

As Reported by the House Health and Aging Committee

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Sub. S. B. No. 287

Senators LaRose, Cafaro

**Cosponsors: Senators Seitz, Brown, Tavares, Bacon, Balderson, Beagle,
Burke, Coley, Gentile, Hite, Hughes, Kearney, Lehner, Niehaus, Obhof,
Oelslager, Patton, Peterson, Schiavoni, Skindell, Smith, Turner, Wagoner
Representatives Antonio, Carney, Celeste, Garland, Hackett, Ramos,
Schuring, Sears, Slaby, M., Yuko**

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A B I L L

To amend sections 4757.41, 4758.01, 4758.02, 4758.10, 1
4758.20, 4758.21, 4758.22, 4758.23, 4758.24, 2
4758.26, 4758.27, 4758.30, 4758.40, 4758.41, 3
4758.42, 4758.43, 4758.44, 4758.45, 4758.51, 4
4758.55, 4758.56, 4758.59, 4758.61, 4758.70, and 5
5111.20; to enact sections 4758.221, 4758.241, 6
4758.39, 4758.46, 4758.47, 4758.52, 4758.54, and 7
4758.561; and to repeal sections 3793.07, 4758.04, 8
4758.53, and 4758.58 of the Revised Code to revise 9
the law governing the professions of chemical 10
dependency counseling and alcohol and other drug 11
prevention and to remove wheelchairs from nursing 12
facilities' Medicaid direct care costs. 13

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

Section 1. That sections 4757.41, 4758.01, 4758.02, 4758.10, 14
4758.20, 4758.21, 4758.22, 4758.23, 4758.24, 4758.26, 4758.27, 15
4758.30, 4758.40, 4758.41, 4758.42, 4758.43, 4758.44, 4758.45, 16

4758.51, 4758.55, 4758.56, 4758.59, 4758.61, 4758.70, and 5111.20 17
be amended and sections 4758.221, 4758.241, 4758.39, 4758.46, 18
4758.47, 4758.52, 4758.54, and 4758.561 of the Revised Code be 19
enacted to read as follows: 20

Sec. 4757.41. (A) This chapter shall not apply to the 21
following: 22

(1) A person certified by the state board of education under 23
Chapter 3319. of the Revised Code while performing any services 24
within the person's scope of employment by a board of education or 25
by a private school meeting the standards prescribed by the state 26
board of education under division (D) of section 3301.07 of the 27
Revised Code or in a program operated under Chapter 5126. of the 28
Revised Code for training individuals with mental retardation or 29
other developmental disabilities; 30

(2) Psychologists or school psychologists licensed under 31
Chapter 4732. of the Revised Code; 32

(3) Members of other professions licensed, certified, or 33
registered by this state while performing services within the 34
recognized scope, standards, and ethics of their respective 35
professions; 36

(4) Rabbis, priests, Christian science practitioners, clergy, 37
or members of religious orders and other individuals participating 38
with them in pastoral counseling when the counseling activities 39
are within the scope of the performance of their regular or 40
specialized ministerial duties and are performed under the 41
auspices or sponsorship of an established and legally cognizable 42
church, denomination, or sect or an integrated auxiliary of a 43
church as defined in federal tax regulations, paragraph (g)(5) of 44
26 C.F.R. 1.6033-2 (1995), and when the individual rendering the 45
service remains accountable to the established authority of that 46

church, denomination, sect, or integrated auxiliary; 47

(5) Any person employed in the civil service as defined in 48
section 124.01 of the Revised Code while engaging in social work 49
or professional counseling as a civil service employee; 50

(6) A student in an accredited educational institution while 51
carrying out activities that are part of the student's prescribed 52
course of study if the activities are supervised as required by 53
the educational institution and if the student does not hold 54
herself or himself out as a person licensed or registered under 55
this chapter; 56

~~(7) Until two years after the date the department of alcohol 57
and drug addiction services ceases to administer its process for 58
the certification or credentialing of chemical dependency 59
counselors and alcohol and other drug prevention specialists under 60
section 3793.07 of the Revised Code, as specified in division (B) 61
of that section, or in the case of an individual who has the 62
expiration date of the individual's certificate or credentials 63
delayed under section 4758.04 of the Revised Code, until the date 64
of the delayed expiration, individuals with certification or 65
credentials accepted by the department under that section who are 66
acting within the scope of their certification or credentials as 67
members of the profession of chemical dependency counseling or as 68
alcohol and other drug prevention specialists; 69~~

~~(8)~~ Individuals who hold a license or certificate under 70
Chapter 4758. of the Revised Code who are acting within the scope 71
of their license or certificate as members of the profession of 72
chemical dependency counseling or alcohol and other drug 73
prevention services; 74

~~(9)~~(8) Any person employed by the American red cross while 75
engaging in activities relating to services for military families 76
and veterans and disaster relief, as described in the "American 77

National Red Cross Act," 33 Stat. 599 (1905), 36 U.S.C.A. 1, as 78
amended; 79

~~(10)~~(9) Members of labor organizations who hold union 80
counselor certificates while performing services in their official 81
capacity as union counselors; 82

~~(11)~~(10) Any person employed in a hospital as defined in 83
section 3727.01 of the Revised Code or in a nursing home as 84
defined in section 3721.01 of the Revised Code while providing as 85
a hospital employee or nursing home employee, respectively, social 86
services other than counseling and the use of psychosocial 87
interventions and social psychotherapy. 88

(B) Divisions (A)(5), ~~(9)~~(8), and ~~(11)~~(10) of this section do 89
not prevent a person described in those divisions from obtaining a 90
license or certificate of registration under this chapter. 91

Sec. 4758.01. As used in this chapter: 92

(A) "Accredited educational institution" means an educational 93
institution accredited by an accrediting agency accepted by the 94
Ohio board of regents. 95

(B)(1) "Alcohol and other drug clinical counseling 96
principles, methods, or procedures" means an approach to chemical 97
dependency counseling that emphasizes the chemical dependency 98
counselor's role in systematically assisting clients through all 99
of the following: 100

(a) Analyzing background and current information; 101

(b) Exploring possible solutions; 102

(c) Developing and providing a treatment plan; 103

(d) In the case of an independent chemical dependency 104
counselor-clinical supervisor, independent chemical dependency 105
counselor, or chemical dependency counselor III only, diagnosing 106

chemical dependency conditions.	107
(2) "Alcohol and other drug clinical counseling principles, methods, or procedures" includes counseling, assessing, consulting, and referral as they relate to chemical dependency conditions.	108 109 110 111
(C) "Alcohol and other drug prevention services" means a planned process of strategies and activities designed to preclude the onset of the use of alcohol and other drugs, reduce problematic use of alcohol and other drugs, or both.	112 113 114 115
(D) "Chemical dependency conditions" means those conditions relating to the abuse of or dependency on alcohol or other drugs that are classified in accepted nosologies, including the diagnostic and statistical manual of mental disorders and the international classification of diseases, and in editions of those nosologies published after the effective date of this section <u>December 23, 2002.</u>	116 117 118 119 120 121 122
(E) "Chemical dependency counseling" means rendering or offering to render to individuals, groups, or the public a counseling service involving the application of alcohol and other drug clinical counseling principles, methods, or procedures to assist individuals who are abusing or dependent on alcohol or other drugs.	123 124 125 126 127 128
(F) "Scope <u>Unless the context provides otherwise, "scope of practice"</u> means the services, methods, and techniques in which and the areas for which a person who holds a license or certificate under this chapter is trained and qualified.	129 130 131 132
(G) <u>"Substance abuse professional" has the same meaning as in 49 C.F.R. 40.3.</u>	133 134
(H) <u>"U.S. department of transportation drug and alcohol testing program"</u> means a transportation workplace drug and alcohol testing program governed by 49 C.F.R. part 40.	135 136 137

Sec. 4758.02. (A) ~~Effective two years after the date the~~ 138
~~department of alcohol and drug addiction services ceases to~~ 139
~~administer its certification and credentialing process under~~ 140
~~section 3793.07 of the Revised Code as specified in division (B)~~ 141
~~of that section and except~~ Except as provided in ~~sections~~ section 142
4758.03 ~~and 4758.04~~ of the Revised Code, no person shall do any of 143
the following: 144

(1) Engage in or represent to the public that the person 145
engages in chemical dependency counseling for a fee, salary, or 146
other consideration unless the person holds a valid independent 147
chemical dependency counselor-clinical supervisor license, 148
independent chemical dependency counselor license, chemical 149
dependency counselor III license, chemical dependency counselor II 150
license, ~~chemical dependency counselor I certificate,~~ or chemical 151
dependency counselor assistant certificate issued under this 152
chapter; 153

(2) Use the title "licensed independent chemical dependency 154
counselor-clinical supervisor," "LICDC-CS," "licensed independent 155
chemical dependency counselor," "LICDC," "licensed chemical 156
dependency counselor III," "LCDC III," "licensed chemical 157
dependency counselor II," "LCDC II," ~~"certified chemical~~ 158
~~dependency counselor I," "CCDC I,"~~ "chemical dependency counselor 159
assistant," "CDCA," or any other title or description 160
incorporating the word "chemical dependency counselor" or any 161
other initials used to identify persons acting in those capacities 162
unless currently authorized under this chapter to act in the 163
capacity indicated by the title or initials; 164

(3) Represent to the public that the person is a registered 165
applicant unless the person holds a valid registered applicant 166
certificate issued under this chapter; 167

(4) Use the title "certified prevention specialist II," "CPS 168

II," "certified prevention specialist I," "CPS I," "certified 169
prevention specialist assistant," "CPSA," "registered applicant," 170
"RA," or any other title, description, or initials used to 171
identify persons acting in those capacities unless currently 172
authorized under this chapter to act in the capacity indicated by 173
the title or initials. 174

(B) ~~Effective six years after the effective date of this~~ 175
~~section, no~~ No person shall engage in or represent to the public 176
that the person engages in chemical dependency counseling as a 177
chemical dependency counselor I. 178

Sec. 4758.10. (A) There is hereby created the chemical 179
dependency professionals board. 180

(B) The governor shall appoint all of the following voting 181
members of the board with the advice and consent of the senate: 182

(1) Four individuals who hold a valid independent chemical 183
dependency counselor-clinical supervisor license or independent 184
chemical dependency counselor license issued under this chapter, 185
including at least two of whom have received at least a master's 186
degree in a field related to chemical dependency counseling from 187
an accredited educational institution; 188

(2) Two individuals who hold a valid chemical dependency 189
counselor III license issued under this chapter; 190

(3) One individual who holds a valid chemical dependency 191
counselor II license issued under this chapter; 192

(4) Two individuals who hold a valid prevention specialist II 193
certificate or prevention specialist I certificate issued under 194
this chapter; 195

(5) One individual who is authorized under Chapter 4731. of 196
the Revised Code to practice medicine and surgery or osteopathic 197
medicine and surgery and has experience practicing in a field 198

related to chemical dependency counseling; 199

(6) Two individuals who represent the public and have not 200
practiced chemical dependency counseling or alcohol and other drug 201
prevention services and have not been involved in the delivery of 202
chemical dependency counseling services or alcohol and other drug 203
prevention services. At least one of these individuals shall be at 204
least sixty years of age. During their terms, the public members 205
shall not practice chemical dependency counseling or alcohol and 206
other drug prevention services or be involved in the delivery of 207
chemical dependency counseling services or alcohol and other drug 208
prevention services. 209

(C) Not later than ninety days after ~~the effective date of~~ 210
~~this section~~ December 23, 2002, the director of alcohol and drug 211
addiction services shall appoint an individual who represents the 212
department of alcohol and drug addiction services to serve as an 213
ex officio member of the chemical dependency professionals board. 214

(D) Not more than one-half of the voting members of the board 215
may be of the same gender or members of the same political party. 216
At least two voting members of the board shall be of African, 217
Native American, Hispanic, or Asian descent. 218

Sec. 4758.20. (A) The chemical dependency professionals board 219
shall adopt rules to establish, specify, or provide for all of the 220
following: 221

(1) Fees for the purposes authorized by section 4758.21 of 222
the Revised Code; 223

(2) If the board, pursuant to section 4758.221 of the Revised 224
Code, elects to administer examinations for individuals seeking to 225
act as substance abuse professionals in a U.S. department of 226
transportation drug and alcohol testing program, the board's 227
administration of the examinations; 228

(3) For the purpose of section 4758.23 of the Revised Code,	229
codes of ethical practice and professional conduct for individuals	230
who hold a license or certificate issued under this chapter;	231
(3) (4) For the purpose of section 4758.24 of the Revised	232
Code, all of the following:	233
(a) Good moral character requirements for an individual who	234
seeks or holds a license or certificate issued under this chapter;	235
(b) The documents that an individual seeking such a license	236
or certificate must submit to the board;	237
(c) Requirements to obtain the license or certificate that	238
are in addition to the requirements established under sections	239
<u>4758.39</u> , 4758.40, 4758.41, 4758.42, 4758.43, 4758.44, and 4758.45,	240
<u>4758.46</u> , and <u>4758.47</u> of the Revised Code. The additional	241
requirements may include preceptorships.	242
<u>(d) The period of time that an individual whose registered</u>	243
<u>applicant certificate has expired must wait before applying for a</u>	244
<u>new registered applicant certificate.</u>	245
(4) Procedures for renewal of a chemical dependency counselor	246
I license under section 4758.27 of the Revised Code;	247
(5) For the purpose of section 4758.28 of the Revised Code,	248
requirements for approval of continuing education courses of study	249
for individuals who hold a license or certificate issued under	250
this chapter;	251
(6) For the purpose of section 4758.30 of the Revised Code,	252
the intervention for and treatment of an individual holding a	253
license or certificate issued under this chapter whose abilities	254
to practice are impaired due to abuse of or dependency on alcohol	255
or other drugs or other physical or mental condition;	256
(7) Requirements governing reinstatement of a suspended or	257
revoked license or certificate under division (B) of section	258

4758.30 of the Revised Code, including requirements for	259
determining the amount of time an individual must wait to apply	260
for reinstatement;	261
(8) For the purpose of section 4758.31 of the Revised Code,	262
methods of ensuring that all records the board holds pertaining to	263
an investigation remain confidential during the investigation;	264
(9) Criteria for employees of the board to follow when	265
performing their duties under division (B) of section 4758.35 of	266
the Revised Code;	267
(10) For the purpose of <u>division (A)(1) of section 4758.39</u>	268
<u>and</u> division (A)(1) of section 4758.40 of the Revised Code, course	269
requirements for a degree in <u>a behavioral sciences science or</u>	270
<u>nursing</u> that shall, at a minimum, include at least sixty quarter	271
<u>forty semester</u> hours, or the equivalent number of semester hours,	272
in all of the following courses:	273
(a) Theories of counseling and psychotherapy;	274
(b) Counseling procedures;	275
(c) Group process and techniques;	276
(d) Relationship therapy;	277
(e) Research methods and statistics;	278
(f) Fundamentals of assessment and diagnosis, including	279
measurement and appraisal;	280
(g) Psychopathology;	281
(h) Human development;	282
(i) Cultural competence in counseling;	283
(j) Ethics.	284
(11) For the purpose of <u>division (A)(3) of section 4758.39,</u>	285
division (A)(3) of section 4758.40, division (A)(3) of section	286
4758.41, and division (A)(3) of section 4758.42 <u>of the Revised</u>	287

<u>Code</u> , training requirements for chemical dependency that shall, at	288
a minimum, include qualifications for the individuals who provide	289
the training and instruction in all of the following courses:	290
(a) Theories of addiction;	291
(b) Counseling procedures and strategies with addicted	292
populations;	293
(c) Group process and techniques working with addicted	294
populations;	295
(d) Assessment and diagnosis of addiction;	296
(e) Relationship counseling with addicted populations;	297
(f) Pharmacology;	298
(g) Prevention strategies;	299
(h) Treatment planning;	300
(i) Legal and ethical issues.	301
(12) For the purpose of division (B)(2)(b) of section 4758.40	302
and division (B)(2) of section 4758.41 of the Revised Code,	303
requirements for the forty clock hours of training on the version	304
of the diagnostic and statistical manual of mental disorders that	305
is current at the time of the training, including the number of	306
the clock hours that must be on substance-related disorders, the	307
number of the clock hours that must be on chemical dependency	308
conditions, and the number of the clock hours that must be on	309
awareness of other mental and emotional disorders;	310
(13) For the purpose of division (A)(1) of section 4758.41 of	311
the Revised Code, course requirements for a bachelor's degree in <u>a</u>	312
behavioral sciences <u>science or nursing</u> ;	313
(14) For the purpose of division (A) of section 4758.43 of	314
the Revised Code, training requirements for chemical dependency	315
counseling that shall, at a minimum, include qualifications for	316

the individuals who provide the training and instruction in one or 317
more of the courses listed in division (A)~~(11)~~(10) of this section 318
as selected by the individual seeking the chemical dependency 319
counselor assistant certificate; 320

(15) For the purpose of division (A)(2) of section 4758.44 of 321
the Revised Code, the field of study in which an individual must 322
obtain at least a bachelor's degree; 323

(16) For the purpose of division (A)(3) of section 4758.44, 324
division (A)(3) of section 4758.45, and division ~~(A)(2)(D)~~ of 325
section ~~4758.53~~ 4758.46 of the Revised Code, requirements for 326
prevention-related education; 327

~~(16)~~(17) For the purpose of division (A)(4) of section 328
4758.44 of the Revised Code, the number of hours of administrative 329
or supervisory education that an individual must have; 330

(18) For the purpose of division (A)(2) of section 4758.45 of 331
the Revised Code, the field of study in which an individual must 332
obtain at least an associate's degree; 333

(19) For the purpose of section 4758.51 of the Revised Code, 334
continuing education requirements for individuals who hold a 335
license or certificate issued under this chapter; 336

~~(17)~~(20) For the purpose of section 4758.51 of the Revised 337
Code, the number of hours of continuing education that an 338
individual must complete to have an expired license or certificate 339
restored under section 4758.26 of the Revised Code; 340

~~(18)~~(21) For the purpose of divisions (A) and (B) of section 341
~~4758.53~~ 4758.52 of the Revised Code, the training requirements ~~an~~ 342
~~individual holding a registered applicant certificate must~~ 343
~~complete to take an examination administered pursuant to section~~ 344
~~4758.22 of the Revised Code to obtain a prevention specialist II~~ 345
~~certificate or prevention specialist I certificate and the~~ 346
~~documentation the individual must submit to the board showing that~~ 347

~~the individual has completed the requirements for chemical~~ 348
~~dependency counseling;~~ 349

~~(19) The method of determining the amount of time an~~ 350
~~individual must wait to apply to the board for a new registered~~ 351
~~applicant certificate under division (B) of section 4758.53 of the~~ 352
~~Revised Code;~~ 353

~~(20)~~(22) The duties, which may differ, of an all of the 354
following: 355

(a) An independent chemical dependency counselor 356
counselor-clinical supervisor licensed under this chapter who 357
supervises a chemical dependency counselor III under section 358
4758.56 of the Revised Code; independent 359

(b) An independent chemical dependency counselor-clinical 360
supervisor, independent chemical dependency counselor, or chemical 361
dependency counselor III licensed under this chapter who 362
supervises a chemical dependency counselor assistant under section 363
4758.59 of the Revised Code; or 364

(c) A prevention specialist II or prevention specialist I 365
certified under this chapter or independent chemical dependency 366
counselor-clinical supervisor, independent chemical dependency 367
counselor, or chemical dependency counselor III, ~~or chemical~~ 368
~~dependency counselor II~~ licensed under this chapter who supervises 369
a prevention specialist assistant or registered applicant under 370
section 4758.61 of the Revised Code. ~~The duties may differ.~~ 371

~~(21)~~(23) Anything else necessary to administer this chapter. 372

(B) All rules adopted under this section shall be adopted in 373
accordance with Chapter 119. of the Revised Code and any 374
applicable federal laws and regulations. ~~Initial rules shall be~~ 375
~~adopted not later than nine months after December 23, 2002.~~ 376

(C) When it adopts rules under this section, the board may 377

consider standards established by any national association or 378
other organization representing the interests of those involved in 379
chemical dependency counseling or alcohol and other drug 380
prevention services. 381

Sec. 4758.21. (A) In accordance with rules adopted under 382
section 4758.20 of the Revised Code and subject to division (B) of 383
this section, the chemical dependency professionals board shall 384
establish, and may from time to time adjust, fees to be charged 385
for the following: 386

(1) Admitting an individual to an examination administered 387
pursuant to section 4758.22 of the Revised Code; 388

(2) Issuing an initial independent chemical dependency 389
counselor-clinical supervisor license, independent chemical 390
dependency counselor license, chemical dependency counselor III 391
license, chemical dependency counselor II license, chemical 392
dependency counselor assistant certificate, prevention specialist 393
II certificate, prevention specialist I certificate, prevention 394
specialist assistant certificate, or registered applicant 395
certificate; 396

(3) Renewing an independent chemical dependency 397
counselor-clinical supervisor license, independent chemical 398
dependency counselor license, chemical dependency counselor III 399
license, chemical dependency counselor II license, ~~chemical~~ 400
~~dependency counselor I certificate~~, chemical dependency counselor 401
assistant certificate, prevention specialist II certificate, 402
prevention specialist I certificate, or ~~registered applicant~~ 403
prevention specialist assistant certificate; 404

(4) Approving continuing education courses under section 405
4758.28 of the Revised Code; 406

(5) Doing anything else the board determines necessary to 407

administer this chapter. 408

(B) The fees established under division (A) of this section 409
are nonrefundable. They shall be in amounts sufficient to cover 410
the necessary expenses of the board in administering this chapter 411
and rules adopted under it. The fees for a license or certificate 412
and the renewal of a license or certificate may differ for the 413
various types of licenses and certificates, but shall not exceed 414
one hundred seventy-five dollars each, unless the board determines 415
that amounts in excess of one hundred seventy-five dollars are 416
needed to cover its necessary expenses in administering this 417
chapter and rules adopted under it and the amounts in excess of 418
one hundred seventy-five dollars are approved by the controlling 419
board. 420

(C) All vouchers of the board shall be approved by the 421
chairperson or executive director of the board, or both, as 422
authorized by the board. 423

Sec. 4758.22. The chemical dependency professionals board 424
shall prepare, cause to be prepared, or procure the use of, and 425
grade, cause to be graded, or procure the grading of, examinations 426
to determine the competence of individuals seeking an independent 427
chemical dependency counselor-clinical supervisor license, 428
independent chemical dependency counselor license, chemical 429
dependency counselor III license, chemical dependency counselor II 430
license, prevention specialist II certificate, or prevention 431
specialist I certificate. The board may develop the examinations 432
or use examinations prepared by state or national organizations 433
that represent the interests of those involved in chemical 434
dependency counseling or alcohol and other drug prevention 435
services. The board shall conduct examinations at least twice each 436
year and shall determine the level of competence necessary for a 437
passing score. 438

An individual may not sit for an examination administered 439
pursuant to this section unless the individual meets the 440
requirements to obtain the license or certificate the individual 441
seeks, other than the requirement to have passed the examination, 442
and pays the fee established under section 4758.21 of the Revised 443
Code. An individual who is denied admission to the examination may 444
appeal the denial in accordance with Chapter 119. of the Revised 445
Code. 446

Sec. 4758.221. In accordance with rules adopted under section 447
4758.20 of the Revised Code, the chemical dependency professionals 448
board may administer examinations for individuals seeking to act 449
as substance abuse professionals in a U.S. department of 450
transportation drug and alcohol testing program. If it elects to 451
administer the examinations, the board shall use examinations that 452
comprehensively cover all the elements of substance abuse 453
professional qualification training listed in 49 C.F.R. 454
40.281(c)(1) and are prepared by a nationally recognized 455
professional or training organization that represents the 456
interests of those involved in chemical dependency counseling 457
services. 458

Sec. 4758.23. (A) In rules adopted under section 4758.20 of 459
the Revised Code, the chemical dependency professionals board 460
shall establish codes of ethical practice and professional conduct 461
for the following: 462

(1) Individuals who hold a valid independent chemical 463
dependency counselor-clinical supervisor license, independent 464
chemical dependency counselor license, chemical dependency 465
counselor III license, chemical dependency counselor II license, 466
~~chemical dependency counselor I certificate,~~ or chemical 467
dependency counselor assistant certificate issued under this 468
chapter; 469

(2) Individuals who hold a valid prevention specialist II certificate, prevention specialist I certificate, prevention specialist assistant certificate, or registered applicant certificate issued under this chapter.

(B) The codes for individuals identified under division (A)(1) of this section shall define unprofessional conduct, which shall include engaging in a dual relationship with a client, former client, consumer, or former consumer; committing an act of sexual abuse, misconduct, or exploitation of a client, former client, consumer, or former consumer; and, except as permitted by law, violating client or consumer confidentiality.

(C) The codes for individuals identified under division (A)(1) of this section may be based on any codes of ethical practice and professional conduct developed by national associations or other organizations representing the interests of those involved in chemical dependency counseling. The codes for individuals identified under division (A)(2) of this section may be based on any codes of ethical practice and professional conduct developed by national associations or other organizations representing the interests of those involved in alcohol and other drug prevention services. The board may establish standards in the codes that are more stringent than those established by the national associations or other organizations.

Sec. 4758.24. (A) The chemical dependency professionals board shall issue a license or certificate under this chapter to an individual who meets all of the following requirements:

(1) Is of good moral character as determined in accordance with rules adopted under section 4758.20 of the Revised Code;

(2) ~~Submits~~ Except as provided in section 4758.241 of the Revised Code, submits a properly completed application and all other documentation specified in rules adopted under section

4758.20 of the Revised Code; 501

(3) ~~Pays~~ Except as provided in section 4758.241 of the 502
Revised Code, pays the fee established under section 4758.21 of 503
the Revised Code for the license or certificate that the 504
individual seeks; 505

(4) Meets the requirements to obtain the license or 506
certificate that the individual seeks as specified in section 507
4758.39, 4758.40, 4758.41, 4758.42, 4758.43, 4758.44, ~~or~~ 4758.45, 508
4758.46, or 4758.47 of the Revised Code; 509

(5) Meets any additional requirements specified in rules 510
adopted under section 4758.20 of the Revised Code to obtain the 511
license or certificate that the individual seeks. 512

(B) The board shall not ~~issue an initial~~ do either of the 513
following: 514

(1) Issue a certificate to practice as a chemical dependency 515
counselor I; 516

(2) Issue a new registered applicant certificate to an 517
individual whose previous registered applicant certificate has 518
been expired for less than the period of time specified in rules 519
adopted under section 4758.20 of the Revised Code. 520

Sec. 4758.241. The chemical dependency professionals board 521
shall issue an independent chemical dependency counselor-clinical 522
supervisor license under section 4758.24 of the Revised Code to 523
each individual who, on the effective date of this section, holds 524
a valid independent chemical dependency counselor license without 525
requiring the individual to comply with divisions (A)(2) and (3) 526
of that section. 527

Sec. 4758.26. (A) ~~Except as provided in~~ Subject to section 528
~~4758.27~~ 4758.30 of the Revised Code, a license or certificate 529

issued under this chapter, ~~other than a registered applicant~~ 530
~~certificate, expires two years~~ the following period of time after 531
it is issued ~~and may be renewed in accordance with the standard~~ 532
~~renewal procedure established under Chapter 4745. of the Revised~~ 533
~~Code;~~ 534

(1) In the case of an initial chemical dependency counselor 535
assistant certificate, thirteen months; 536

(2) In the case of any other license or certificate, two 537
years. 538

(B) Subject to section 4758.30 of the Revised Code and except 539
as provided in section 4758.27 of the Revised Code, the chemical 540
dependency professionals board shall renew a license or 541
certificate issued under this chapter, ~~other than a registered~~ 542
~~applicant certificate,~~ in accordance with the standard renewal 543
procedure established under Chapter 4745. of the Revised Code if 544
the individual seeking the renewal pays the renewal fee 545
established under section 4758.21 of the Revised Code and does the 546
following: 547

(1) In the case of an individual seeking renewal of an 548
initial chemical dependency counselor assistant certificate, 549
satisfies the additional training requirement established under 550
section 4758.52 of the Revised Code; 551

(2) In the case of any other individual, satisfies the 552
continuing education requirements established under section 553
4758.51 of the Revised Code. 554

(C) ~~Except~~ Subject to section 4758.30 of the Revised Code and 555
except as provided in section 4758.27 of the Revised Code, a 556
license or certificate issued under this chapter, ~~other than a~~ 557
~~registered applicant certificate,~~ that has expired may be restored 558
if the individual seeking the restoration, not later than two 559
years after the license or certificate expires, applies for 560

restoration of the license or certificate. The board shall issue a 561
restored license or certificate to the individual if the 562
individual pays the renewal fee established under section 4758.21 563
of the Revised Code and does the following: 564

(1) In the case of an individual whose initial chemical 565
dependency counselor assistant certificate expired, satisfies the 566
additional training requirement established under section 4758.52 567
of the Revised Code; 568

(2) In the case of any other individual, satisfies the 569
continuing education requirements established under section 570
4758.51 of the Revised Code for restoring the license or 571
certificate. ~~The~~ 572

The board shall not require an individual to take an 573
examination as a condition of having an expired license or 574
certificate restored under this section. 575

~~**Sec. 4758.27.** Until the date that is six years after the 576
effective date of this section, the chemical dependency 577
professionals board shall renew a certificate that on the 578
effective date of this section is accepted under section 3793.07 579
of the Revised Code as authority to practice as a chemical 580
dependency counselor I if the individual holding the certificate 581
renews the certificate in accordance with rules adopted under 582
section 4758.20 of the Revised Code and pays the renewal fee 583
established under section 4758.21 of the Revised Code. Subsequent 584
renewals shall be done under section 4758.26 of the Revised Code. 585~~

~~After the date that is six years after the effective date of 586
this section, the The chemical dependency professionals board 587
shall not renew ~~under this section, or renew~~ or restore under 588
section 4758.26 of the Revised Code, ~~a~~ either of the following: 589~~

(A) A certificate to practice as a ~~certified~~ chemical 590

dependency counselor I; 591

(B) A registered applicant certificate. 592

Sec. 4758.30. (A) The chemical dependency professionals 593
board, in accordance with Chapter 119. of the Revised Code, may 594
refuse to issue a license or certificate applied for under this 595
chapter; refuse to renew or restore a license or certificate 596
issued under this chapter; suspend, revoke, or otherwise restrict 597
a license or certificate issued under this chapter; or reprimand 598
an individual holding a license or certificate issued under this 599
chapter. These actions may be taken by the board regarding the 600
applicant for a license or certificate or the individual holding a 601
license or certificate for one or more of the following reasons: 602

(1) Violation of any provision of this chapter or rules 603
adopted under it; 604

(2) Knowingly making a false statement on an application for 605
a license or certificate or for renewal, restoration, or 606
reinstatement of a license or certificate; 607

(3) Acceptance of a commission or rebate for referring an 608
individual to a person who holds a license or certificate issued 609
by, or who is registered with, an entity of state government, 610
including persons practicing chemical dependency counseling, 611
alcohol and other drug prevention services, or fields related to 612
chemical dependency counseling or alcohol and other drug 613
prevention services; 614

(4) Conviction in this or any other state of any crime that 615
is a felony in this state; 616

(5) Conviction in this or any other state of a misdemeanor 617
committed in the course of practice as an independent chemical 618
dependency counselor-clinical supervisor, independent chemical 619
dependency counselor, chemical dependency counselor III, chemical 620

dependency counselor II, ~~chemical dependency counselor I~~, chemical 621
dependency counselor assistant, prevention specialist II, 622
prevention specialist I, prevention specialist assistant, or 623
registered applicant; 624

(6) Inability to practice as an independent chemical 625
dependency counselor-clinical supervisor, independent chemical 626
dependency counselor, chemical dependency counselor III, chemical 627
dependency counselor II, ~~chemical dependency counselor I~~, chemical 628
dependency counselor assistant, prevention specialist II, 629
prevention specialist I, prevention specialist assistant, or 630
registered applicant due to abuse of or dependency on alcohol or 631
other drugs or other physical or mental condition; 632

(7) Practicing outside the individual's scope of practice; 633

(8) Practicing without complying with the supervision 634
requirements specified under section 4758.56, 4758.59, or 4758.61 635
of the Revised Code; 636

(9) Violation of the code of ethical practice and 637
professional conduct for chemical dependency counseling or alcohol 638
and other drug prevention services adopted by the board pursuant 639
to section 4758.23 of the Revised Code; 640

(10) Revocation of a license or certificate or voluntary 641
surrender of a license or certificate in another state or 642
jurisdiction for an offense that would be a violation of this 643
chapter. 644

(B) An individual whose license or certificate has been 645
suspended or revoked under this section may apply to the board for 646
reinstatement after an amount of time the board shall determine in 647
accordance with rules adopted under section 4758.20 of the Revised 648
Code. The board may accept or refuse an application for 649
reinstatement. The board may require an examination for 650
reinstatement of a license or certificate that has been suspended 651

or revoked. 652

Sec. 4758.39. An individual seeking an independent chemical dependency counselor-clinical supervisor license shall meet the requirements of division (A) or (B) of this section. 653
654
655

(A) To meet the requirements of this division, an individual must meet all of the following requirements: 656
657

(1) Hold from an accredited educational institution at least a master's degree in either a behavioral science or nursing that meets the course requirements specified in rules adopted under section 4758.20 of the Revised Code; 658
659
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661

(2) Have not less than six thousand hours of compensated work or supervised internship experience (including at least two thousand hours of clinical supervisory experience as part of the compensated work or supervised internship) in any of the following, not less than one thousand two hundred hours of which are in chemical dependency counseling: 662
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664
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666
667

(a) Chemical dependency services, substance abuse services, or both types of services; 668
669

(b) The practice of psychology, as defined in section 4732.01 of the Revised Code; 670
671

(c) The practice of professional counseling, the practice of social work, or the practice of marriage and family therapy, all as defined in section 4757.01 of the Revised Code. 672
673
674

(3) Have a minimum of one hundred eighty hours of training in chemical dependency that meets the requirements specified in rules adopted under section 4758.20 of the Revised Code; 675
676
677

(4) Unless the individual holds a valid license, registration, certificate, or credentials issued under another chapter of the Revised Code that authorizes the individual to engage in a profession whose scope of practice includes the 678
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680
681

clinical supervision of chemical dependency counseling, chemical 682
dependency counseling, and diagnosing and treating chemical 683
dependency conditions, pass one or more examinations administered 684
pursuant to section 4758.22 of the Revised Code for the purpose of 685
determining competence to practice as an independent chemical 686
dependency counselor-clinical supervisor. 687

(B) To meet the requirement of this division, an individual 688
must hold, on the effective date of this section, a valid 689
independent chemical dependency counselor license. 690

Sec. 4758.40. An individual seeking an independent chemical 691
dependency counselor license shall meet ~~either of the following~~ 692
~~requirements~~ of division (A) or (B) of this section. 693

~~(A) Meet~~ To meet the requirements of this division, an 694
individual must meet all of the following requirements: 695

(1) Hold from an accredited educational institution at least 696
a master's degree in a behavioral ~~sciences~~ science or nursing that 697
meets the course requirements specified in rules adopted under 698
section 4758.20 of the Revised Code; 699

(2) Have not less than ~~four~~ two thousand hours of compensated 700
work or supervised internship experience in ~~either~~ any of the 701
following, not less than ~~eight~~ four hundred hours of which are in 702
chemical dependency counseling: 703

(a) Chemical dependency services, substance abuse services, 704
or both types of services; 705

(b) The practice of psychology, as defined in section 4732.01 706
of the Revised Code, ~~or the~~; 707

(c) The practice of professional counseling ~~or~~, the practice 708
of social work, ~~both~~ or the practice of marriage and family 709
therapy, all as defined in section 4757.01 of the Revised Code. 710

(3) Have a minimum of ~~two~~ one hundred ~~seventy~~ eighty hours of 711

training in chemical dependency that meets the requirements 712
specified in rules adopted under section 4758.20 of the Revised 713
Code; 714

(4) ~~Pass~~ Unless the individual holds a valid license, 715
registration, certificate, or credentials issued under another 716
chapter of the Revised Code that authorizes the individual to 717
engage in a profession whose scope of practice includes chemical 718
dependency counseling and diagnosing and treating chemical 719
dependency conditions, pass one or more examinations administered 720
pursuant to section 4758.22 of the Revised Code for the purpose of 721
determining competence to practice as an independent chemical 722
dependency counselor. 723

(B) ~~Meet~~ To meet the requirements of this division, an 724
individual must meet both of the following requirements: 725

(1) Hold, on December 23, 2002, a certificate or credentials 726
that were accepted under former section 3793.07 of the Revised 727
Code as authority to practice as a certified chemical dependency 728
counselor III or certified chemical dependency counselor III-E; 729

(2) Meet one of the following requirements: 730

(a) Hold the degree described in division (A)(1) of this 731
section; 732

(b) Have held a chemical dependency counselor III, II, or I 733
certificate for at least eight consecutive years and have not less 734
than forty clock hours of training on the version of the 735
diagnostic and statistical manual of mental disorders that is 736
current at the time of the training. The training must meet the 737
requirements specified in rules adopted under section 4758.20 of 738
the Revised Code. An individual authorized under Chapter 4731. of 739
the Revised Code to practice medicine and surgery or osteopathic 740
medicine and surgery, a psychologist licensed under Chapter 4732. 741
of the Revised Code, or a professional clinical counselor or 742

independent social worker licensed under Chapter 4757. of the 743
Revised Code may provide any portion of the training. An 744
independent chemical dependency counselor licensed under this 745
chapter who holds the degree described in division (A)(1) of this 746
section may provide the portion of the training on chemical 747
dependency conditions. 748

Sec. 4758.41. An individual seeking a chemical dependency 749
counselor III license shall meet ~~any of the following~~ 750
~~requirements~~ of division (A), (B), or (C) of this section. 751

(A) ~~Meet~~ To meet the requirements of this division, an 752
individual must meet all of the following requirements: 753

(1) Hold from an accredited educational institution at least 754
a bachelor's degree in a behavioral science or nursing that meets 755
the course requirements specified in rules adopted under section 756
4758.20 of the Revised Code; 757

(2) Have not less than ~~four~~ two thousand hours of compensated 758
work or supervised internship experience in ~~either~~ any of the 759
following, not less than ~~eight~~ four hundred ~~work~~ hours of which 760
are in chemical dependency counseling: 761

(a) Chemical dependency services, substance abuse services, 762
or both types of services; 763

(b) The practice of psychology, as defined in section 4732.01 764
of the Revised Code, ~~or the~~; 765

(c) The practice of professional counseling or, the practice 766
of social work, both or the practice of marriage and family 767
therapy, all as defined in section 4757.01 of the Revised Code. 768

(3) Have a minimum of ~~two~~ one hundred ~~seventy~~ eighty hours of 769
training in chemical dependency that meets the requirements 770
specified in rules adopted under section 4758.20 of the Revised 771
Code; 772

(4) ~~Pass~~ Unless the individual holds a valid license, registration, certificate, or credentials issued under another chapter of the Revised Code that authorizes the individual to engage in a profession whose scope of practice includes chemical dependency counseling and diagnosing and treating chemical dependency conditions, pass one or more examinations administered pursuant to section 4758.22 of the Revised Code for the purpose of determining competence to practice as a chemical dependency counselor III.

(B) ~~Meet~~ To meet the requirements of this division, an individual must meet both of the following requirements:

(1) Hold, on December 23, 2002, a certificate or credentials that were accepted under former section 3793.07 of the Revised Code as authority to practice as a certified chemical dependency counselor III or certified chemical dependency counselor III-E;

(2) Have not less than forty clock hours of training on the version of the diagnostic and statistical manual of mental disorders that is current at the time of the training. The training must meet the requirements specified in rules adopted under section 4758.20 of the Revised Code. An individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery, a psychologist licensed under Chapter 4732. of the Revised Code, or a professional clinical counselor or independent social worker licensed under Chapter 4757. of the Revised Code may provide any portion of the training. An independent chemical dependency counselor licensed under this chapter who holds the degree described in division (A)(1) of section 4758.40 of the Revised Code may provide the portion of the training on chemical dependency conditions.

(C) ~~Meet~~ To meet the requirements of this division, an individual must meet all of the following requirements:

(1) Hold, on December 23, 2002, a certificate or credentials that were accepted under former section 3793.07 of the Revised Code as authority to practice as a certified chemical dependency counselor II;

(2) Meet the requirement of division (B)(2) of this section;

(3) Hold a bachelor's degree in a behavioral science.

Sec. 4758.42. An individual seeking a chemical dependency counselor II license shall meet ~~either of the following requirements+~~ of division (A) or (B) of this section.

(A) ~~Meet~~ To meet the requirements of this division, an individual must meet all of the following requirements:

(1) Hold from an accredited educational institution an associate's degree in a behavioral science or nursing or a bachelor's degree in any field;

(2)(a) ~~If the individual holds an associate's degree, have~~ Have not less than ~~five~~ two thousand hours of compensated ~~or~~ volunteer work, ~~field placement, intern, or practicum~~ supervised internship experience in ~~either~~ any of the following, not less than ~~one thousand~~ four hundred hours of which are in chemical dependency counseling:

~~(i)~~(a) Chemical dependency services, substance abuse services, or both types of services;

~~(ii)~~(b) The practice of psychology, as defined in section 4732.01 of the Revised Code, ~~or the~~

(c) The practice of professional counseling or, the practice of social work, both or the practice of marriage and family therapy, all as defined in section 4757.01 of the Revised Code.

~~(b) If the individual holds a bachelor's degree, have not less than six thousand hours of compensated or volunteer work,~~

~~field placement, intern, or practicum experience in either of the~~ 834
~~following, not less than one thousand two hundred hours of which~~ 835
~~are in chemical dependency counseling;~~ 836

~~(i) Chemical dependency services, substance abuse services,~~ 837
~~or both types of services;~~ 838

~~(ii) The practice of psychology, as defined in section~~ 839
~~4732.01 of the Revised Code, or the practice of professional~~ 840
~~counseling or the practice of social work, both as defined in~~ 841
~~section 4757.01 of the Revised Code.~~ 842

(3) Have a minimum of ~~two~~ one hundred ~~seventy~~ eighty hours of 843
training in chemical dependency that meets the requirements 844
specified in rules adopted under section 4758.20 of the Revised 845
Code; 846

(4) Pass one or more examinations administered pursuant to 847
section 4758.22 of the Revised Code for the purpose of determining 848
competence to practice as a chemical dependency counselor II. 849

(B) ~~Hold~~ To meet the requirement of this division, an 850
individual must hold, on December 23, 2002, a certificate or 851
credentials that were accepted under former section 3793.07 of the 852
Revised Code as authority to practice as a certified chemical 853
dependency counselor II. 854

Sec. 4758.43. An individual seeking a chemical dependency 855
counselor assistant certificate shall meet either of the following 856
requirements: 857

(A) Have at least forty hours of training in chemical 858
dependency counseling that meets the requirements specified in 859
rules adopted under section 4758.20 of the Revised Code; ~~;~~ 860

(B) Hold, on ~~the effective date of this section~~ December 23, 861
2002, a certificate or credentials that were accepted under former 862
section 3793.07 of the Revised Code as authority to practice as a 863

registered candidate. 864

Sec. 4758.44. An individual seeking a prevention specialist 865
II certificate shall meet ~~either of the following~~ requirements: of 866
division (A) or (B) of this section. 867

(A) ~~Meet~~ To meet the requirements of this division, an 868
individual must meet all of the following requirements: 869

(1) Have at least six thousand hours of compensated work 870
~~experience in which not less than fifty per cent of the~~ 871
~~individual's time was devoted to planning, coordinating in alcohol~~ 872
~~and other drug prevention services, including at least four~~ 873
~~thousand hours of administering or delivering alcohol and other~~ 874
~~drug prevention supervising the services;~~ 875

(2) ~~Have one of the following:~~ 876

~~(a) A bachelor's degree in a behavioral science and at least~~ 877
~~six thousand hours of compensated work experience in alcohol and~~ 878
~~other drug prevention services;~~ 879

~~(b) A master's or doctoral degree in a behavioral science and~~ 880
~~at least four thousand hours of compensated work experience in~~ 881
~~alcohol and other drug prevention services. Hold from an~~ 882
accredited educational institution at least a bachelor's degree in 883
a field of study specified in rules adopted under section 4758.20 884
of the Revised Code; 885

(3) Have at least ~~two~~ one hundred ~~seventy~~ hours of 886
prevention-related education that meets the requirements specified 887
in rules adopted under section 4758.20 of the Revised Code; 888

(4) ~~Obtain a registered applicant certificate under this~~ 889
~~chapter and comply with the requirements of~~ Have at least the 890
number of hours of administrative or supervisory education 891
specified in rules adopted under ~~4758.53~~ 4758.20 of the 892
Revised Code; 893

(5) ~~Pass the examination~~ one or more examinations 894
administered pursuant to section 4758.22 of the Revised Code for 895
the purpose of determining competence to practice as a prevention 896
specialist II. 897

(B) ~~Hold~~ To meet the requirement of this division, an 898
individual must hold, on the effective date of this section 899
December 23, 2002, a certificate or credentials that were accepted 900
under former section 3793.07 of the Revised Code as authority to 901
practice as a certified prevention specialist II. 902

Sec. 4758.45. An individual seeking a prevention specialist I 903
certificate shall meet ~~either of the following~~ requirements: of 904
division (A) or (B) of this section. 905

(A) ~~Meet~~ To meet the requirements of this division, an 906
individual must meet all of the following requirements: 907

(1) Have at least two thousand hours of compensated or 908
volunteer work, field placement, intern, or practicum experience 909
in ~~which not less than twenty per cent of the individual's time~~ 910
~~was devoted to~~ alcohol and other drug prevention services, 911
including at least four hundred hours of planning or delivering 912
~~alcohol and other drug prevention~~ the services; 913

(2) ~~Have one of the following:~~ 914

~~(a) At least six thousand hours of compensated or volunteer~~ 915
~~work, field placement, intern, or practicum experience in alcohol~~ 916
~~and other drug prevention services;~~ 917

~~(b) An associate's degree in a behavioral science and at~~ 918
~~least four thousand hours of compensated or volunteer work, field~~ 919
~~placement, intern, or practicum experience in alcohol and other~~ 920
~~drug prevention services;~~ 921

~~(c) A bachelor's, master's, or doctoral degree in a~~ 922
~~behavioral science and at least two thousand hours of compensated~~ 923

~~or volunteer work, field placement, intern, or practicum~~ 924
~~experience in alcohol and other drug prevention services. Hold~~ 925
~~from an accredited educational institution at least an associate's~~ 926
~~degree in a field of study specified in rules adopted under~~ 927
~~section 4758.20 of the Revised Code;~~ 928

(3) Have at least one hundred ~~eighty~~ hours of 929
prevention-related education that meets the requirements specified 930
in rules adopted under section 4758.20 of the Revised Code; 931

(4) ~~Obtain a registered applicant certificate under this~~ 932
~~chapter and comply with the requirements of section 4758.53 of the~~ 933
~~Revised Code;~~ 934

~~(5) Pass the examination~~ one or more examinations 935
administered pursuant to section 4758.22 of the Revised Code for 936
the purpose of determining competence to practice as a prevention 937
specialist I. 938

(B) ~~Hold~~ To meet the requirement of this division, an 939
individual must hold, on the effective date of this section 940
December 23, 2002, a certificate or credentials that were accepted 941
under former section 3793.07 of the Revised Code as authority to 942
practice as a certified prevention specialist I. 943

Sec. 4758.46. An individual seeking a prevention specialist 944
assistant certificate shall meet all of the following 945
requirements: 946

(A) Be at least eighteen years of age; 947

(B) Have at least a high school diploma or high school 948
equivalence diploma; 949

(C) Have at least one hundred hours of compensated or 950
volunteer work, field placement, intern, or practicum experience 951
in alcohol and other drug prevention services; 952

(D) Have at least forty-five hours of prevention-related 953

education that meets the requirements specified in rules adopted 954
under section 4758.20 of the Revised Code. 955

Sec. 4758.47. An individual seeking a registered applicant 956
certificate shall meet all of the following requirements: 957

(A) Be at least eighteen years of age; 958

(B) Have at least a high school diploma or high school 959
equivalence diploma; 960

(C) Submit to the chemical dependency professionals board a 961
professional development plan that is acceptable to the board. 962

Sec. 4758.51. (A) Except as provided in division ~~(B)~~(C) of 963
this section and in accordance with rules adopted under section 964
4758.20 of the Revised Code, each individual who holds a license 965
or certificate issued under this chapter, other than an initial 966
chemical dependency counselor assistant certificate, shall 967
complete during the period that the license or certificate is in 968
effect not less than ~~forty~~ the following number of clock hours of 969
continuing education as a condition of receiving a renewed license 970
or certificate; 971

(1) In the case of an individual holding a prevention 972
specialist assistant certificate, twenty; 973

(2) In the case of any other individual, forty. ~~To have an~~ 974
~~expired license or certificate restored,~~ 975

(B) Except as provided in division (C) of this section, an 976
individual whose license or certificate issued under this chapter, 977
other than an initial chemical dependency counselor assistant 978
certificate, has expired shall complete the number of hours of 979
continuing education specified in rules adopted under section 980
4758.20 of the Revised Code as a condition of receiving a restored 981
license or certificate. 982

~~(B)~~(C) The chemical dependency professionals board may waive 983
the continuing education requirements established under this 984
section for individuals who are unable to fulfill them because of 985
military service, illness, residence outside the United States, or 986
any other reason the board considers acceptable. 987

Sec. 4758.52. (A) Except as provided in division (C) of this 988
section, each individual who holds an initial chemical dependency 989
counselor assistant certificate shall complete, during the first 990
twelve months that the initial certificate is in effect, at least 991
thirty additional hours of training in chemical dependency 992
counseling that meets the requirements specified in rules adopted 993
under section 4758.20 of the Revised Code as a condition of having 994
the initial certificate renewed. 995

(B) Except as provided in division (C) of this section, an 996
individual whose initial chemical dependency counselor assistant 997
certificate has expired shall complete at least thirty additional 998
hours of training in chemical dependency counseling that meets the 999
requirements specified in rules adopted under section 4758.20 of 1000
the Revised Code as a condition of receiving a restored chemical 1001
dependency counselor assistant certificate. 1002

(C) The chemical dependency professionals board may waive the 1003
additional training requirement established under this section for 1004
individuals who are unable to fulfill the requirement because of 1005
military service, illness, residence outside the United States, or 1006
any other reason the board considers acceptable. 1007

Sec. 4758.54. In addition to practicing chemical dependency 1008
counseling, an individual holding a valid independent chemical 1009
dependency counselor-clinical supervisor license may do all of the 1010
following: 1011

(A) Diagnose and treat chemical dependency conditions; 1012

<u>(B) Perform treatment planning, assessment, crisis</u>	1013
<u>intervention, individual and group counseling, case management,</u>	1014
<u>and education services as they relate to abuse of and dependency</u>	1015
<u>on alcohol and other drugs;</u>	1016
<u>(C) Provide clinical supervision of chemical dependency</u>	1017
<u>counseling;</u>	1018
<u>(D) Refer individuals with nonchemical dependency conditions</u>	1019
<u>to appropriate sources of help.</u>	1020
Sec. 4758.55. In addition to practicing chemical dependency	1021
counseling, an individual holding a valid independent chemical	1022
dependency counselor license may do all of the following:	1023
(A) Diagnose and treat chemical dependency conditions;	1024
(B) Perform treatment planning, assessment, crisis	1025
intervention, individual and group counseling, case management,	1026
and education services as they relate to abuse of and dependency	1027
on alcohol and other drugs;	1028
(C) <u>Provide clinical supervision of chemical dependency</u>	1029
<u>counseling under the supervision of any of the following:</u>	1030
(1) <u>An independent chemical dependency counselor-clinical</u>	1031
<u>supervisor licensed under this chapter;</u>	1032
(2) <u>An individual authorized under Chapter 4731. of the</u>	1033
<u>Revised Code to practice medicine and surgery or osteopathic</u>	1034
<u>medicine and surgery;</u>	1035
(3) <u>A psychologist licensed under Chapter 4732. of the</u>	1036
<u>Revised Code;</u>	1037
(4) <u>A registered nurse licensed under Chapter 4723. of the</u>	1038
<u>Revised Code or professional clinical counselor, independent</u>	1039
<u>social worker, or independent marriage and family therapist</u>	1040
<u>licensed under Chapter 4757. of the Revised Code if such</u>	1041

supervision is consistent with the scope of practice of the 1042
registered nurse, professional clinical counselor, independent 1043
social worker, or independent marriage and family therapist. 1044

(D) Refer individuals with nonchemical dependency conditions 1045
to appropriate sources of help. 1046

Sec. 4758.56. (A) In addition to practicing chemical 1047
dependency counseling, an individual holding a valid chemical 1048
dependency counselor III license may do all of the following: 1049

(1) Diagnose chemical dependency conditions under the 1050
supervision of any of the ~~following~~: 1051

~~(a) An independent chemical dependency counselor licensed~~ 1052
~~under this chapter;~~ 1053

~~(b) An individual authorized under Chapter 4731. of the~~ 1054
~~Revised Code to practice medicine and surgery or osteopathic~~ 1055
~~medicine and surgery;~~ 1056

~~(c) A psychologist licensed under Chapter 4732. of the~~ 1057
~~Revised Code;~~ 1058

~~(d) A registered nurse licensed under Chapter 4723. of the~~ 1059
~~Revised Code or professional clinical counselor or independent~~ 1060
~~social worker licensed under Chapter 4757. of the Revised Code if~~ 1061
~~such supervision is consistent with the scope of practice of the~~ 1062
~~registered nurse, professional clinical counselor, or independent~~ 1063
~~social worker. professionals listed in section 4758.561 of the~~ 1064
~~Revised Code;~~ 1065

(2) Treat chemical dependency conditions; 1066

(3) Perform treatment planning, assessment, crisis 1067
intervention, individual and group counseling, case management, 1068
and education services as they relate to abuse of and dependency 1069
on alcohol and other drugs; 1070

(4) <u>Provide clinical supervision of chemical dependency counseling under the supervision of any of the professionals listed in section 4758.561 of the Revised Code;</u>	1071
	1072
	1073
(5) Refer individuals with nonchemical dependency conditions to appropriate sources of help.	1074
	1075
(B) A chemical dependency counselor III may not practice as an individual practitioner.	1076
	1077
Sec. 4758.561. <u>Any of the following professionals may supervise a chemical dependency counselor III for purposes of divisions (A)(1) and (4) of section 4758.56 of the Revised Code:</u>	1078
	1079
	1080
(A) <u>An independent chemical dependency counselor-clinical supervisor licensed under this chapter;</u>	1081
	1082
(B) <u>An individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery;</u>	1083
	1084
	1085
(C) <u>A psychologist licensed under Chapter 4732. of the Revised Code;</u>	1086
	1087
(D) <u>A registered nurse licensed under Chapter 4723. of the Revised Code or professional clinical counselor, independent social worker, or independent marriage and family therapist licensed under Chapter 4757. of the Revised Code if such supervision is consistent with the scope of practice of the registered nurse, professional clinical counselor, independent social worker, or independent marriage and family therapist.</u>	1088
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Sec. 4758.59. (A) Subject to division (B) of this section, an individual holding a valid chemical dependency counselor assistant certificate may do both of the following in addition to practicing chemical dependency counseling:	1095
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(1) Perform treatment planning, assessment, crisis intervention, individual and group counseling, case management,	1099
	1100

and education services as they relate to abuse of or dependency on alcohol and other drugs; 1101
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(2) Refer individuals with nonchemical dependency conditions to appropriate sources of help. 1103
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(B) An individual holding a valid chemical dependency counselor assistant certificate may practice chemical dependency counseling and perform the tasks specified in division (A) of this section only while under the supervision of any of the following: 1105
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(1) An independent chemical dependency counselor-clinical supervisor, independent chemical dependency counselor, or chemical dependency counselor III licensed under this chapter; 1109
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(2) An individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery; 1112
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(3) A psychologist licensed under Chapter 4732. of the Revised Code; 1115
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(4) A registered nurse licensed under Chapter 4723. of the Revised Code or professional clinical counselor ~~or~~, independent social worker, or independent marriage and family therapist licensed under Chapter 4757. of the Revised Code if such supervision is consistent with the scope of practice of the registered nurse, professional clinical counselor, ~~or~~ independent social worker, or independent marriage and family therapist. 1117
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(C) A chemical dependency counselor assistant may not practice as an individual practitioner. 1124
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Sec. 4758.61. An individual who holds a valid prevention specialist assistant certificate or registered applicant certificate issued under this chapter may engage in the practice of alcohol and other drug prevention services under the supervision of any of the following: 1126
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(A) A prevention specialist II or prevention specialist I certified under this chapter;	1131 1132
(B) An <u>independent chemical dependency counselor-clinical supervisor</u> , an independent chemical dependency counselor, or a chemical dependency counselor III, or a chemical dependency counselor II licensed under this chapter;	1133 1134 1135 1136
(C) An individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery;	1137 1138 1139
(D) A psychologist licensed under Chapter 4732. of the Revised Code;	1140 1141
(E) A registered nurse licensed under Chapter 4723. of the Revised Code;	1142 1143
(F) A professional clinical counselor, a professional counselor, an independent social worker, or a social worker , <u>an independent marriage and family therapist</u> , or a marriage and family therapist licensed under Chapter 4757. of the Revised Code;	1144 1145 1146 1147
(G) A school counselor licensed by the department of education pursuant to section 3319.22 of the Revised Code;	1148 1149
(H) A health education specialist certified by the national commission for health education credentialing.	1150 1151
Sec. 4758.70. Except to the extent of providing services authorized by this chapter, this chapter does not authorize any individual to engage in <u>either of the following</u> :	1152 1153 1154
<u>(A) The practice of psychology as defined in section 4732.01 of the Revised Code.</u>	1155 1156
Except to the extent of providing services authorized by this chapter, this chapter does not authorize any individual to engage in the;	1157 1158 1159

(B) The practice of professional counseling or, practice of 1160
social work, or practice of marriage and family therapy, as those 1161
terms are defined in section 4757.01 of the Revised Code. 1162

Sec. 5111.20. As used in sections 5111.20 to 5111.331 of the 1163
Revised Code: 1164

(A) "Allowable costs" are those costs determined by the 1165
department of job and family services to be reasonable and do not 1166
include fines paid under sections 5111.35 to 5111.61 and section 1167
5111.99 of the Revised Code. 1168

(B) "Ancillary and support costs" means all reasonable costs 1169
incurred by a nursing facility other than direct care costs, tax 1170
costs, or capital costs. "Ancillary and support costs" includes, 1171
but is not limited to, costs of activities, social services, 1172
pharmacy consultants, habilitation supervisors, qualified mental 1173
retardation professionals, program directors, medical and 1174
habilitation records, program supplies, incontinence supplies, 1175
food, enterals, dietary supplies and personnel, laundry, 1176
housekeeping, security, administration, medical equipment, 1177
utilities, liability insurance, bookkeeping, purchasing 1178
department, human resources, communications, travel, dues, license 1179
fees, subscriptions, home office costs not otherwise allocated, 1180
legal services, accounting services, minor equipment, maintenance 1181
and repairs, help-wanted advertising, informational advertising, 1182
start-up costs, organizational expenses, other interest, property 1183
insurance, employee training and staff development, employee 1184
benefits, payroll taxes, and workers' compensation premiums or 1185
costs for self-insurance claims and related costs as specified in 1186
rules adopted by the director of job and family services under 1187
section 5111.02 of the Revised Code, for personnel listed in this 1188
division. "Ancillary and support costs" also means the cost of 1189
equipment, including vehicles, acquired by operating lease 1190

executed before December 1, 1992, if the costs are reported as 1191
administrative and general costs on the facility's cost report for 1192
the cost reporting period ending December 31, 1992. 1193

(C) "Capital costs" means costs of ownership and, in the case 1194
of an intermediate care facility for the mentally retarded, costs 1195
of nonextensive renovation. 1196

(1) "Cost of ownership" means the actual expense incurred for 1197
all of the following: 1198

(a) Depreciation and interest on any capital assets that cost 1199
five hundred dollars or more per item, including the following: 1200

(i) Buildings; 1201

(ii) Building improvements that are not approved as 1202
nonextensive renovations under section 5111.251 of the Revised 1203
Code; 1204

(iii) Except as provided in division (B) of this section, 1205
equipment; 1206

(iv) In the case of an intermediate care facility for the 1207
mentally retarded, extensive renovations; 1208

(v) Transportation equipment. 1209

(b) Amortization and interest on land improvements and 1210
leasehold improvements; 1211

(c) Amortization of financing costs; 1212

(d) Except as provided in division (K) of this section, lease 1213
and rent of land, building, and equipment. 1214

The costs of capital assets of less than five hundred dollars 1215
per item may be considered capital costs in accordance with a 1216
provider's practice. 1217

(2) "Costs of nonextensive renovation" means the actual 1218
expense incurred by an intermediate care facility for the mentally 1219

retarded for depreciation or amortization and interest on 1220
renovations that are not extensive renovations. 1221

(D) "Capital lease" and "operating lease" shall be construed 1222
in accordance with generally accepted accounting principles. 1223

(E) "Case-mix score" means the measure determined under 1224
section 5111.232 of the Revised Code of the relative direct-care 1225
resources needed to provide care and habilitation to a resident of 1226
a nursing facility or intermediate care facility for the mentally 1227
retarded. 1228

(F)(1) "Date of licensure," for a facility originally 1229
licensed as a nursing home under Chapter 3721. of the Revised 1230
Code, means the date specific beds were originally licensed as 1231
nursing home beds under that chapter, regardless of whether they 1232
were subsequently licensed as residential facility beds under 1233
section 5123.19 of the Revised Code. For a facility originally 1234
licensed as a residential facility under section 5123.19 of the 1235
Revised Code, "date of licensure" means the date specific beds 1236
were originally licensed as residential facility beds under that 1237
section. 1238

If nursing home beds licensed under Chapter 3721. of the 1239
Revised Code or residential facility beds licensed under section 1240
5123.19 of the Revised Code were not required by law to be 1241
licensed when they were originally used to provide nursing home or 1242
residential facility services, "date of licensure" means the date 1243
the beds first were used to provide nursing home or residential 1244
facility services, regardless of the date the present provider 1245
obtained licensure. 1246

If a facility adds nursing home beds or residential facility 1247
beds or extensively renovates all or part of the facility after 1248
its original date of licensure, it will have a different date of 1249
licensure for the additional beds or extensively renovated portion 1250

of the facility, unless the beds are added in a space that was 1251
constructed at the same time as the previously licensed beds but 1252
was not licensed under Chapter 3721. or section 5123.19 of the 1253
Revised Code at that time. 1254

(2) The definition of "date of licensure" in this section 1255
applies in determinations of the medicaid reimbursement rate for a 1256
nursing facility or intermediate care facility for the mentally 1257
retarded but does not apply in determinations of the franchise 1258
permit fee for a nursing facility or intermediate care facility 1259
for the mentally retarded. 1260

(G) "Desk-reviewed" means that costs as reported on a cost 1261
report submitted under section 5111.26 of the Revised Code have 1262
been subjected to a desk review under division (A) of section 1263
5111.27 of the Revised Code and preliminarily determined to be 1264
allowable costs. 1265

(H) "Direct care costs" means all of the following: 1266

(1)(a) Costs for registered nurses, licensed practical 1267
nurses, and nurse aides employed by the facility; 1268

(b) Costs for direct care staff, administrative nursing 1269
staff, medical directors, respiratory therapists, and except as 1270
provided in division (H)(2) of this section, other persons holding 1271
degrees qualifying them to provide therapy; 1272

(c) Costs of purchased nursing services; 1273

(d) Costs of quality assurance; 1274

(e) Costs of training and staff development, employee 1275
benefits, payroll taxes, and workers' compensation premiums or 1276
costs for self-insurance claims and related costs as specified in 1277
rules adopted by the director of job and family services in 1278
accordance with Chapter 119. of the Revised Code, for personnel 1279
listed in divisions (H)(1)(a), (b), and (d) of this section; 1280

(f) Costs of consulting and management fees related to direct care;	1281 1282
(g) Allocated direct care home office costs.	1283
(2) In addition to the costs specified in division (H)(1) of this section, for nursing facilities only, direct care costs include costs of habilitation staff (other than habilitation supervisors), medical supplies, oxygen, over-the-counter pharmacy products, behavioral and mental health services, physical therapists, physical therapy assistants, occupational therapists, occupational therapy assistants, speech therapists, audiologists, habilitation supplies, wheelchairs , resident transportation, and universal precautions supplies.	1284 1285 1286 1287 1288 1289 1290 1291 1292
(3) In addition to the costs specified in division (H)(1) of this section, for intermediate care facilities for the mentally retarded only, direct care costs include both of the following:	1293 1294 1295
(a) Costs for physical therapists and physical therapy assistants, occupational therapists and occupational therapy assistants, speech therapists, audiologists, habilitation staff (including habilitation supervisors), qualified mental retardation professionals, program directors, social services staff, activities staff, off-site day programming, psychologists and psychology assistants, and social workers and counselors;	1296 1297 1298 1299 1300 1301 1302
(b) Costs of training and staff development, employee benefits, payroll taxes, and workers' compensation premiums or costs for self-insurance claims and related costs as specified in rules adopted under section 5111.02 of the Revised Code, for personnel listed in division (H)(3)(a) of this section.	1303 1304 1305 1306 1307
(4) Costs of other direct-care resources that are specified as direct care costs in rules adopted under section 5111.02 of the Revised Code.	1308 1309 1310
(I) "Fiscal year" means the fiscal year of this state, as	1311

specified in section 9.34 of the Revised Code.	1312
(J) "Franchise permit fee" means the following:	1313
(1) In the context of nursing facilities, the fee imposed by sections 3721.50 to 3721.58 of the Revised Code;	1314 1315
(2) In the context of intermediate care facilities for the mentally retarded, the fee imposed by sections 5112.30 to 5112.39 of the Revised Code.	1316 1317 1318
(K) "Indirect care costs" means all reasonable costs incurred by an intermediate care facility for the mentally retarded other than direct care costs, other protected costs, or capital costs. "Indirect care costs" includes but is not limited to costs of habilitation supplies, pharmacy consultants, medical and habilitation records, program supplies, incontinence supplies, food, enterals, dietary supplies and personnel, laundry, housekeeping, security, administration, liability insurance, bookkeeping, purchasing department, human resources, communications, travel, dues, license fees, subscriptions, home office costs not otherwise allocated, legal services, accounting services, minor equipment, maintenance and repairs, help-wanted advertising, informational advertising, start-up costs, organizational expenses, other interest, property insurance, employee training and staff development, employee benefits, payroll taxes, and workers' compensation premiums or costs for self-insurance claims and related costs as specified in rules adopted under section 5111.02 of the Revised Code, for personnel listed in this division. Notwithstanding division (C)(1) of this section, "indirect care costs" also means the cost of equipment, including vehicles, acquired by operating lease executed before December 1, 1992, if the costs are reported as administrative and general costs on the facility's cost report for the cost reporting period ending December 31, 1992.	1319 1320 1321 1322 1323 1324 1325 1326 1327 1328 1329 1330 1331 1332 1333 1334 1335 1336 1337 1338 1339 1340 1341 1342

(L) "Inpatient days" means the following:	1343
(1) In the context of a nursing facility, both of the following:	1344
(a) All days during which a resident, regardless of payment source, occupies a bed in a nursing facility that is included in the nursing facility's certified capacity under Title XIX;	1346
(b) Fifty per cent of the days for which payment is made under section 5111.331 of the Revised Code.	1349
(2) In the context of an intermediate care facility for the mentally retarded, both of the following:	1351
(a) All days during which a resident, regardless of payment source, occupies a bed in an intermediate care facility for the mentally retarded that is included in the facility's certified capacity under Title XIX;	1353
(b) All days for which payment is made under section 5111.33 of the Revised Code.	1357
(M) "Intermediate care facility for the mentally retarded" means an intermediate care facility for the mentally retarded certified as in compliance with applicable standards for the medicaid program by the director of health in accordance with Title XIX.	1359
(N) "Maintenance and repair expenses" means, except as provided in division (BB)(2) of this section, expenditures that are necessary and proper to maintain an asset in a normally efficient working condition and that do not extend the useful life of the asset two years or more. "Maintenance and repair expenses" includes but is not limited to the cost of ordinary repairs such as painting and wallpapering.	1364
(O) "Medicaid days" means the following:	1371
(1) In the context of a nursing facility, both of the	1372

following:	1373
(a) All days during which a resident who is a medicaid recipient eligible for nursing facility services occupies a bed in a nursing facility that is included in the nursing facility's certified capacity under Title XIX;	1374 1375 1376 1377
(b) Fifty per cent of the days for which payment is made under section 5111.331 of the Revised Code.	1378 1379
(2) In the context of an intermediate care facility for the mentally retarded, both of the following:	1380 1381
(a) All days during which a resident who is a medicaid recipient eligible for intermediate care facility for the mentally retarded services occupies a bed in an intermediate care facility for the mentally retarded that is included in the facility's certified capacity under Title XIX;	1382 1383 1384 1385 1386
(b) All days for which payment is made under section 5111.33 of the Revised Code.	1387 1388
(P) "Nursing facility" means a facility, or a distinct part of a facility, that is certified as a nursing facility by the director of health in accordance with Title XIX and is not an intermediate care facility for the mentally retarded. "Nursing facility" includes a facility, or a distinct part of a facility, that is certified as a nursing facility by the director of health in accordance with Title XIX and is certified as a skilled nursing facility by the director in accordance with Title XVIII.	1389 1390 1391 1392 1393 1394 1395 1396
(Q) "Operator" means the person or government entity responsible for the daily operating and management decisions for a nursing facility or intermediate care facility for the mentally retarded.	1397 1398 1399 1400
(R) "Other protected costs" means costs incurred by an intermediate care facility for the mentally retarded for medical	1401 1402

supplies; real estate, franchise, and property taxes; natural gas, 1403
fuel oil, water, electricity, sewage, and refuse and hazardous 1404
medical waste collection; allocated other protected home office 1405
costs; and any additional costs defined as other protected costs 1406
in rules adopted under section 5111.02 of the Revised Code. 1407

(S)(1) "Owner" means any person or government entity that has 1408
at least five per cent ownership or interest, either directly, 1409
indirectly, or in any combination, in any of the following 1410
regarding a nursing facility or intermediate care facility for the 1411
mentally retarded: 1412

(a) The land on which the facility is located; 1413

(b) The structure in which the facility is located; 1414

(c) Any mortgage, contract for deed, or other obligation 1415
secured in whole or in part by the land or structure on or in 1416
which the facility is located; 1417

(d) Any lease or sublease of the land or structure on or in 1418
which the facility is located. 1419

(2) "Owner" does not mean a holder of a debenture or bond 1420
related to the nursing facility or intermediate care facility for 1421
the mentally retarded and purchased at public issue or a regulated 1422
lender that has made a loan related to the facility unless the 1423
holder or lender operates the facility directly or through a 1424
subsidiary. 1425

(T) "Patient" includes "resident." 1426

(U) Except as provided in divisions (U)(1) and (2) of this 1427
section, "per diem" means a nursing facility's or intermediate 1428
care facility for the mentally retarded's actual, allowable costs 1429
in a given cost center in a cost reporting period, divided by the 1430
facility's inpatient days for that cost reporting period. 1431

(1) When calculating indirect care costs for the purpose of 1432

establishing rates under section 5111.241 of the Revised Code, 1433
"per diem" means an intermediate care facility for the mentally 1434
retarded's actual, allowable indirect care costs in a cost 1435
reporting period divided by the greater of the facility's 1436
inpatient days for that period or the number of inpatient days the 1437
facility would have had during that period if its occupancy rate 1438
had been eighty-five per cent. 1439

(2) When calculating capital costs for the purpose of 1440
establishing rates under section 5111.251 of the Revised Code, 1441
"per diem" means a facility's actual, allowable capital costs in a 1442
cost reporting period divided by the greater of the facility's 1443
inpatient days for that period or the number of inpatient days the 1444
facility would have had during that period if its occupancy rate 1445
had been ninety-five per cent. 1446

(V) "Provider" means an operator with a provider agreement. 1447

(W) "Provider agreement" means a contract between the 1448
department of job and family services and the operator of a 1449
nursing facility or intermediate care facility for the mentally 1450
retarded for the provision of nursing facility services or 1451
intermediate care facility services for the mentally retarded 1452
under the medicaid program. 1453

(X) "Purchased nursing services" means services that are 1454
provided in a nursing facility by registered nurses, licensed 1455
practical nurses, or nurse aides who are not employees of the 1456
facility. 1457

(Y) "Reasonable" means that a cost is an actual cost that is 1458
appropriate and helpful to develop and maintain the operation of 1459
patient care facilities and activities, including normal standby 1460
costs, and that does not exceed what a prudent buyer pays for a 1461
given item or services. Reasonable costs may vary from provider to 1462
provider and from time to time for the same provider. 1463

(Z) "Related party" means an individual or organization that, 1464
to a significant extent, has common ownership with, is associated 1465
or affiliated with, has control of, or is controlled by, the 1466
provider. 1467

(1) An individual who is a relative of an owner is a related 1468
party. 1469

(2) Common ownership exists when an individual or individuals 1470
possess significant ownership or equity in both the provider and 1471
the other organization. Significant ownership or equity exists 1472
when an individual or individuals possess five per cent ownership 1473
or equity in both the provider and a supplier. Significant 1474
ownership or equity is presumed to exist when an individual or 1475
individuals possess ten per cent ownership or equity in both the 1476
provider and another organization from which the provider 1477
purchases or leases real property. 1478

(3) Control exists when an individual or organization has the 1479
power, directly or indirectly, to significantly influence or 1480
direct the actions or policies of an organization. 1481

(4) An individual or organization that supplies goods or 1482
services to a provider shall not be considered a related party if 1483
all of the following conditions are met: 1484

(a) The supplier is a separate bona fide organization. 1485

(b) A substantial part of the supplier's business activity of 1486
the type carried on with the provider is transacted with others 1487
than the provider and there is an open, competitive market for the 1488
types of goods or services the supplier furnishes. 1489

(c) The types of goods or services are commonly obtained by 1490
other nursing facilities or intermediate care facilities for the 1491
mentally retarded from outside organizations and are not a basic 1492
element of patient care ordinarily furnished directly to patients 1493
by the facilities. 1494

(d) The charge to the provider is in line with the charge for 1495
the goods or services in the open market and no more than the 1496
charge made under comparable circumstances to others by the 1497
supplier. 1498

(AA) "Relative of owner" means an individual who is related 1499
to an owner of a nursing facility or intermediate care facility 1500
for the mentally retarded by one of the following relationships: 1501

(1) Spouse; 1502

(2) Natural parent, child, or sibling; 1503

(3) Adopted parent, child, or sibling; 1504

(4) Stepparent, stepchild, stepbrother, or stepsister; 1505

(5) Father-in-law, mother-in-law, son-in-law, 1506
daughter-in-law, brother-in-law, or sister-in-law; 1507

(6) Grandparent or grandchild; 1508

(7) Foster caregiver, foster child, foster brother, or foster 1509
sister. 1510

(BB) "Renovation" and "extensive renovation" mean: 1511

(1) Any betterment, improvement, or restoration of an 1512
intermediate care facility for the mentally retarded started 1513
before July 1, 1993, that meets the definition of a renovation or 1514
extensive renovation established in rules adopted by the director 1515
of job and family services in effect on December 22, 1992. 1516

(2) In the case of betterments, improvements, and 1517
restorations of intermediate care facilities for the mentally 1518
retarded started on or after July 1, 1993: 1519

(a) "Renovation" means the betterment, improvement, or 1520
restoration of an intermediate care facility for the mentally 1521
retarded beyond its current functional capacity through a 1522
structural change that costs at least five hundred dollars per 1523

bed. A renovation may include betterment, improvement, 1524
restoration, or replacement of assets that are affixed to the 1525
building and have a useful life of at least five years. A 1526
renovation may include costs that otherwise would be considered 1527
maintenance and repair expenses if they are an integral part of 1528
the structural change that makes up the renovation project. 1529
"Renovation" does not mean construction of additional space for 1530
beds that will be added to a facility's licensed or certified 1531
capacity. 1532

(b) "Extensive renovation" means a renovation that costs more 1533
than sixty-five per cent and no more than eighty-five per cent of 1534
the cost of constructing a new bed and that extends the useful 1535
life of the assets for at least ten years. 1536

For the purposes of division (BB)(2) of this section, the 1537
cost of constructing a new bed shall be considered to be forty 1538
thousand dollars, adjusted for the estimated rate of inflation 1539
from January 1, 1993, to the end of the calendar year during which 1540
the renovation is completed, using the consumer price index for 1541
shelter costs for all urban consumers for the north central 1542
region, as published by the United States bureau of labor 1543
statistics. 1544

The department of job and family services may treat a 1545
renovation that costs more than eighty-five per cent of the cost 1546
of constructing new beds as an extensive renovation if the 1547
department determines that the renovation is more prudent than 1548
construction of new beds. 1549

(CC) "Tax costs" means the costs of taxes imposed under 1550
Chapter 5751. of the Revised Code, real estate taxes, personal 1551
property taxes, and corporate franchise taxes. 1552

(DD) "Title XIX" means Title XIX of the "Social Security 1553
Act," 79 Stat. 286 (1965), 42 U.S.C. 1396, as amended. 1554

(EE) "Title XVIII" means Title XVIII of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1395, as amended. 1555
1556

Section 2. That existing sections 4757.41, 4758.01, 4758.02, 1557
4758.10, 4758.20, 4758.21, 4758.22, 4758.23, 4758.24, 4758.26, 1558
4758.27, 4758.30, 4758.40, 4758.41, 4758.42, 4758.43, 4758.44, 1559
4758.45, 4758.51, 4758.55, 4758.56, 4758.59, 4758.61, 4758.70, and 1560
5111.20 and sections 3793.07, 4758.04, 4758.53, and 4758.58 of the 1561
Revised Code are hereby repealed. 1562