconduct by MR/DD employees 3618

established under section 5123.52 of the Revised Code. 3619

(D) The reports required under division (C) of this section 3620
shall be made forthwith by telephone or in person and shall be 3621
followed by a written report. The reports shall contain the 3622
following: 3623

(1) The names and addresses of the person with mental 3624
retardation or a developmental disability and the person's 3625
custodian, if known; 3626

(2) The age of the person with mental retardation or a 3627
developmental disability; 3628

(3) Any other information that would assist in the 3629
investigation of the report. 3630

(E) When a physician performing services as a member of the 3631
staff of a hospital or similar institution has reason to believe 3632
that a person with mental retardation or a developmental 3633
disability has suffered injury, abuse, or physical neglect, the 3634
physician shall notify the person in charge of the institution or 3635
that person's designated delegate, who shall make the necessary 3636
reports. 3637

(F) Any person having reasonable cause to believe that a 3638
person with mental retardation or a developmental disability has 3639
suffered or faces a substantial risk of suffering abuse or neglect 3640
may report or cause a report to be made of that belief to the 3641
entity specified in this division. Except as provided in section 3642
5120.173 of the Revised Code or as otherwise provided in this 3643
division, the person making the report shall make it to a law 3644
enforcement agency or the county board of developmental 3645
disabilities. If the person is a resident of a facility operated 3646
by the department of developmental disabilities, the report shall 3647
be made to a law enforcement agency or to the department. If the 3648
report concerns any act or omission of an employee of a county 3649

board of developmental disabilities, the report immediately shall 3650
be made to the department and to the county board. 3651

(G)(1) Upon the receipt of a report concerning the possible 3652
abuse or neglect of a person with mental retardation or a 3653
developmental disability, the law enforcement agency shall inform 3654
the county board of developmental disabilities or, if the person 3655
is a resident of a facility operated by the department of 3656
developmental disabilities, the director of the department or the 3657
director's designee. 3658

(2) On receipt of a report under this section that includes 3659
an allegation of action or inaction that may constitute a crime 3660
under federal law or the law of this state, the department of 3661
developmental disabilities shall notify the law enforcement 3662
agency. 3663

(3) When a county board of developmental disabilities 3664
receives a report under this section that includes an allegation 3665
of action or inaction that may constitute a crime under federal 3666
law or the law of this state, the superintendent of the board or 3667
an individual the superintendent designates under division (H) of 3668
this section shall notify the law enforcement agency. The 3669
superintendent or individual shall notify the department of 3670
developmental disabilities when it receives any report under this 3671
section. 3672

(4) When a county board of developmental disabilities 3673
receives a report under this section and believes that the degree 3674
of risk to the person is such that the report is an emergency, the 3675
superintendent of the board or an employee of the board the 3676
superintendent designates shall attempt a face-to-face contact 3677
with the person with mental retardation or a developmental 3678
disability who allegedly is the victim within one hour of the 3679
board's receipt of the report. 3680

(H) The superintendent of the board may designate an 3681
individual to be responsible for notifying the law enforcement 3682
agency and the department when the county board receives a report 3683
under this section. 3684

(I) An adult with mental retardation or a developmental 3685
disability about whom a report is made may be removed from the 3686
adult's place of residence only by law enforcement officers who 3687
consider that the adult's immediate removal is essential to 3688
protect the adult from further injury or abuse or in accordance 3689
with the order of a court made pursuant to section 5126.33 of the 3690
Revised Code. 3691

(J) A law enforcement agency shall investigate each report of 3692
abuse or neglect it receives under this section. In addition, the 3693
department, in cooperation with law enforcement officials, shall 3694
investigate each report regarding a resident of a facility 3695
operated by the department to determine the circumstances 3696
surrounding the injury, the cause of the injury, and the person 3697
responsible. The investigation shall be in accordance with the 3698
memorandum of understanding prepared under section 5126.058 of the 3699
Revised Code. The department shall determine, with the registry 3700
office which shall be maintained by the department, whether prior 3701
reports have been made concerning an adult with mental retardation 3702
or a developmental disability or other principals in the case. If 3703
the department finds that the report involves action or inaction 3704
that may constitute a crime under federal law or the law of this 3705
state, it shall submit a report of its investigation, in writing, 3706
to the law enforcement agency. If the person with mental 3707
retardation or a developmental disability is an adult, with the 3708
consent of the adult, the department shall provide such protective 3709
services as are necessary to protect the adult. The law 3710
enforcement agency shall make a written report of its findings to 3711
the department. 3712

If the person is an adult and is not a resident of a facility 3713
operated by the department, the county board of developmental 3714
disabilities shall review the report of abuse or neglect in 3715
accordance with sections 5126.30 to 5126.33 of the Revised Code 3716
and the law enforcement agency shall make the written report of 3717
its findings to the county board. 3718

(K) Any person or any hospital, institution, school, health 3719
department, or agency participating in the making of reports 3720
pursuant to this section, any person participating as a witness in 3721
an administrative or judicial proceeding resulting from the 3722
reports, or any person or governmental entity that discharges 3723
responsibilities under sections 5126.31 to 5126.33 of the Revised 3724
Code shall be immune from any civil or criminal liability that 3725
might otherwise be incurred or imposed as a result of such actions 3726
except liability for perjury, unless the person or governmental 3727
entity has acted in bad faith or with malicious purpose. 3728

(L) No employer or any person with the authority to do so 3729
shall discharge, demote, transfer, prepare a negative work 3730
performance evaluation, reduce pay or benefits, terminate work 3731
privileges, or take any other action detrimental to an employee or 3732
retaliate against an employee as a result of the employee's having 3733
made a report under this section. This division does not preclude 3734
an employer or person with authority from taking action with 3735
regard to an employee who has made a report under this section if 3736
there is another reasonable basis for the action. 3737

(M) Reports made under this section are not public records as 3738
defined in section 149.43 of the Revised Code. Information 3739
contained in the reports on request shall be made available to the 3740
person who is the subject of the report, to the person's legal 3741
counsel, and to agencies authorized to receive information in the 3742
report by the department or by a county board of developmental 3743
disabilities. 3744

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

Section 2. That existing sections 125.22, 1701.03, 1705.03,
1705.04, 1705.53, 1785.01, 1785.02, 1785.03, 1785.08, 2151.421,
2921.22, 3701.74, 3721.21, 4723.16, 4725.33, 4729.161, 4731.226,
4731.65, 4732.28, 4734.17, 4755.471, 4757.01, 4757.02, 4757.03,
4757.04, 4757.05, 4757.06, 4757.07, 4757.10, 4757.101, 4757.11,
4757.12, 4757.15, 4757.16, 4757.17, 4757.18, 4757.19, 4757.22,
4757.23, 4757.27, 4757.28, 4757.29, 4757.30, 4757.301, 4757.31,
4757.32, 4757.33, 4757.34, 4757.36, 4757.361, 4757.38, 4757.40,
4757.43, 4757.44, 5101.61, 5101.99, and 5123.61 of the Revised
Code are hereby repealed.

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

Section 4. Until one year after the effective date of this
section, the Counselor, Social Worker, Marriage and Family
Therapist, and Art Therapist Board shall issue an art therapist
license to an applicant who is of good moral character, submits a
properly completed application, pays the fee for art therapist

licensure established under section 4757.31 of the Revised Code, 3776
and meets the following requirements on the effective date of this 3777
section: 3778

(A) The applicant is licensed under Chapter 4757. of the 3779
Revised Code as a professional clinical counselor, independent 3780
marriage and family therapist, or independent social worker; 3781
licensed under Chapter 4732. of the Revised Code as a 3782
psychologist; or licensed under Chapter 4731. of the Revised Code 3783
and is board-certified to practice as a psychiatrist. 3784

(B) The person holds a degree in art therapy or the 3785
equivalent of such a degree as determined by the Board. 3786

(C) Provides evidence to the Board's Art Therapist 3787
Professional Standards Committee that the applicant has practiced 3788
art therapy for at least five years within the ten years 3789
immediately preceding the effective date of this section. 3790