

As Introduced

**130th General Assembly
Regular Session
2013-2014**

H. B. No. 232

Representatives Sears, Milkovich

**Cosponsors: Representatives Gonzales, Hackett, Stebelton, Smith,
Johnson, DeVitis, Letson, Ramos, Stinziano, Wachtmann, Cera, Pelanda,
Stautberg**

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A B I L L

To amend sections 1701.03, 1705.03, 1705.04, 1705.53, 1
1785.01, 1785.02, 1785.03, 2152.72, 2305.234, 2
2305.51, 2317.02, 2921.22, 2925.01, 2951.041, 3
3107.014, 3701.046, 3701.74, 3709.161, 3721.21, 4
3793.02, 3923.28, 3923.281, 3923.282, 3923.30, 5
3963.01, 4723.16, 4725.33, 4729.161, 4731.226, 6
4731.65, 4732.28, 4734.17, 4734.41, 4755.471, 7
4757.01, 4757.02, 4757.03, 4757.04, 4757.10, 8
4757.11, 4757.16, 4757.21, 4757.22, 4757.23, 9
4757.26, 4757.27, 4757.28, 4757.29, 4757.30, 10
4757.31, 4757.33, 4757.34, 4757.36, 4757.38, 11
4757.41, 4757.43, 4758.40, 4758.41, 4758.561, 12
4758.59, 4758.61, 4769.01, 5101.61, and 5123.61; 13
to enact sections 4757.13 and 4757.37; and to 14
repeal section 4757.12 of the Revised Code to 15
modify the laws governing professional counselors, 16
social workers, and marriage and family 17
therapists. 18

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

Section 1. That sections 1701.03, 1705.03, 1705.04, 1705.53, 19
1785.01, 1785.02, 1785.03, 2152.72, 2305.234, 2305.51, 2317.02, 20
2921.22, 2925.01, 2951.041, 3107.014, 3701.046, 3701.74, 3709.161, 21
3721.21, 3793.02, 3923.28, 3923.281, 3923.282, 3923.30, 3963.01, 22
4723.16, 4725.33, 4729.161, 4731.226, 4731.65, 4732.28, 4734.17, 23
4734.41, 4755.471, 4757.01, 4757.02, 4757.03, 4757.04, 4757.10, 24
4757.11, 4757.16, 4757.21, 4757.22, 4757.23, 4757.26, 4757.27, 25
4757.28, 4757.29, 4757.30, 4757.31, 4757.33, 4757.34, 4757.36, 26
4757.38, 4757.41, 4757.43, 4758.40, 4758.41, 4758.561, 4758.59, 27
4758.61, 4769.01, 5101.61, and 5123.61 be amended and sections 28
4757.13 and 4757.37 of the Revised Code be enacted to read as 29
follows: 30

Sec. 1701.03. (A) A corporation may be formed under this 31
chapter for any purpose or combination of purposes for which 32
individuals lawfully may associate themselves, except that, if the 33
Revised Code contains special provisions pertaining to the 34
formation of any designated type of corporation other than a 35
professional association, as defined in section 1785.01 of the 36
Revised Code, a corporation of that type shall be formed in 37
accordance with the special provisions. 38

(B) On and after July 1, 1994, a corporation may be formed 39
under this chapter for the purpose of carrying on the practice of 40
any profession, including, but not limited to, a corporation for 41
the purpose of providing public accounting or certified public 42
accounting services, a corporation for the erection, owning, and 43
conducting of a sanitarium for receiving and caring for patients, 44
medical and hygienic treatment of patients, and instruction of 45
nurses in the treatment of disease and in hygiene, a corporation 46
for the purpose of providing architectural, landscape 47
architectural, professional engineering, or surveying services or 48
any combination of those types of services, and a corporation for 49

the purpose of providing a combination of the professional 50
services, as defined in section 1785.01 of the Revised Code, of 51
optometrists authorized under Chapter 4725. of the Revised Code, 52
chiropractors authorized under Chapter 4734. of the Revised Code 53
to practice chiropractic or acupuncture, psychologists authorized 54
under Chapter 4732. of the Revised Code, registered or licensed 55
practical nurses authorized under Chapter 4723. of the Revised 56
Code, pharmacists authorized under Chapter 4729. of the Revised 57
Code, physical therapists authorized under sections 4755.40 to 58
4755.56 of the Revised Code, occupational therapists authorized 59
under sections 4755.04 to 4755.13 of the Revised Code, 60
mechanotherapists authorized under section 4731.151 of the Revised 61
Code, ~~and~~ doctors of medicine and surgery, osteopathic medicine 62
and surgery, or podiatric medicine and surgery authorized under 63
Chapter 4731. of the Revised Code, and licensed professional 64
clinical counselors, licensed professional counselors, independent 65
social workers, social workers, independent marriage and family 66
therapists, or marriage and family therapists authorized under 67
Chapter 4757. of the Revised Code. 68

This chapter does not restrict, limit, or otherwise affect 69
the authority or responsibilities of any agency, board, 70
commission, department, office, or other entity to license, 71
register, and otherwise regulate the professional conduct of 72
individuals or organizations of any kind rendering professional 73
services, as defined in section 1785.01 of the Revised Code, in 74
this state or to regulate the practice of any profession that is 75
within the jurisdiction of the agency, board, commission, 76
department, office, or other entity, notwithstanding that an 77
individual is a director, officer, employee, or other agent of a 78
corporation formed under this chapter and is rendering 79
professional services or engaging in the practice of a profession 80
through a corporation formed under this chapter or that the 81
organization is a corporation formed under this chapter. 82

(C) Nothing in division (A) or (B) of this section precludes 83
the organization of a professional association in accordance with 84
this chapter and Chapter 1785. of the Revised Code or the 85
formation of a limited liability company under Chapter 1705. of 86
the Revised Code with respect to a business, as defined in section 87
1705.01 of the Revised Code. 88

(D) No corporation formed for the purpose of providing a 89
combination of the professional services, as defined in section 90
1785.01 of the Revised Code, of optometrists authorized under 91
Chapter 4725. of the Revised Code, chiropractors authorized under 92
Chapter 4734. of the Revised Code to practice chiropractic or 93
acupuncture, psychologists authorized under Chapter 4732. of the 94
Revised Code, registered or licensed practical nurses authorized 95
under Chapter 4723. of the Revised Code, pharmacists authorized 96
under Chapter 4729. of the Revised Code, physical therapists 97
authorized under sections 4755.40 to 4755.56 of the Revised Code, 98
occupational therapists authorized under sections 4755.04 to 99
4755.13 of the Revised Code, mechanotherapists authorized under 100
section 4731.151 of the Revised Code, ~~and~~ doctors of medicine and 101
surgery, osteopathic medicine and surgery, or podiatric medicine 102
and surgery authorized under Chapter 4731. of the Revised Code, 103
and licensed professional clinical counselors, licensed 104
professional counselors, independent social workers, social 105
workers, independent marriage and family therapists, or marriage 106
and family therapists authorized under Chapter 4757. of the 107
Revised Code shall control the professional clinical judgment 108
exercised within accepted and prevailing standards of practice of 109
a licensed, certificated, or otherwise legally authorized 110
optometrist, chiropractor, chiropractor practicing acupuncture 111
through the state chiropractic board, psychologist, nurse, 112
pharmacist, physical therapist, occupational therapist, 113
mechanotherapist, ~~or~~ doctor of medicine and surgery, osteopathic 114
medicine and surgery, or podiatric medicine and surgery, licensed 115

professional clinical counselor, licensed professional counselor, 116
independent social worker, social worker, independent marriage and 117
family therapist, or marriage and family therapist in rendering 118
care, treatment, or professional advice to an individual patient. 119

This division does not prevent a hospital, as defined in 120
section 3727.01 of the Revised Code, insurer, as defined in 121
section 3999.36 of the Revised Code, or intermediary organization, 122
as defined in section 1751.01 of the Revised Code, from entering 123
into a contract with a corporation described in this division that 124
includes a provision requiring utilization review, quality 125
assurance, peer review, or other performance or quality standards. 126
Those activities shall not be construed as controlling the 127
professional clinical judgment of an individual practitioner 128
listed in this division. 129

Sec. 1705.03. (A) A limited liability company may sue and be 130
sued. 131

(B) Unless otherwise provided in its articles of 132
organization, a limited liability company may take property of any 133
description or any interest in property of any description by 134
gift, devise, or bequest and may make donations for the public 135
welfare or for charitable, scientific, or educational purposes. 136

(C) In carrying out the purposes stated in its articles of 137
organization or operating agreement and subject to limitations 138
prescribed by law or in its articles of organization or its 139
operating agreement, a limited liability company may do all of the 140
following: 141

(1) Purchase or otherwise acquire, lease as lessee or lessor, 142
invest in, hold, use, encumber, sell, exchange, transfer, and 143
dispose of property of any description or any interest in property 144
of any description; 145

(2) Make contracts;	146
(3) Form or acquire the control of other domestic or foreign limited liability companies;	147 148
(4) Be a shareholder, partner, member, associate, or participant in other profit or nonprofit enterprises or ventures;	149 150
(5) Conduct its affairs in this state and elsewhere;	151
(6) Render in this state and elsewhere a professional service, the kinds of professional services authorized under Chapters 4703. and 4733. of the Revised Code, or a combination of the professional services of optometrists authorized under Chapter 4725. of the Revised Code, chiropractors authorized under Chapter 4734. of the Revised Code to practice chiropractic or acupuncture, psychologists authorized under Chapter 4732. of the Revised Code, registered or licensed practical nurses authorized under Chapter 4723. of the Revised Code, pharmacists authorized under Chapter 4729. of the Revised Code, physical therapists authorized under sections 4755.40 to 4755.56 of the Revised Code, occupational therapists authorized under sections 4755.04 to 4755.13 of the Revised Code, mechanotherapists authorized under section 4731.151 of the Revised Code, and doctors of medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery authorized under Chapter 4731. of the Revised Code, <u>and licensed professional clinical counselors, licensed professional counselors, independent social workers, social workers, independent marriage and family therapists, or marriage and family therapists authorized under Chapter 4757. of the Revised Code;</u>	152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171
(7) Borrow money;	172
(8) Issue, sell, and pledge its notes, bonds, and other evidences of indebtedness;	173 174
(9) Secure any of its obligations by mortgage, pledge, or deed of trust of all or any of its property;	175 176

(10) Guarantee or secure obligations of any person;	177
(11) Do all things permitted by law and exercise all authority within or incidental to the purposes stated in its articles of organization.	178 179 180
(D) In addition to the authority conferred by division (C) of this section and irrespective of the purposes stated in its articles of organization or operating agreement but subject to any limitations stated in those articles or its operating agreement, a limited liability company may invest funds not currently needed in its business in any securities if the investment does not cause the company to acquire control of another enterprise whose activities and operations are not incidental to the purposes stated in the articles of organization of the company.	181 182 183 184 185 186 187 188 189
(E)(1) No lack of authority or limitation upon the authority of a limited liability company shall be asserted in any action except as follows:	190 191 192
(a) By the state in an action by it against the company;	193
(b) By or on behalf of the company in an action against a manager, an officer, or any member as a member;	194 195
(c) By a member as a member in an action against the company, a manager, an officer, or any member as a member;	196 197
(d) In an action involving an alleged improper issue of a membership interest in the company.	198 199
(2) Division (E)(1) of this section applies to any action commenced in this state upon any contract made in this state by a foreign limited liability company.	200 201 202
Sec. 1705.04. (A) One or more persons, without regard to residence, domicile, or state of organization, may form a limited liability company. The articles of organization shall be signed and filed with the secretary of state and shall set forth all of	203 204 205 206

the following:	207
(1) The name of the company;	208
(2) Except as provided in division (B) of this section, the period of its duration, which may be perpetual;	209 210
(3) Any other provisions that are from the operating agreement or that are not inconsistent with applicable law and that the members elect to set out in the articles for the regulation of the affairs of the company.	211 212 213 214
The legal existence of the company begins upon the filing of the articles of organization or on a later date specified in the articles of organization that is not more than ninety days after the filing.	215 216 217 218
(B) If the articles of organization or operating agreement do not set forth the period of the duration of the limited liability company, its duration shall be perpetual.	219 220 221
(C) If a limited liability company is formed under this chapter for the purpose of rendering a professional service, the kinds of professional services authorized under Chapters 4703. and 4733. of the Revised Code, or a combination of the professional services of optometrists authorized under Chapter 4725. of the Revised Code, chiropractors authorized under Chapter 4734. of the Revised Code to practice chiropractic or acupuncture, psychologists authorized under Chapter 4732. of the Revised Code, registered or licensed practical nurses authorized under Chapter 4723. of the Revised Code, pharmacists authorized under Chapter 4729. of the Revised Code, physical therapists authorized under sections 4755.40 to 4755.56 of the Revised Code, occupational therapists authorized under sections 4755.04 to 4755.13 of the Revised Code, mechanotherapists authorized under section 4731.151 of the Revised Code, and doctors of medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and	222 223 224 225 226 227 228 229 230 231 232 233 234 235 236 237

surgery authorized under Chapter 4731. of the Revised Code, and 238
licensed professional clinical counselors, licensed professional 239
counselors, independent social workers, social workers, 240
independent marriage and family therapists, or marriage and family 241
therapists authorized under Chapter 4757. of the Revised Code the 242
following apply: 243

(1) Each member, employee, or other agent of the company who 244
renders a professional service in this state and, if the 245
management of the company is not reserved to its members, each 246
manager of the company who renders a professional service in this 247
state shall be licensed, certificated, or otherwise legally 248
authorized to render in this state the same kind of professional 249
service; if applicable, the kinds of professional services 250
authorized under Chapters 4703. and 4733. of the Revised Code; or, 251
if applicable, any of the kinds of professional services of 252
optometrists authorized under Chapter 4725. of the Revised Code, 253
chiropractors authorized under Chapter 4734. of the Revised Code 254
to practice chiropractic or acupuncture, psychologists authorized 255
under Chapter 4732. of the Revised Code, registered or licensed 256
practical nurses authorized under Chapter 4723. of the Revised 257
Code, pharmacists authorized under Chapter 4729. of the Revised 258
Code, physical therapists authorized under sections 4755.40 to 259
4755.56 of the Revised Code, occupational therapists authorized 260
under sections 4755.04 to 4755.13 of the Revised Code, 261
mechanotherapists authorized under section 4731.151 of the Revised 262
Code, ~~or~~ doctors of medicine and surgery, osteopathic medicine and 263
surgery, or podiatric medicine and surgery authorized under 264
Chapter 4731. of the Revised Code, or licensed professional 265
clinical counselors, licensed professional counselors, independent 266
social workers, social workers, independent marriage and family 267
therapists, or marriage and family therapists authorized under 268
Chapter 4757. of the Revised Code. 269

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

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

(E) No limited liability company formed for the purpose of providing a combination of the professional services, as defined in section 1785.01 of the Revised Code, of optometrists authorized under Chapter 4725. of the Revised Code, chiropractors authorized under Chapter 4734. of the Revised Code to practice chiropractic or acupuncture, psychologists authorized under Chapter 4732. of the Revised Code, registered or licensed practical nurses authorized under Chapter 4723. of the Revised Code, pharmacists

authorized under Chapter 4729. of the Revised Code, physical 302
therapists authorized under sections 4755.40 to 4755.56 of the 303
Revised Code, occupational therapists authorized under sections 304
4755.04 to 4755.13 of the Revised Code, mechanotherapists 305
authorized under section 4731.151 of the Revised Code, ~~and~~ doctors 306
of medicine and surgery, osteopathic medicine and surgery, or 307
podiatric medicine and surgery authorized under Chapter 4731. of 308
the Revised Code, and licensed professional clinical counselors, 309
licensed professional counselors, independent social workers, 310
social workers, independent marriage and family therapists, or 311
marriage and family therapists authorized under Chapter 4757. of 312
the Revised Code shall control the professional clinical judgment 313
exercised within accepted and prevailing standards of practice of 314
a licensed, certificated, or otherwise legally authorized 315
optometrist, chiropractor, chiropractor practicing acupuncture 316
through the state chiropractic board, psychologist, nurse, 317
pharmacist, physical therapist, occupational therapist, 318
mechanotherapist, ~~or~~ doctor of medicine and surgery, osteopathic 319
medicine and surgery, or podiatric medicine and surgery, licensed 320
professional clinical counselor, licensed professional counselor, 321
independent social worker, social worker, independent marriage and 322
family therapist, or marriage and family therapist in rendering 323
care, treatment, or professional advice to an individual patient. 324

This division does not prevent a hospital, as defined in 325
section 3727.01 of the Revised Code, insurer, as defined in 326
section 3999.36 of the Revised Code, or intermediary organization, 327
as defined in section 1751.01 of the Revised Code, from entering 328
into a contract with a limited liability company described in this 329
division that includes a provision requiring utilization review, 330
quality assurance, peer review, or other performance or quality 331
standards. Those activities shall not be construed as controlling 332
the professional clinical judgment of an individual practitioner 333
listed in this division. 334

Sec. 1705.53. Subject to any contrary provisions of the Ohio 335
Constitution, the laws of the state under which a foreign limited 336
liability company is organized govern its organization and 337
internal affairs and the liability of its members. A foreign 338
limited liability company may not be denied a certificate of 339
registration as a foreign limited liability company in this state 340
because of any difference between the laws of the state under 341
which it is organized and the laws of this state. However, a 342
foreign limited liability company that applies for registration 343
under this chapter to render a professional service in this state, 344
as a condition to obtaining and maintaining a certificate of 345
registration, shall comply with the requirements of division (C) 346
of section 1705.04 of the Revised Code and shall comply with the 347
requirements of Chapters 4703. and 4733. of the Revised Code if 348
the kinds of professional services authorized under those chapters 349
are to be rendered or with the requirements of Chapters 4723., 350
4725., 4729., 4731., 4732., 4734., ~~and~~ 4755., and 4757. of the 351
Revised Code if a combination of the professional services of 352
optometrists authorized under Chapter 4725. of the Revised Code, 353
chiropractors authorized under Chapter 4734. of the Revised Code 354
to practice chiropractic or acupuncture, psychologists authorized 355
under Chapter 4732. of the Revised Code, registered or licensed 356
practical nurses authorized under Chapter 4723. of the Revised 357
Code, pharmacists authorized under Chapter 4729. of the Revised 358
Code, physical therapists authorized under sections 4755.40 to 359
4755.56 of the Revised Code, occupational therapists authorized 360
under sections 4755.04 to 4755.13 of the Revised Code, 361
mechanotherapists authorized under section 4731.151 of the Revised 362
Code, ~~and~~ doctors of medicine and surgery, osteopathic medicine 363
and surgery, or podiatric medicine and surgery authorized under 364
Chapter 4731. of the Revised Code, and licensed professional 365
clinical counselors, licensed professional counselors, independent 366

social workers, social workers, independent marriage and family 367
therapists, or marriage and family therapists authorized under 368
Chapter 4757. of the Revised Code are to be rendered. 369

Sec. 1785.01. As used in this chapter: 370

(A) "Professional service" means any type of professional 371
service that may be performed only pursuant to a license, 372
certificate, or other legal authorization issued pursuant to 373
Chapter 4701., 4703., 4705., 4715., 4723., 4725., 4729., 4730., 374
4731., 4732., 4733., 4734., ~~or 4741., sections 4755.04 to 4755.13,~~ 375
~~or 4755.40 to 4755.56~~ 4755., or 4757. of the Revised Code to 376
certified public accountants, licensed public accountants, 377
architects, attorneys, dentists, nurses, optometrists, 378
pharmacists, physician assistants, doctors of medicine and 379
surgery, doctors of osteopathic medicine and surgery, doctors of 380
podiatric medicine and surgery, practitioners of the limited 381
branches of medicine specified in section 4731.15 of the Revised 382
Code, mechanotherapists, psychologists, professional engineers, 383
chiropractors, chiropractors practicing acupuncture through the 384
state chiropractic board, veterinarians, ~~occupational therapists,~~ 385
physical therapists, ~~and~~ occupational therapists, licensed 386
professional clinical counselors, licensed professional 387
counselors, independent social workers, social workers, 388
independent marriage and family therapists, and marriage and 389
family therapists. 390

(B) "Professional association" means an association organized 391
under this chapter for the sole purpose of rendering one of the 392
professional services authorized under Chapter 4701., 4703., 393
4705., 4715., 4723., 4725., 4729., 4730., 4731., 4732., 4733., 394
4734., ~~or 4741., sections 4755.04 to 4755.13, or 4755.40 to~~ 395
~~4755.56~~ 4755., or 4757. of the Revised Code, a combination of the 396
professional services authorized under Chapters 4703. and 4733. of 397

the Revised Code, or a combination of the professional services of 398
optometrists authorized under Chapter 4725. of the Revised Code, 399
chiropractors authorized under Chapter 4734. of the Revised Code 400
to practice chiropractic or acupuncture, psychologists authorized 401
under Chapter 4732. of the Revised Code, registered or licensed 402
practical nurses authorized under Chapter 4723. of the Revised 403
Code, pharmacists authorized under Chapter 4729. of the Revised 404
Code, physical therapists authorized under sections 4755.40 to 405
4755.56 of the Revised Code, occupational therapists authorized 406
under sections 4755.04 to 4755.13 of the Revised Code, 407
mechanotherapists authorized under section 4731.151 of the Revised 408
Code, ~~and~~ doctors of medicine and surgery, osteopathic medicine 409
and surgery, or podiatric medicine and surgery authorized under 410
Chapter 4731. of the Revised Code, and licensed professional 411
clinical counselors, licensed professional counselors, independent 412
social workers, social workers, independent marriage and family 413
therapists, or marriage and family therapists authorized under 414
Chapter 4757. of the Revised Code. 415

Sec. 1785.02. An individual or group of individuals each of 416
whom is licensed, certificated, or otherwise legally authorized to 417
render within this state the same kind of professional service, a 418
group of individuals each of whom is licensed, certificated, or 419
otherwise legally authorized to render within this state the 420
professional service authorized under Chapter 4703. or 4733. of 421
the Revised Code, or a group of individuals each of whom is 422
licensed, certificated, or otherwise legally authorized to render 423
within this state the professional service of optometrists 424
authorized under Chapter 4725. of the Revised Code, chiropractors 425
authorized under Chapter 4734. of the Revised Code to practice 426
chiropractic or acupuncture, psychologists authorized under 427
Chapter 4732. of the Revised Code, registered or licensed 428
practical nurses authorized under Chapter 4723. of the Revised 429

Code, pharmacists authorized under Chapter 4729. of the Revised 430
Code, physical therapists authorized under sections 4755.40 to 431
4755.56 of the Revised Code, occupational therapists authorized 432
under sections 4755.04 to 4755.13 of the Revised Code, 433
mechanotherapists authorized under section 4731.151 of the Revised 434
Code, ~~or~~ doctors of medicine and surgery, osteopathic medicine and 435
surgery, or podiatric medicine and surgery authorized under 436
Chapter 4731. of the Revised Code, or licensed professional 437
clinical counselors, licensed professional counselors, independent 438
social workers, social workers, independent marriage and family 439
therapists, or marriage and family therapists authorized under 440
Chapter 4757. of the Revised Code may organize and become a 441
shareholder or shareholders of a professional association. Any 442
group of individuals described in this section who may be 443
rendering one of the professional services as an organization 444
created otherwise than pursuant to this chapter may incorporate 445
under and pursuant to this chapter by amending the agreement 446
establishing the organization in a manner that the agreement as 447
amended constitutes articles of incorporation prepared and filed 448
in the manner prescribed in section 1785.08 of the Revised Code 449
and by otherwise complying with the applicable requirements of 450
this chapter. 451

Sec. 1785.03. A professional association may render a 452
particular professional service only through officers, employees, 453
and agents who are themselves duly licensed, certificated, or 454
otherwise legally authorized to render the professional service 455
within this state. As used in this section, "employee" does not 456
include clerks, bookkeepers, technicians, or other individuals who 457
are not usually and ordinarily considered by custom and practice 458
to be rendering a particular professional service for which a 459
license, certificate, or other legal authorization is required and 460
does not include any other person who performs all of that 461

person's employment under the direct supervision and control of an 462
officer, agent, or employee who renders a particular professional 463
service to the public on behalf of the professional association. 464

No professional association formed for the purpose of 465
providing a combination of the professional services, as defined 466
in section 1785.01 of the Revised Code, of optometrists authorized 467
under Chapter 4725. of the Revised Code, chiropractors authorized 468
under Chapter 4734. of the Revised Code to practice chiropractic 469
or acupuncture, psychologists authorized under Chapter 4732. of 470
the Revised Code, registered or licensed practical nurses 471
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Revised Code, occupational therapists authorized under sections 475
4755.04 to 4755.13 of the Revised Code, mechanotherapists 476
authorized under section 4731.151 of the Revised Code, ~~and~~ doctors 477
of medicine and surgery, osteopathic medicine and surgery, or 478
podiatric medicine and surgery authorized under Chapter 4731. of 479
the Revised Code, and licensed professional clinical counselors, 480
licensed professional counselors, independent social workers, 481
social workers, independent marriage and family therapists, or 482
marriage and family therapists authorized under Chapter 4757. of 483
the Revised Code shall control the professional clinical judgment 484
exercised within accepted and prevailing standards of practice of 485
a licensed, certificated, or otherwise legally authorized 486
optometrist, chiropractor, chiropractor practicing acupuncture 487
through the state chiropractic board, psychologist, nurse, 488
pharmacist, physical therapist, occupational therapist, 489
mechanotherapist, ~~or~~ doctor of medicine and surgery, osteopathic 490
medicine and surgery, or podiatric medicine and surgery, licensed 491
professional clinical counselor, licensed professional counselor, 492
independent social worker, social worker, independent marriage and 493
family therapist, or marriage and family therapist in rendering 494

care, treatment, or professional advice to an individual patient. 495

This division does not prevent a hospital, as defined in 496
section 3727.01 of the Revised Code, insurer, as defined in 497
section 3999.36 of the Revised Code, or intermediary organization, 498
as defined in section 1751.01 of the Revised Code, from entering 499
into a contract with a professional association described in this 500
division that includes a provision requiring utilization review, 501
quality assurance, peer review, or other performance or quality 502
standards. Those activities shall not be construed as controlling 503
the professional clinical judgment of an individual practitioner 504
listed in this division. 505

Sec. 2152.72. (A) This section applies only to a child who is 506
or previously has been adjudicated a delinquent child for an act 507
to which any of the following applies: 508

(1) The act is a violation of section 2903.01, 2903.02, 509
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2907.02, 2907.03, or 510
2907.05 of the Revised Code. 511

(2) The act is a violation of section 2923.01 of the Revised 512
Code and involved an attempt to commit aggravated murder or 513
murder. 514

(3) The act would be a felony if committed by an adult, and 515
the court determined that the child, if an adult, would be guilty 516
of a specification found in section 2941.141, 2941.144, or 517
2941.145 of the Revised Code or in another section of the Revised 518
Code that relates to the possession or use of a firearm during the 519
commission of the act for which the child was adjudicated a 520
delinquent child. 521

(4) The act would be an offense of violence that is a felony 522
if committed by an adult, and the court determined that the child, 523
if an adult, would be guilty of a specification found in section 524

2941.1411 of the Revised Code or in another section of the Revised Code that relates to the wearing or carrying of body armor during the commission of the act for which the child was adjudicated a delinquent child.

(B)(1) Except as provided in division (E) of this section, a public children services agency, private child placing agency, private noncustodial agency, or court, the department of youth services, or another private or government entity shall not place a child in a certified foster home or for adoption until it provides the foster caregivers or prospective adoptive parents with all of the following:

(a) A written report describing the child's social history;

(b) A written report describing all the acts committed by the child the entity knows of that resulted in the child being adjudicated a delinquent child and the disposition made by the court, unless the records pertaining to the acts have been sealed pursuant to section 2151.356 of the Revised Code;

(c) A written report describing any other violent act committed by the child of which the entity is aware;

(d) The substantial and material conclusions and recommendations of any psychiatric or psychological examination conducted on the child or, if no psychological or psychiatric examination of the child is available, the substantial and material conclusions and recommendations of an examination to detect mental and emotional disorders conducted in compliance with the requirements of Chapter 4757. of the Revised Code by an independent social worker, social worker, licensed professional clinical counselor, or licensed professional counselor licensed under that chapter. The entity shall not provide any part of a psychological, psychiatric, or mental and emotional disorder examination to the foster caregivers or prospective adoptive

parents other than the substantial and material conclusions. 556

(2) Notwithstanding sections 2151.356 to 2151.358 of the 557
Revised Code, if records of an adjudication that a child is a 558
delinquent child have been sealed pursuant to those sections and 559
an entity knows the records have been sealed, the entity shall 560
provide the foster caregivers or prospective adoptive parents a 561
written statement that the records of a prior adjudication have 562
been sealed. 563

(C)(1) The entity that places the child in a certified foster 564
home or for adoption shall conduct a psychological examination of 565
the child unless either of the following applies: 566

(a) An entity is not required to conduct the examination if 567
an examination was conducted no more than one year prior to the 568
child's placement, and division (C)(1)(b) of this section does not 569
apply. 570

(b) An entity is not required to conduct the examination if a 571
foster caregiver seeks to adopt the foster caregiver's foster 572
child, and an examination was conducted no more than two years 573
prior to the date the foster caregiver seeks to adopt the child. 574

(2) No later than sixty days after placing the child, the 575
entity shall provide the foster caregiver or prospective adoptive 576
parents a written report detailing the substantial and material 577
conclusions and recommendations of the examination conducted 578
pursuant to this division. 579

(D)(1) Except as provided in divisions (D)(2) and (3) of this 580
section, the expenses of conducting the examinations and preparing 581
the reports and assessment required by division (B) or (C) of this 582
section shall be paid by the entity that places the child in the 583
certified foster home or for adoption. 584

(2) When a juvenile court grants temporary or permanent 585
custody of a child pursuant to any section of the Revised Code, 586

including section 2151.33, 2151.353, 2151.354, or 2152.19 of the Revised Code, to a public children services agency or private child placing agency, the court shall provide the agency the information described in division (B) of this section, pay the expenses of preparing that information, and, if a new examination is required to be conducted, pay the expenses of conducting the examination described in division (C) of this section. On receipt of the information described in division (B) of this section, the agency shall provide to the court written acknowledgment that the agency received the information. The court shall keep the acknowledgment and provide a copy to the agency. On the motion of the agency, the court may terminate the order granting temporary or permanent custody of the child to that agency, if the court does not provide the information described in division (B) of this section.

(3) If one of the following entities is placing a child in a certified foster home or for adoption with the assistance of or by contracting with a public children services agency, private child placing agency, or a private noncustodial agency, the entity shall provide the agency with the information described in division (B) of this section, pay the expenses of preparing that information, and, if a new examination is required to be conducted, pay the expenses of conducting the examination described in division (C) of this section:

(a) The department of youth services if the placement is pursuant to any section of the Revised Code including section 2152.22, 5139.06, 5139.07, 5139.38, or 5139.39 of the Revised Code;

(b) A juvenile court with temporary or permanent custody of a child pursuant to section 2151.354 or 2152.19 of the Revised Code;

(c) A public children services agency or private child placing agency with temporary or permanent custody of the child.

The agency receiving the information described in division 619
(B) of this section shall provide the entity described in ~~division~~ 620
divisions (D)(3)(a) to (c) of this section that sent the 621
information written acknowledgment that the agency received the 622
information and provided it to the foster caregivers or 623
prospective adoptive parents. The entity shall keep the 624
acknowledgment and provide a copy to the agency. An entity that 625
places a child in a certified foster home or for adoption with the 626
assistance of or by contracting with an agency remains responsible 627
to provide the information described in division (B) of this 628
section to the foster caregivers or prospective adoptive parents 629
unless the entity receives written acknowledgment that the agency 630
provided the information. 631

(E) If a child is placed in a certified foster home as a 632
result of an emergency removal of the child from home pursuant to 633
division (D) of section 2151.31 of the Revised Code, an emergency 634
change in the child's case plan pursuant to division (F)(3) of 635
section 2151.412 of the Revised Code, or an emergency placement by 636
the department of youth services pursuant to this chapter or 637
Chapter 5139. of the Revised Code, the entity that places the 638
child in the certified foster home shall provide the information 639
described in division (B) of this section no later than ninety-six 640
hours after the child is placed in the certified foster home. 641

(F) On receipt of the information described in divisions (B) 642
and (C) of this section, the foster caregiver or prospective 643
adoptive parents shall provide to the entity that places the child 644
in the foster caregiver's or prospective adoptive parents' home a 645
written acknowledgment that the foster caregiver or prospective 646
adoptive parents received the information. The entity shall keep 647
the acknowledgment and provide a copy to the foster caregiver or 648
prospective adoptive parents. 649

(G) No person employed by an entity subject to this section 650

and made responsible by that entity for the child's placement in a certified foster home or for adoption shall fail to provide the foster caregivers or prospective adoptive parents with the information required by divisions (B) and (C) of this section.

(H) It is not a violation of any duty of confidentiality provided for in the Revised Code or a code of professional responsibility for a person or government entity to provide the substantial and material conclusions and recommendations of a psychiatric or psychological examination, or an examination to detect mental and emotional disorders, in accordance with division (B)(1)(d) or (C) of this section.

(I) As used in this section:

(1) "Body armor" has the same meaning as in section 2941.1411 of the Revised Code.

(2) "Firearm" has the same meaning as in section 2923.11 of the Revised Code.

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

(1) "Chiropractic claim," "medical claim," and "optometric claim" have the same meanings as in section 2305.113 of the Revised Code.

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

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

(4) "Health care facility or location" means a hospital, clinic, ambulatory surgical facility, office of a health care professional or associated group of health care professionals, training institution for health care professionals, or any other

place where medical, dental, or other health-related diagnosis, 681
care, or treatment is provided to a person. 682

(5) "Health care professional" means any of the following who 683
provide medical, dental, or other health-related diagnosis, care, 684
or treatment: 685

(a) Physicians authorized under Chapter 4731. of the Revised 686
Code to practice medicine and surgery or osteopathic medicine and 687
surgery; 688

(b) Registered nurses and licensed practical nurses licensed 689
under Chapter 4723. of the Revised Code and individuals who hold a 690
certificate of authority issued under that chapter that authorizes 691
the practice of nursing as a certified registered nurse 692
anesthetist, clinical nurse specialist, certified nurse-midwife, 693
or certified nurse practitioner; 694

(c) Physician assistants authorized to practice under Chapter 695
4730. of the Revised Code; 696

(d) Dentists and dental hygienists licensed under Chapter 697
4715. of the Revised Code; 698

(e) Physical therapists, physical therapist assistants, 699
occupational therapists, and occupational therapy assistants 700
licensed under Chapter 4755. of the Revised Code; 701

(f) Chiropractors licensed under Chapter 4734. of the Revised 702
Code; 703

(g) Optometrists licensed under Chapter 4725. of the Revised 704
Code; 705

(h) Podiatrists authorized under Chapter 4731. of the Revised 706
Code to practice podiatry; 707

(i) Dietitians licensed under Chapter 4759. of the Revised 708
Code; 709

(j) Pharmacists licensed under Chapter 4729. of the Revised 710

Code;	711
(k) Emergency medical technicians-basic, emergency medical	712
technicians-intermediate, and emergency medical	713
technicians-paramedic, certified under Chapter 4765. of the	714
Revised Code;	715
(l) Respiratory care professionals licensed under Chapter	716
4761. of the Revised Code;	717
(m) Speech-language pathologists and audiologists licensed	718
under Chapter 4753. of the Revised Code;	719
(n) Professional <u>Licensed professional</u> clinical counselors,	720
<u>licensed</u> professional counselors, independent social workers,	721
social workers, independent marriage and family therapists, and	722
marriage and family therapists, licensed under Chapter 4757. of	723
the Revised Code;	724
(o) Psychologists licensed under Chapter 4732. of the Revised	725
Code;	726
(p) Independent chemical dependency counselors, chemical	727
dependency counselors III, chemical dependency counselors II, and	728
chemical dependency counselors I, licensed under Chapter 4758. of	729
the Revised Code <u>Individuals licensed or certified under Chapter</u>	730
<u>4758. of the Revised Code who are acting within the scope of their</u>	731
<u>license or certificate as members of the profession of chemical</u>	732
<u>dependency counseling or alcohol and other drug prevention</u>	733
<u>services.</u>	734
(6) "Health care worker" means a person other than a health	735
care professional who provides medical, dental, or other	736
health-related care or treatment under the direction of a health	737
care professional with the authority to direct that individual's	738
activities, including medical technicians, medical assistants,	739
dental assistants, orderlies, aides, and individuals acting in	740
similar capacities.	741

(7) "Indigent and uninsured person" means a person who meets 742
all of the following requirements: 743

(a) The person's income is not greater than two hundred per 744
cent of the current poverty line as defined by the United States 745
office of management and budget and revised in accordance with 746
section 673(2) of the "Omnibus Budget Reconciliation Act of 1981," 747
95 Stat. 511, 42 U.S.C. 9902, as amended. 748

(b) The person is not eligible to receive medical assistance 749
under Chapter 5111. of the Revised Code or assistance under any 750
other governmental health care program. 751

(c) Either of the following applies: 752

(i) The person is not a policyholder, certificate holder, 753
insured, contract holder, subscriber, enrollee, member, 754
beneficiary, or other covered individual under a health insurance 755
or health care policy, contract, or plan. 756

(ii) The person is a policyholder, certificate holder, 757
insured, contract holder, subscriber, enrollee, member, 758
beneficiary, or other covered individual under a health insurance 759
or health care policy, contract, or plan, but the insurer, policy, 760
contract, or plan denies coverage or is the subject of insolvency 761
or bankruptcy proceedings in any jurisdiction. 762

(8) "Nonprofit health care referral organization" means an 763
entity that is not operated for profit and refers patients to, or 764
arranges for the provision of, health-related diagnosis, care, or 765
treatment by a health care professional or health care worker. 766

(9) "Operation" means any procedure that involves cutting or 767
otherwise infiltrating human tissue by mechanical means, including 768
surgery, laser surgery, ionizing radiation, therapeutic 769
ultrasound, or the removal of intraocular foreign bodies. 770
"Operation" does not include the administration of medication by 771
injection, unless the injection is administered in conjunction 772

with a procedure infiltrating human tissue by mechanical means 773
other than the administration of medicine by injection. 774
"Operation" does not include routine dental restorative 775
procedures, the scaling of teeth, or extractions of teeth that are 776
not impacted. 777

(10) "Tort action" means a civil action for damages for 778
injury, death, or loss to person or property other than a civil 779
action for damages for a breach of contract or another agreement 780
between persons or government entities. 781

(11) "Volunteer" means an individual who provides any 782
medical, dental, or other health-care related diagnosis, care, or 783
treatment without the expectation of receiving and without receipt 784
of any compensation or other form of remuneration from an indigent 785
and uninsured person, another person on behalf of an indigent and 786
uninsured person, any health care facility or location, any 787
nonprofit health care referral organization, or any other person 788
or government entity. 789

(12) "Community control sanction" has the same meaning as in 790
section 2929.01 of the Revised Code. 791

(13) "Deep sedation" means a drug-induced depression of 792
consciousness during which a patient cannot be easily aroused but 793
responds purposefully following repeated or painful stimulation, a 794
patient's ability to independently maintain ventilatory function 795
may be impaired, a patient may require assistance in maintaining a 796
patent airway and spontaneous ventilation may be inadequate, and 797
cardiovascular function is usually maintained. 798

(14) "General anesthesia" means a drug-induced loss of 799
consciousness during which a patient is not arousable, even by 800
painful stimulation, the ability to independently maintain 801
ventilatory function is often impaired, a patient often requires 802
assistance in maintaining a patent airway, positive pressure 803

ventilation may be required because of depressed spontaneous 804
ventilation or drug-induced depression of neuromuscular function, 805
and cardiovascular function may be impaired. 806

(B)(1) Subject to divisions (F) and (G)(3) of this section, a 807
health care professional who is a volunteer and complies with 808
division (B)(2) of this section is not liable in damages to any 809
person or government entity in a tort or other civil action, 810
including an action on a medical, dental, chiropractic, 811
optometric, or other health-related claim, for injury, death, or 812
loss to person or property that allegedly arises from an action or 813
omission of the volunteer in the provision to an indigent and 814
uninsured person of medical, dental, or other health-related 815
diagnosis, care, or treatment, including the provision of samples 816
of medicine and other medical products, unless the action or 817
omission constitutes willful or wanton misconduct. 818

(2) To qualify for the immunity described in division (B)(1) 819
of this section, a health care professional shall do all of the 820
following prior to providing diagnosis, care, or treatment: 821

(a) Determine, in good faith, that the indigent and uninsured 822
person is mentally capable of giving informed consent to the 823
provision of the diagnosis, care, or treatment and is not subject 824
to duress or under undue influence; 825

(b) Inform the person of the provisions of this section, 826
including notifying the person that, by giving informed consent to 827
the provision of the diagnosis, care, or treatment, the person 828
cannot hold the health care professional liable for damages in a 829
tort or other civil action, including an action on a medical, 830
dental, chiropractic, optometric, or other health-related claim, 831
unless the action or omission of the health care professional 832
constitutes willful or wanton misconduct; 833

(c) Obtain the informed consent of the person and a written 834

waiver, signed by the person or by another individual on behalf of 835
and in the presence of the person, that states that the person is 836
mentally competent to give informed consent and, without being 837
subject to duress or under undue influence, gives informed consent 838
to the provision of the diagnosis, care, or treatment subject to 839
the provisions of this section. A written waiver under division 840
(B)(2)(c) of this section shall state clearly and in conspicuous 841
type that the person or other individual who signs the waiver is 842
signing it with full knowledge that, by giving informed consent to 843
the provision of the diagnosis, care, or treatment, the person 844
cannot bring a tort or other civil action, including an action on 845
a medical, dental, chiropractic, optometric, or other 846
health-related claim, against the health care professional unless 847
the action or omission of the health care professional constitutes 848
willful or wanton misconduct. 849

(3) A physician or podiatrist who is not covered by medical 850
malpractice insurance, but complies with division (B)(2) of this 851
section, is not required to comply with division (A) of section 852
4731.143 of the Revised Code. 853

(C) Subject to divisions (F) and (G)(3) of this section, 854
health care workers who are volunteers are not liable in damages 855
to any person or government entity in a tort or other civil 856
action, including an action upon a medical, dental, chiropractic, 857
optometric, or other health-related claim, for injury, death, or 858
loss to person or property that allegedly arises from an action or 859
omission of the health care worker in the provision to an indigent 860
and uninsured person of medical, dental, or other health-related 861
diagnosis, care, or treatment, unless the action or omission 862
constitutes willful or wanton misconduct. 863

(D) Subject to divisions (F) and (G)(3) of this section, a 864
nonprofit health care referral organization is not liable in 865
damages to any person or government entity in a tort or other 866

civil action, including an action on a medical, dental, 867
chiropractic, optometric, or other health-related claim, for 868
injury, death, or loss to person or property that allegedly arises 869
from an action or omission of the nonprofit health care referral 870
organization in referring indigent and uninsured persons to, or 871
arranging for the provision of, medical, dental, or other 872
health-related diagnosis, care, or treatment by a health care 873
professional described in division (B)(1) of this section or a 874
health care worker described in division (C) of this section, 875
unless the action or omission constitutes willful or wanton 876
misconduct. 877

(E) Subject to divisions (F) and (G)(3) of this section and 878
to the extent that the registration requirements of section 879
3701.071 of the Revised Code apply, a health care facility or 880
location associated with a health care professional described in 881
division (B)(1) of this section, a health care worker described in 882
division (C) of this section, or a nonprofit health care referral 883
organization described in division (D) of this section is not 884
liable in damages to any person or government entity in a tort or 885
other civil action, including an action on a medical, dental, 886
chiropractic, optometric, or other health-related claim, for 887
injury, death, or loss to person or property that allegedly arises 888
from an action or omission of the health care professional or 889
worker or nonprofit health care referral organization relative to 890
the medical, dental, or other health-related diagnosis, care, or 891
treatment provided to an indigent and uninsured person on behalf 892
of or at the health care facility or location, unless the action 893
or omission constitutes willful or wanton misconduct. 894

(F)(1) Except as provided in division (F)(2) of this section, 895
the immunities provided by divisions (B), (C), (D), and (E) of 896
this section are not available to a health care professional, 897
health care worker, nonprofit health care referral organization, 898

or health care facility or location if, at the time of an alleged 899
injury, death, or loss to person or property, the health care 900
professionals or health care workers involved are providing one of 901
the following: 902

(a) Any medical, dental, or other health-related diagnosis, 903
care, or treatment pursuant to a community service work order 904
entered by a court under division (B) of section 2951.02 of the 905
Revised Code or imposed by a court as a community control 906
sanction; 907

(b) Performance of an operation to which any one of the 908
following applies: 909

(i) The operation requires the administration of deep 910
sedation or general anesthesia. 911

(ii) The operation is a procedure that is not typically 912
performed in an office. 913

(iii) The individual involved is a health care professional, 914
and the operation is beyond the scope of practice or the 915
education, training, and competence, as applicable, of the health 916
care professional. 917

(c) Delivery of a baby or any other purposeful termination of 918
a human pregnancy. 919

(2) Division (F)(1) of this section does not apply when a 920
health care professional or health care worker provides medical, 921
dental, or other health-related diagnosis, care, or treatment that 922
is necessary to preserve the life of a person in a medical 923
emergency. 924

(G)(1) This section does not create a new cause of action or 925
substantive legal right against a health care professional, health 926
care worker, nonprofit health care referral organization, or 927
health care facility or location. 928

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

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

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

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

Sec. 2305.51. (A)(1) As used in this section:

(a) "Civil Rights" has the same meaning as in section 5122.301 of the Revised Code.

(b) "Mental health client or patient" means an individual who is receiving mental health services from a mental health professional or organization.

(c) "Mental health organization" means an organization that engages one or more mental health professionals to provide mental

health services to one or more mental health clients or patients. 959

(d) "Mental health professional" means an individual who is 960
licensed, certified, or registered under the Revised Code, or 961
otherwise authorized in this state, to provide mental health 962
services for compensation, remuneration, or other personal gain. 963

(e) "Mental health service" means a service provided to an 964
individual or group of individuals involving the application of 965
medical, psychiatric, psychological, professional counseling, 966
social work, marriage and family therapy, or nursing principles or 967
procedures to either of the following: 968

(i) The assessment, diagnosis, prevention, treatment, or 969
amelioration of mental, emotional, psychiatric, psychological, or 970
psychosocial disorders or diseases, as described in the most 971
recent edition of the diagnostic and statistical manual of mental 972
disorders published by the American psychiatric association; 973

(ii) The assessment or improvement of mental, emotional, 974
psychiatric, psychological, or psychosocial adjustment or 975
functioning, regardless of whether there is a diagnosable, 976
pre-existing disorder or disease. 977

(f) "Knowledgeable person" means an individual who has reason 978
to believe that a mental health client or patient has the intent 979
and ability to carry out an explicit threat of inflicting imminent 980
and serious physical harm to or causing the death of a clearly 981
identifiable potential victim or victims and who is either an 982
immediate family member of the client or patient or an individual 983
who otherwise personally knows the client or patient. 984

(2) For the purpose of this section, in the case of a threat 985
to a readily identifiable structure, "clearly identifiable 986
potential victim" includes any potential occupant of the 987
structure. 988

(B) A mental health professional or mental health 989

organization may be held liable in damages in a civil action, or 990
may be made subject to disciplinary action by an entity with 991
licensing or other regulatory authority over the professional or 992
organization, for serious physical harm or death resulting from 993
failing to predict, warn of, or take precautions to provide 994
protection from the violent behavior of a mental health client or 995
patient, only if the client or patient or a knowledgeable person 996
has communicated to the professional or organization an explicit 997
threat of inflicting imminent and serious physical harm to or 998
causing the death of one or more clearly identifiable potential 999
victims, the professional or organization has reason to believe 1000
that the client or patient has the intent and ability to carry out 1001
the threat, and the professional or organization fails to take one 1002
or more of the following actions in a timely manner: 1003

(1) Exercise any authority the professional or organization 1004
possesses to hospitalize the client or patient on an emergency 1005
basis pursuant to section 5122.10 of the Revised Code; 1006

(2) Exercise any authority the professional or organization 1007
possesses to have the client or patient involuntarily or 1008
voluntarily hospitalized under Chapter 5122. of the Revised Code; 1009

(3) Establish and undertake a documented treatment plan that 1010
is reasonably calculated, according to appropriate standards of 1011
professional practice, to eliminate the possibility that the 1012
client or patient will carry out the threat, and, concurrent with 1013
establishing and undertaking the treatment plan, initiate 1014
arrangements for a second opinion risk assessment through a 1015
management consultation about the treatment plan with, in the case 1016
of a mental health organization, the clinical director of the 1017
organization, or, in the case of a mental health professional who 1018
is not acting as part of a mental health organization, any mental 1019
health professional who is licensed to engage in independent 1020
practice; 1021

(4) Communicate to a law enforcement agency with jurisdiction 1022
in the area where each potential victim resides, where a structure 1023
threatened by a mental health client or patient is located, or 1024
where the mental health client or patient resides, and if 1025
feasible, communicate to each potential victim or a potential 1026
victim's parent or guardian if the potential victim is a minor or 1027
has been adjudicated incompetent, all of the following 1028
information: 1029

(a) The nature of the threat; 1030

(b) The identity of the mental health client or patient 1031
making the threat; 1032

(c) The identity of each potential victim of the threat. 1033

(C) All of the following apply when a mental health 1034
professional or organization takes one or more of the actions set 1035
forth in divisions (B)(1) to (4) of this section: 1036

(1) The mental health professional or organization shall 1037
consider each of the alternatives set forth and shall document the 1038
reasons for choosing or rejecting each alternative. 1039

(2) The mental health professional or organization may give 1040
special consideration to those alternatives which, consistent with 1041
public safety, would least abridge the rights of the mental health 1042
client or patient established under the Revised Code, including 1043
the rights specified in sections 5122.27 to 5122.31 of the Revised 1044
Code. 1045

(3) The mental health professional or organization is not 1046
required to take an action that, in the exercise of reasonable 1047
professional judgment, would physically endanger the professional 1048
or organization, increase the danger to a potential victim, or 1049
increase the danger to the mental health client or patient. 1050

(4) The mental health professional or organization is not 1051

liable in damages in a civil action, and shall not be made subject 1052
to disciplinary action by any entity with licensing or other 1053
regulatory authority over the professional or organization, for 1054
disclosing any confidential information about a mental health 1055
client or patient that is disclosed for the purpose of taking any 1056
of the actions. 1057

(D) The immunities from civil liability and disciplinary 1058
action conferred by this section are in addition to and not in 1059
limitation of any immunity conferred on a mental health 1060
professional or organization by any other section of the Revised 1061
Code or by judicial precedent. 1062

(E) This section does not affect the civil rights of a mental 1063
health client or patient under Ohio or federal law. 1064

Sec. 2317.02. The following persons shall not testify in 1065
certain respects: 1066

(A)(1) An attorney, concerning a communication made to the 1067
attorney by a client in that relation or concerning the attorney's 1068
advice to a client, except that the attorney may testify by 1069
express consent of the client or, if the client is deceased, by 1070
the express consent of the surviving spouse or the executor or 1071
administrator of the estate of the deceased client. However, if 1072
the client voluntarily reveals the substance of attorney-client 1073
communications in a nonprivileged context or is deemed by section 1074
2151.421 of the Revised Code to have waived any testimonial 1075
privilege under this division, the attorney may be compelled to 1076
testify on the same subject. 1077

The testimonial privilege established under this division 1078
does not apply concerning a communication between a client who has 1079
since died and the deceased client's attorney if the communication 1080
is relevant to a dispute between parties who claim through that 1081
deceased client, regardless of whether the claims are by testate 1082

or intestate succession or by inter vivos transaction, and the 1083
dispute addresses the competency of the deceased client when the 1084
deceased client executed a document that is the basis of the 1085
dispute or whether the deceased client was a victim of fraud, 1086
undue influence, or duress when the deceased client executed a 1087
document that is the basis of the dispute. 1088

(2) An attorney, concerning a communication made to the 1089
attorney by a client in that relationship or the attorney's advice 1090
to a client, except that if the client is an insurance company, 1091
the attorney may be compelled to testify, subject to an in camera 1092
inspection by a court, about communications made by the client to 1093
the attorney or by the attorney to the client that are related to 1094
the attorney's aiding or furthering an ongoing or future 1095
commission of bad faith by the client, if the party seeking 1096
disclosure of the communications has made a prima-facie showing of 1097
bad faith, fraud, or criminal misconduct by the client. 1098

(B)(1) A physician or a dentist concerning a communication 1099
made to the physician or dentist by a patient in that relation or 1100
the physician's or dentist's advice to a patient, except as 1101
otherwise provided in this division, division (B)(2), and division 1102
(B)(3) of this section, and except that, if the patient is deemed 1103
by section 2151.421 of the Revised Code to have waived any 1104
testimonial privilege under this division, the physician may be 1105
compelled to testify on the same subject. 1106

The testimonial privilege established under this division 1107
does not apply, and a physician or dentist may testify or may be 1108
compelled to testify, in any of the following circumstances: 1109

(a) In any civil action, in accordance with the discovery 1110
provisions of the Rules of Civil Procedure in connection with a 1111
civil action, or in connection with a claim under Chapter 4123. of 1112
the Revised Code, under any of the following circumstances: 1113

(i) If the patient or the guardian or other legal representative of the patient gives express consent; 1114
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(ii) If the patient is deceased, the spouse of the patient or the executor or administrator of the patient's estate gives express consent; 1116
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(iii) If a medical claim, dental claim, chiropractic claim, or optometric claim, as defined in section 2305.113 of the Revised Code, an action for wrongful death, any other type of civil action, or a claim under Chapter 4123. of the Revised Code is filed by the patient, the personal representative of the estate of the patient if deceased, or the patient's guardian or other legal representative. 1119
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(b) In any civil action concerning court-ordered treatment or services received by a patient, if the court-ordered treatment or services were ordered as part of a case plan journalized under section 2151.412 of the Revised Code or the court-ordered treatment or services are necessary or relevant to dependency, neglect, or abuse or temporary or permanent custody proceedings under Chapter 2151. of the Revised Code. 1126
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(c) In any criminal action concerning any test or the results of any test that determines the presence or concentration of alcohol, a drug of abuse, a combination of them, a controlled substance, or a metabolite of a controlled substance in the patient's whole blood, blood serum or plasma, breath, urine, or other bodily substance at any time relevant to the criminal offense in question. 1133
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(d) In any criminal action against a physician or dentist. In such an action, the testimonial privilege established under this division does not prohibit the admission into evidence, in accordance with the Rules of Evidence, of a patient's medical or dental records or other communications between a patient and the 1140
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physician or dentist that are related to the action and obtained 1145
by subpoena, search warrant, or other lawful means. A court that 1146
permits or compels a physician or dentist to testify in such an 1147
action or permits the introduction into evidence of patient 1148
records or other communications in such an action shall require 1149
that appropriate measures be taken to ensure that the 1150
confidentiality of any patient named or otherwise identified in 1151
the records is maintained. Measures to ensure confidentiality that 1152
may be taken by the court include sealing its records or deleting 1153
specific information from its records. 1154

(e)(i) If the communication was between a patient who has 1155
since died and the deceased patient's physician or dentist, the 1156
communication is relevant to a dispute between parties who claim 1157
through that deceased patient, regardless of whether the claims 1158
are by testate or intestate succession or by inter vivos 1159
transaction, and the dispute addresses the competency of the 1160
deceased patient when the deceased patient executed a document 1161
that is the basis of the dispute or whether the deceased patient 1162
was a victim of fraud, undue influence, or duress when the 1163
deceased patient executed a document that is the basis of the 1164
dispute. 1165

(ii) If neither the spouse of a patient nor the executor or 1166
administrator of that patient's estate gives consent under 1167
division (B)(1)(a)(ii) of this section, testimony or the 1168
disclosure of the patient's medical records by a physician, 1169
dentist, or other health care provider under division (B)(1)(e)(i) 1170
of this section is a permitted use or disclosure of protected 1171
health information, as defined in 45 C.F.R. 160.103, and an 1172
authorization or opportunity to be heard shall not be required. 1173

(iii) Division (B)(1)(e)(i) of this section does not require 1174
a mental health professional to disclose psychotherapy notes, as 1175
defined in 45 C.F.R. 164.501. 1176

(iv) An interested person who objects to testimony or 1177
disclosure under division (B)(1)(e)(i) of this section may seek a 1178
protective order pursuant to Civil Rule 26. 1179

(v) A person to whom protected health information is 1180
disclosed under division (B)(1)(e)(i) of this section shall not 1181
use or disclose the protected health information for any purpose 1182
other than the litigation or proceeding for which the information 1183
was requested and shall return the protected health information to 1184
the covered entity or destroy the protected health information, 1185
including all copies made, at the conclusion of the litigation or 1186
proceeding. 1187

(2)(a) If any law enforcement officer submits a written 1188
statement to a health care provider that states that an official 1189
criminal investigation has begun regarding a specified person or 1190
that a criminal action or proceeding has been commenced against a 1191
specified person, that requests the provider to supply to the 1192
officer copies of any records the provider possesses that pertain 1193
to any test or the results of any test administered to the 1194
specified person to determine the presence or concentration of 1195
alcohol, a drug of abuse, a combination of them, a controlled 1196
substance, or a metabolite of a controlled substance in the 1197
person's whole blood, blood serum or plasma, breath, or urine at 1198
any time relevant to the criminal offense in question, and that 1199
conforms to section 2317.022 of the Revised Code, the provider, 1200
except to the extent specifically prohibited by any law of this 1201
state or of the United States, shall supply to the officer a copy 1202
of any of the requested records the provider possesses. If the 1203
health care provider does not possess any of the requested 1204
records, the provider shall give the officer a written statement 1205
that indicates that the provider does not possess any of the 1206
requested records. 1207

(b) If a health care provider possesses any records of the 1208

type described in division (B)(2)(a) of this section regarding the 1209
person in question at any time relevant to the criminal offense in 1210
question, in lieu of personally testifying as to the results of 1211
the test in question, the custodian of the records may submit a 1212
certified copy of the records, and, upon its submission, the 1213
certified copy is qualified as authentic evidence and may be 1214
admitted as evidence in accordance with the Rules of Evidence. 1215
Division (A) of section 2317.422 of the Revised Code does not 1216
apply to any certified copy of records submitted in accordance 1217
with this division. Nothing in this division shall be construed to 1218
limit the right of any party to call as a witness the person who 1219
administered the test to which the records pertain, the person 1220
under whose supervision the test was administered, the custodian 1221
of the records, the person who made the records, or the person 1222
under whose supervision the records were made. 1223

(3)(a) If the testimonial privilege described in division 1224
(B)(1) of this section does not apply as provided in division 1225
(B)(1)(a)(iii) of this section, a physician or dentist may be 1226
compelled to testify or to submit to discovery under the Rules of 1227
Civil Procedure only as to a communication made to the physician 1228
or dentist by the patient in question in that relation, or the 1229
physician's or dentist's advice to the patient in question, that 1230
related causally or historically to physical or mental injuries 1231
that are relevant to issues in the medical claim, dental claim, 1232
chiropractic claim, or optometric claim, action for wrongful 1233
death, other civil action, or claim under Chapter 4123. of the 1234
Revised Code. 1235

(b) If the testimonial privilege described in division (B)(1) 1236
of this section does not apply to a physician or dentist as 1237
provided in division (B)(1)(c) of this section, the physician or 1238
dentist, in lieu of personally testifying as to the results of the 1239
test in question, may submit a certified copy of those results, 1240

and, upon its submission, the certified copy is qualified as 1241
authentic evidence and may be admitted as evidence in accordance 1242
with the Rules of Evidence. Division (A) of section 2317.422 of 1243
the Revised Code does not apply to any certified copy of results 1244
submitted in accordance with this division. Nothing in this 1245
division shall be construed to limit the right of any party to 1246
call as a witness the person who administered the test in 1247
question, the person under whose supervision the test was 1248
administered, the custodian of the results of the test, the person 1249
who compiled the results, or the person under whose supervision 1250
the results were compiled. 1251

(4) The testimonial privilege described in division (B)(1) of 1252
this section is not waived when a communication is made by a 1253
physician to a pharmacist or when there is communication between a 1254
patient and a pharmacist in furtherance of the physician-patient 1255
relation. 1256

(5)(a) As used in divisions (B)(1) to (4) of this section, 1257
"communication" means acquiring, recording, or transmitting any 1258
information, in any manner, concerning any facts, opinions, or 1259
statements necessary to enable a physician or dentist to diagnose, 1260
treat, prescribe, or act for a patient. A "communication" may 1261
include, but is not limited to, any medical or dental, office, or 1262
hospital communication such as a record, chart, letter, 1263
memorandum, laboratory test and results, x-ray, photograph, 1264
financial statement, diagnosis, or prognosis. 1265

(b) As used in division (B)(2) of this section, "health care 1266
provider" means a hospital, ambulatory care facility, long-term 1267
care facility, pharmacy, emergency facility, or health care 1268
practitioner. 1269

(c) As used in division (B)(5)(b) of this section: 1270

(i) "Ambulatory care facility" means a facility that provides 1271

medical, diagnostic, or surgical treatment to patients who do not 1272
require hospitalization, including a dialysis center, ambulatory 1273
surgical facility, cardiac catheterization facility, diagnostic 1274
imaging center, extracorporeal shock wave lithotripsy center, home 1275
health agency, inpatient hospice, birthing center, radiation 1276
therapy center, emergency facility, and an urgent care center. 1277
"Ambulatory health care facility" does not include the private 1278
office of a physician or dentist, whether the office is for an 1279
individual or group practice. 1280

(ii) "Emergency facility" means a hospital emergency 1281
department or any other facility that provides emergency medical 1282
services. 1283

(iii) "Health care practitioner" has the same meaning as in 1284
section 4769.01 of the Revised Code. 1285

(iv) "Hospital" has the same meaning as in section 3727.01 of 1286
the Revised Code. 1287

(v) "Long-term care facility" means a nursing home, 1288
residential care facility, or home for the aging, as those terms 1289
are defined in section 3721.01 of the Revised Code; a residential 1290
facility licensed under section 5119.22 of the Revised Code that 1291
provides accommodations, supervision, and personal care services 1292
for three to sixteen unrelated adults; a nursing facility or 1293
intermediate care facility for the mentally retarded, as those 1294
terms are defined in section 5111.20 of the Revised Code; a 1295
facility or portion of a facility certified as a skilled nursing 1296
facility under Title XVIII of the "Social Security Act," 49 Stat. 1297
286 (1965), 42 U.S.C.A. 1395, as amended. 1298

(vi) "Pharmacy" has the same meaning as in section 4729.01 of 1299
the Revised Code. 1300

(d) As used in divisions (B)(1) and (2) of this section, 1301
"drug of abuse" has the same meaning as in section 4506.01 of the 1302

Revised Code. 1303

(6) Divisions (B)(1), (2), (3), (4), and (5) of this section 1304
apply to doctors of medicine, doctors of osteopathic medicine, 1305
doctors of podiatry, and dentists. 1306

(7) Nothing in divisions (B)(1) to (6) of this section 1307
affects, or shall be construed as affecting, the immunity from 1308
civil liability conferred by section 307.628 of the Revised Code 1309
or the immunity from civil liability conferred by section 2305.33 1310
of the Revised Code upon physicians who report an employee's use 1311
of a drug of abuse, or a condition of an employee other than one 1312
involving the use of a drug of abuse, to the employer of the 1313
employee in accordance with division (B) of that section. As used 1314
in division (B)(7) of this section, "employee," "employer," and 1315
"physician" have the same meanings as in section 2305.33 of the 1316
Revised Code. 1317

(C)(1) A cleric, when the cleric remains accountable to the 1318
authority of that cleric's church, denomination, or sect, 1319
concerning a confession made, or any information confidentially 1320
communicated, to the cleric for a religious counseling purpose in 1321
the cleric's professional character. The cleric may testify by 1322
express consent of the person making the communication, except 1323
when the disclosure of the information is in violation of a sacred 1324
trust and except that, if the person voluntarily testifies or is 1325
deemed by division (A)(4)(c) of section 2151.421 of the Revised 1326
Code to have waived any testimonial privilege under this division, 1327
the cleric may be compelled to testify on the same subject except 1328
when disclosure of the information is in violation of a sacred 1329
trust. 1330

(2) As used in division (C) of this section: 1331

(a) "Cleric" means a member of the clergy, rabbi, priest, 1332
Christian Science practitioner, or regularly ordained, accredited, 1333

or licensed minister of an established and legally cognizable church, denomination, or sect.

(b) "Sacred trust" means a confession or confidential communication made to a cleric in the cleric's ecclesiastical capacity in the course of discipline enjoined by the church to which the cleric belongs, including, but not limited to, the Catholic Church, if both of the following apply:

(i) The confession or confidential communication was made directly to the cleric.

(ii) The confession or confidential communication was made in the manner and context that places the cleric specifically and strictly under a level of confidentiality that is considered inviolate by canon law or church doctrine.

(D) Husband or wife, concerning any communication made by one to the other, or an act done by either in the presence of the other, during coverture, unless the communication was made, or act done, in the known presence or hearing of a third person competent to be a witness; and such rule is the same if the marital relation has ceased to exist;

(E) A person who assigns a claim or interest, concerning any matter in respect to which the person would not, if a party, be permitted to testify;

(F) A person who, if a party, would be restricted under section 2317.03 of the Revised Code, when the property or thing is sold or transferred by an executor, administrator, guardian, trustee, heir, devisee, or legatee, shall be restricted in the same manner in any action or proceeding concerning the property or thing.

(G)(1) A school guidance counselor who holds a valid educator license from the state board of education as provided for in section 3319.22 of the Revised Code, a person licensed under

Chapter 4757. of the Revised Code as a licensed professional 1365
clinical counselor, licensed professional counselor, social 1366
worker, independent social worker, marriage and family therapist 1367
or independent marriage and family therapist, or registered under 1368
Chapter 4757. of the Revised Code as a social work assistant 1369
concerning a confidential communication received from a client in 1370
that relation or the person's advice to a client unless any of the 1371
following applies: 1372

(a) The communication or advice indicates clear and present 1373
danger to the client or other persons. For the purposes of this 1374
division, cases in which there are indications of present or past 1375
child abuse or neglect of the client constitute a clear and 1376
present danger. 1377

(b) The client gives express consent to the testimony. 1378

(c) If the client is deceased, the surviving spouse or the 1379
executor or administrator of the estate of the deceased client 1380
gives express consent. 1381

(d) The client voluntarily testifies, in which case the 1382
school guidance counselor or person licensed or registered under 1383
Chapter 4757. of the Revised Code may be compelled to testify on 1384
the same subject. 1385

(e) The court in camera determines that the information 1386
communicated by the client is not germane to the counselor-client, 1387
marriage and family therapist-client, or social worker-client 1388
relationship. 1389

(f) A court, in an action brought against a school, its 1390
administration, or any of its personnel by the client, rules after 1391
an in-camera inspection that the testimony of the school guidance 1392
counselor is relevant to that action. 1393

(g) The testimony is sought in a civil action and concerns 1394
court-ordered treatment or services received by a patient as part 1395

of a case plan journalized under section 2151.412 of the Revised Code or the court-ordered treatment or services are necessary or relevant to dependency, neglect, or abuse or temporary or permanent custody proceedings under Chapter 2151. of the Revised Code.

(2) Nothing in division (G)(1) of this section shall relieve a school guidance counselor or a person licensed or registered under Chapter 4757. of the Revised Code from the requirement to report information concerning child abuse or neglect under section 2151.421 of the Revised Code.

(H) A mediator acting under a mediation order issued under division (A) of section 3109.052 of the Revised Code or otherwise issued in any proceeding for divorce, dissolution, legal separation, annulment, or the allocation of parental rights and responsibilities for the care of children, in any action or proceeding, other than a criminal, delinquency, child abuse, child neglect, or dependent child action or proceeding, that is brought by or against either parent who takes part in mediation in accordance with the order and that pertains to the mediation process, to any information discussed or presented in the mediation process, to the allocation of parental rights and responsibilities for the care of the parents' children, or to the awarding of parenting time rights in relation to their children;

(I) A communications assistant, acting within the scope of the communication assistant's authority, when providing telecommunications relay service pursuant to section 4931.06 of the Revised Code or Title II of the "Communications Act of 1934," 104 Stat. 366 (1990), 47 U.S.C. 225, concerning a communication made through a telecommunications relay service. Nothing in this section shall limit the obligation of a communications assistant to divulge information or testify when mandated by federal law or regulation or pursuant to subpoena in a criminal proceeding.

Nothing in this section shall limit any immunity or privilege 1428
granted under federal law or regulation. 1429

(J)(1) A chiropractor in a civil proceeding concerning a 1430
communication made to the chiropractor by a patient in that 1431
relation or the chiropractor's advice to a patient, except as 1432
otherwise provided in this division. The testimonial privilege 1433
established under this division does not apply, and a chiropractor 1434
may testify or may be compelled to testify, in any civil action, 1435
in accordance with the discovery provisions of the Rules of Civil 1436
Procedure in connection with a civil action, or in connection with 1437
a claim under Chapter 4123. of the Revised Code, under any of the 1438
following circumstances: 1439

(a) If the patient or the guardian or other legal 1440
representative of the patient gives express consent. 1441

(b) If the patient is deceased, the spouse of the patient or 1442
the executor or administrator of the patient's estate gives 1443
express consent. 1444

(c) If a medical claim, dental claim, chiropractic claim, or 1445
optometric claim, as defined in section 2305.113 of the Revised 1446
Code, an action for wrongful death, any other type of civil 1447
action, or a claim under Chapter 4123. of the Revised Code is 1448
filed by the patient, the personal representative of the estate of 1449
the patient if deceased, or the patient's guardian or other legal 1450
representative. 1451

(2) If the testimonial privilege described in division (J)(1) 1452
of this section does not apply as provided in division (J)(1)(c) 1453
of this section, a chiropractor may be compelled to testify or to 1454
submit to discovery under the Rules of Civil Procedure only as to 1455
a communication made to the chiropractor by the patient in 1456
question in that relation, or the chiropractor's advice to the 1457
patient in question, that related causally or historically to 1458

physical or mental injuries that are relevant to issues in the 1459
medical claim, dental claim, chiropractic claim, or optometric 1460
claim, action for wrongful death, other civil action, or claim 1461
under Chapter 4123. of the Revised Code. 1462

(3) The testimonial privilege established under this division 1463
does not apply, and a chiropractor may testify or be compelled to 1464
testify, in any criminal action or administrative proceeding. 1465

(4) As used in this division, "communication" means 1466
acquiring, recording, or transmitting any information, in any 1467
manner, concerning any facts, opinions, or statements necessary to 1468
enable a chiropractor to diagnose, treat, or act for a patient. A 1469
communication may include, but is not limited to, any 1470
chiropractic, office, or hospital communication such as a record, 1471
chart, letter, memorandum, laboratory test and results, x-ray, 1472
photograph, financial statement, diagnosis, or prognosis. 1473

(K)(1) Except as provided under division (K)(2) of this 1474
section, a critical incident stress management team member 1475
concerning a communication received from an individual who 1476
receives crisis response services from the team member, or the 1477
team member's advice to the individual, during a debriefing 1478
session. 1479

(2) The testimonial privilege established under division 1480
(K)(1) of this section does not apply if any of the following are 1481
true: 1482

(a) The communication or advice indicates clear and present 1483
danger to the individual who receives crisis response services or 1484
to other persons. For purposes of this division, cases in which 1485
there are indications of present or past child abuse or neglect of 1486
the individual constitute a clear and present danger. 1487

(b) The individual who received crisis response services 1488
gives express consent to the testimony. 1489

(c) If the individual who received crisis response services 1490
is deceased, the surviving spouse or the executor or administrator 1491
of the estate of the deceased individual gives express consent. 1492

(d) The individual who received crisis response services 1493
voluntarily testifies, in which case the team member may be 1494
compelled to testify on the same subject. 1495

(e) The court in camera determines that the information 1496
communicated by the individual who received crisis response 1497
services is not germane to the relationship between the individual 1498
and the team member. 1499

(f) The communication or advice pertains or is related to any 1500
criminal act. 1501

(3) As used in division (K) of this section: 1502

(a) "Crisis response services" means consultation, risk 1503
assessment, referral, and on-site crisis intervention services 1504
provided by a critical incident stress management team to 1505
individuals affected by crisis or disaster. 1506

(b) "Critical incident stress management team member" or 1507
"team member" means an individual specially trained to provide 1508
crisis response services as a member of an organized community or 1509
local crisis response team that holds membership in the Ohio 1510
critical incident stress management network. 1511

(c) "Debriefing session" means a session at which crisis 1512
response services are rendered by a critical incident stress 1513
management team member during or after a crisis or disaster. 1514

(L)(1) Subject to division (L)(2) of this section and except 1515
as provided in division (L)(3) of this section, an employee 1516
assistance professional, concerning a communication made to the 1517
employee assistance professional by a client in the employee 1518
assistance professional's official capacity as an employee 1519

assistance professional.	1520
(2) Division (L)(1) of this section applies to an employee assistance professional who meets either or both of the following requirements:	1521 1522 1523
(a) Is certified by the employee assistance certification commission to engage in the employee assistance profession;	1524 1525
(b) Has education, training, and experience in all of the following:	1526 1527
(i) Providing workplace-based services designed to address employer and employee productivity issues;	1528 1529
(ii) Providing assistance to employees and employees' dependents in identifying and finding the means to resolve personal problems that affect the employees or the employees' performance;	1530 1531 1532 1533
(iii) Identifying and resolving productivity problems associated with an employee's concerns about any of the following matters: health, marriage, family, finances, substance abuse or other addiction, workplace, law, and emotional issues;	1534 1535 1536 1537
(iv) Selecting and evaluating available community resources;	1538
(v) Making appropriate referrals;	1539
(vi) Local and national employee assistance agreements;	1540
(vii) Client confidentiality.	1541
(3) Division (L)(1) of this section does not apply to any of the following:	1542 1543
(a) A criminal action or proceeding involving an offense under sections 2903.01 to 2903.06 of the Revised Code if the employee assistance professional's disclosure or testimony relates directly to the facts or immediate circumstances of the offense;	1544 1545 1546 1547
(b) A communication made by a client to an employee	1548

assistance professional that reveals the contemplation or 1549
commission of a crime or serious, harmful act; 1550

(c) A communication that is made by a client who is an 1551
unemancipated minor or an adult adjudicated to be incompetent and 1552
indicates that the client was the victim of a crime or abuse; 1553

(d) A civil proceeding to determine an individual's mental 1554
competency or a criminal action in which a plea of not guilty by 1555
reason of insanity is entered; 1556

(e) A civil or criminal malpractice action brought against 1557
the employee assistance professional; 1558

(f) When the employee assistance professional has the express 1559
consent of the client or, if the client is deceased or disabled, 1560
the client's legal representative; 1561

(g) When the testimonial privilege otherwise provided by 1562
division (L)(1) of this section is abrogated under law. 1563

Sec. 2921.22. (A)(1) Except as provided in division (A)(2) of 1564
this section, no person, knowing that a felony has been or is 1565
being committed, shall knowingly fail to report such information 1566
to law enforcement authorities. 1567

(2) No person, knowing that a violation of division (B) of 1568
section 2913.04 of the Revised Code has been, or is being 1569
committed or that the person has received information derived from 1570
such a violation, shall knowingly fail to report the violation to 1571
law enforcement authorities. 1572

(B) Except for conditions that are within the scope of 1573
division (E) of this section, no physician, limited practitioner, 1574
nurse, or other person giving aid to a sick or injured person 1575
shall negligently fail to report to law enforcement authorities 1576
any gunshot or stab wound treated or observed by the physician, 1577
limited practitioner, nurse, or person, or any serious physical 1578

harm to persons that the physician, limited practitioner, nurse,
or person knows or has reasonable cause to believe resulted from
an offense of violence.

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

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

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

(a) Second or third degree burns;

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

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

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

(2) No physician, nurse, or limited practitioner who, outside
a hospital, sanitarium, or other medical facility, attends or
treats a person who has sustained a burn injury that is inflicted

by an explosion or other incendiary device or that shows evidence 1609
of having been inflicted in a violent, malicious, or criminal 1610
manner shall fail to report the burn injury immediately to the 1611
local arson, or fire and explosion investigation, bureau, if there 1612
is a bureau of this type in the jurisdiction in which the person 1613
is attended or treated, or otherwise to local law enforcement 1614
authorities. 1615

(3) No manager, superintendent, or other person in charge of 1616
a hospital, sanitarium, or other medical facility in which a 1617
person is attended or treated for any burn injury that is 1618
inflicted by an explosion or other incendiary device or that shows 1619
evidence of having been inflicted in a violent, malicious, or 1620
criminal manner shall fail to report the burn injury immediately 1621
to the local arson, or fire and explosion investigation, bureau, 1622
if there is a bureau of this type in the jurisdiction in which the 1623
person is attended or treated, or otherwise to local law 1624
enforcement authorities. 1625

(4) No person who is required to report any burn injury under 1626
division (E)(2) or (3) of this section shall fail to file, within 1627
three working days after attending or treating the victim, a 1628
written report of the burn injury with the office of the state 1629
fire marshal. The report shall comply with the uniform standard 1630
developed by the state fire marshal pursuant to division (A)(15) 1631
of section 3737.22 of the Revised Code. 1632

(5) Anyone participating in the making of reports under 1633
division (E) of this section or anyone participating in a judicial 1634
proceeding resulting from the reports is immune from any civil or 1635
criminal liability that otherwise might be incurred or imposed as 1636
a result of such actions. Notwithstanding section 4731.22 of the 1637
Revised Code, the physician-patient relationship is not a ground 1638
for excluding evidence regarding a person's burn injury or the 1639
cause of the burn injury in any judicial proceeding resulting from 1640

a report submitted under division (E) of this section. 1641

(F)(1) Any doctor of medicine or osteopathic medicine, 1642
hospital intern or resident, registered or licensed practical 1643
nurse, psychologist, social worker, independent social worker, 1644
social work assistant, licensed professional clinical counselor, 1645
~~or licensed~~ professional counselor, marriage and family therapist, 1646
or independent marriage and family therapist who knows or has 1647
reasonable cause to believe that a patient or client has been the 1648
victim of domestic violence, as defined in section 3113.31 of the 1649
Revised Code, shall note that knowledge or belief and the basis 1650
for it in the patient's or client's records. 1651

(2) Notwithstanding section 4731.22 of the Revised Code, the 1652
doctor-patient privilege shall not be a ground for excluding any 1653
information regarding the report containing the knowledge or 1654
belief noted under division (F)(1) of this section, and the 1655
information may be admitted as evidence in accordance with the 1656
Rules of Evidence. 1657

(G) Divisions (A) and (D) of this section do not require 1658
disclosure of information, when any of the following applies: 1659

(1) The information is privileged by reason of the 1660
relationship between attorney and client; doctor and patient; 1661
licensed psychologist or licensed school psychologist and client; 1662
licensed professional clinical counselor, licensed professional 1663
counselor, independent social worker, social worker, independent 1664
marriage and family therapist, or marriage and family therapist 1665
and client; member of the clergy, rabbi, minister, or priest and 1666
any person communicating information confidentially to the member 1667
of the clergy, rabbi, minister, or priest for a religious 1668
counseling purpose of a professional character; husband and wife; 1669
or a communications assistant and those who are a party to a 1670
telecommunications relay service call. 1671

(2) The information would tend to incriminate a member of the actor's immediate family. 1672
1673

(3) Disclosure of the information would amount to revealing a news source, privileged under section 2739.04 or 2739.12 of the Revised Code. 1674
1675
1676

(4) Disclosure of the information would amount to disclosure by a member of the ordained clergy of an organized religious body of a confidential communication made to that member of the clergy in that member's capacity as a member of the clergy by a person seeking the aid or counsel of that member of the clergy. 1677
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(5) Disclosure would amount to revealing information acquired by the actor in the course of the actor's duties in connection with a bona fide program of treatment or services for drug dependent persons or persons in danger of drug dependence, which program is maintained or conducted by a hospital, clinic, person, agency, or organization certified pursuant to section 3793.06 of the Revised Code. 1682
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(6) Disclosure would amount to revealing information acquired by the actor in the course of the actor's duties in connection with a bona fide program for providing counseling services to victims of crimes that are violations of section 2907.02 or 2907.05 of the Revised Code or to victims of felonious sexual penetration in violation of former section 2907.12 of the Revised Code. As used in this division, "counseling services" include services provided in an informal setting by a person who, by education or experience, is competent to provide those services. 1689
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(H) No disclosure of information pursuant to this section gives rise to any liability or recrimination for a breach of privilege or confidence. 1698
1699
1700

(I) Whoever violates division (A) or (B) of this section is guilty of failure to report a crime. Violation of division (A)(1) 1701
1702

of this section is a misdemeanor of the fourth degree. Violation 1703
of division (A)(2) or (B) of this section is a misdemeanor of the 1704
second degree. 1705

(J) Whoever violates division (C) or (D) of this section is 1706
guilty of failure to report knowledge of a death, a misdemeanor of 1707
the fourth degree. 1708

(K)(1) Whoever negligently violates division (E) of this 1709
section is guilty of a minor misdemeanor. 1710

(2) Whoever knowingly violates division (E) of this section 1711
is guilty of a misdemeanor of the second degree. 1712

Sec. 2925.01. As used in this chapter: 1713

(A) "Administer," "controlled substance," "controlled 1714
substance analog," "dispense," "distribute," "hypodermic," 1715
"manufacturer," "official written order," "person," "pharmacist," 1716
"pharmacy," "sale," "schedule I," "schedule II," "schedule III," 1717
"schedule IV," "schedule V," and "wholesaler" have the same 1718
meanings as in section 3719.01 of the Revised Code. 1719

(B) "Drug dependent person" and "drug of abuse" have the same 1720
meanings as in section 3719.011 of the Revised Code. 1721

(C) "Drug," "dangerous drug," "licensed health professional 1722
authorized to prescribe drugs," and "prescription" have the same 1723
meanings as in section 4729.01 of the Revised Code. 1724

(D) "Bulk amount" of a controlled substance means any of the 1725
following: 1726

(1) For any compound, mixture, preparation, or substance 1727
included in schedule I, schedule II, or schedule III, with the 1728
exception of controlled substance analogs, marihuana, cocaine, 1729
L.S.D., heroin, and hashish and except as provided in division 1730
(D)(2) or (5) of this section, whichever of the following is 1731
applicable: 1732

(a) An amount equal to or exceeding ten grams or twenty-five 1733
unit doses of a compound, mixture, preparation, or substance that 1734
is or contains any amount of a schedule I opiate or opium 1735
derivative; 1736

(b) An amount equal to or exceeding ten grams of a compound, 1737
mixture, preparation, or substance that is or contains any amount 1738
of raw or gum opium; 1739

(c) An amount equal to or exceeding thirty grams or ten unit 1740
doses of a compound, mixture, preparation, or substance that is or 1741
contains any amount of a schedule I hallucinogen other than 1742
tetrahydrocannabinol or lysergic acid amide, or a schedule I 1743
stimulant or depressant; 1744

(d) An amount equal to or exceeding twenty grams or five 1745
times the maximum daily dose in the usual dose range specified in 1746
a standard pharmaceutical reference manual of a compound, mixture, 1747
preparation, or substance that is or contains any amount of a 1748
schedule II opiate or opium derivative; 1749

(e) An amount equal to or exceeding five grams or ten unit 1750
doses of a compound, mixture, preparation, or substance that is or 1751
contains any amount of phencyclidine; 1752

(f) An amount equal to or exceeding one hundred twenty grams 1753
or thirty times the maximum daily dose in the usual dose range 1754
specified in a standard pharmaceutical reference manual of a 1755
compound, mixture, preparation, or substance that is or contains 1756
any amount of a schedule II stimulant that is in a final dosage 1757
form manufactured by a person authorized by the "Federal Food, 1758
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as 1759
amended, and the federal drug abuse control laws, as defined in 1760
section 3719.01 of the Revised Code, that is or contains any 1761
amount of a schedule II depressant substance or a schedule II 1762
hallucinogenic substance; 1763

(g) An amount equal to or exceeding three grams of a 1764
compound, mixture, preparation, or substance that is or contains 1765
any amount of a schedule II stimulant, or any of its salts or 1766
isomers, that is not in a final dosage form manufactured by a 1767
person authorized by the Federal Food, Drug, and Cosmetic Act and 1768
the federal drug abuse control laws. 1769

(2) An amount equal to or exceeding one hundred twenty grams 1770
or thirty times the maximum daily dose in the usual dose range 1771
specified in a standard pharmaceutical reference manual of a 1772
compound, mixture, preparation, or substance that is or contains 1773
any amount of a schedule III or IV substance other than an 1774
anabolic steroid or a schedule III opiate or opium derivative; 1775

(3) An amount equal to or exceeding twenty grams or five 1776
times the maximum daily dose in the usual dose range specified in 1777
a standard pharmaceutical reference manual of a compound, mixture, 1778
preparation, or substance that is or contains any amount of a 1779
schedule III opiate or opium derivative; 1780

(4) An amount equal to or exceeding two hundred fifty 1781
milliliters or two hundred fifty grams of a compound, mixture, 1782
preparation, or substance that is or contains any amount of a 1783
schedule V substance; 1784

(5) An amount equal to or exceeding two hundred solid dosage 1785
units, sixteen grams, or sixteen milliliters of a compound, 1786
mixture, preparation, or substance that is or contains any amount 1787
of a schedule III anabolic steroid. 1788

(E) "Unit dose" means an amount or unit of a compound, 1789
mixture, or preparation containing a controlled substance that is 1790
separately identifiable and in a form that indicates that it is 1791
the amount or unit by which the controlled substance is separately 1792
administered to or taken by an individual. 1793

(F) "Cultivate" includes planting, watering, fertilizing, or 1794

tilling.	1795
(G) "Drug abuse offense" means any of the following:	1796
(1) A violation of division (A) of section 2913.02 that	1797
constitutes theft of drugs, or a violation of section 2925.02,	1798
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12,	1799
2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, or	1800
2925.37 of the Revised Code;	1801
(2) A violation of an existing or former law of this or any	1802
other state or of the United States that is substantially	1803
equivalent to any section listed in division (G)(1) of this	1804
section;	1805
(3) An offense under an existing or former law of this or any	1806
other state, or of the United States, of which planting,	1807
cultivating, harvesting, processing, making, manufacturing,	1808
producing, shipping, transporting, delivering, acquiring,	1809
possessing, storing, distributing, dispensing, selling, inducing	1810
another to use, administering to another, using, or otherwise	1811
dealing with a controlled substance is an element;	1812
(4) A conspiracy to commit, attempt to commit, or complicity	1813
in committing or attempting to commit any offense under division	1814
(G)(1), (2), or (3) of this section.	1815
(H) "Felony drug abuse offense" means any drug abuse offense	1816
that would constitute a felony under the laws of this state, any	1817
other state, or the United States.	1818
(I) "Harmful intoxicant" does not include beer or	1819
intoxicating liquor but means any of the following:	1820
(1) Any compound, mixture, preparation, or substance the gas,	1821
fumes, or vapor of which when inhaled can induce intoxication,	1822
excitement, giddiness, irrational behavior, depression,	1823
stupefaction, paralysis, unconsciousness, asphyxiation, or other	1824

harmful physiological effects, and includes, but is not limited	1825
to, any of the following:	1826
(a) Any volatile organic solvent, plastic cement, model	1827
cement, fingernail polish remover, lacquer thinner, cleaning	1828
fluid, gasoline, or other preparation containing a volatile	1829
organic solvent;	1830
(b) Any aerosol propellant;	1831
(c) Any fluorocarbon refrigerant;	1832
(d) Any anesthetic gas.	1833
(2) Gamma Butyrolactone;	1834
(3) 1,4 Butanediol.	1835
(J) "Manufacture" means to plant, cultivate, harvest,	1836
process, make, prepare, or otherwise engage in any part of the	1837
production of a drug, by propagation, extraction, chemical	1838
synthesis, or compounding, or any combination of the same, and	1839
includes packaging, repackaging, labeling, and other activities	1840
incident to production.	1841
(K) "Possess" or "possession" means having control over a	1842
thing or substance, but may not be inferred solely from mere	1843
access to the thing or substance through ownership or occupation	1844
of the premises upon which the thing or substance is found.	1845
(L) "Sample drug" means a drug or pharmaceutical preparation	1846
that would be hazardous to health or safety if used without the	1847
supervision of a licensed health professional authorized to	1848
prescribe drugs, or a drug of abuse, and that, at one time, had	1849
been placed in a container plainly marked as a sample by a	1850
manufacturer.	1851
(M) "Standard pharmaceutical reference manual" means the	1852
current edition, with cumulative changes if any, of references	1853
that are approved by the state board of pharmacy.	1854

(N) "Juvenile" means a person under eighteen years of age.	1855
(O) "Counterfeit controlled substance" means any of the following:	1856 1857
(1) Any drug that bears, or whose container or label bears, a trademark, trade name, or other identifying mark used without authorization of the owner of rights to that trademark, trade name, or identifying mark;	1858 1859 1860 1861
(2) Any unmarked or unlabeled substance that is represented to be a controlled substance manufactured, processed, packed, or distributed by a person other than the person that manufactured, processed, packed, or distributed it;	1862 1863 1864 1865
(3) Any substance that is represented to be a controlled substance but is not a controlled substance or is a different controlled substance;	1866 1867 1868
(4) Any substance other than a controlled substance that a reasonable person would believe to be a controlled substance because of its similarity in shape, size, and color, or its markings, labeling, packaging, distribution, or the price for which it is sold or offered for sale.	1869 1870 1871 1872 1873
(P) An offense is "committed in the vicinity of a school" if the offender commits the offense on school premises, in a school building, or within one thousand feet of the boundaries of any school premises, regardless of whether the offender knows the offense is being committed on school premises, in a school building, or within one thousand feet of the boundaries of any school premises.	1874 1875 1876 1877 1878 1879 1880
(Q) "School" means any school operated by a board of education, any community school established under Chapter 3314. of the Revised Code, or any nonpublic school for which the state board of education prescribes minimum standards under section 3301.07 of the Revised Code, whether or not any instruction,	1881 1882 1883 1884 1885

extracurricular activities, or training provided by the school is 1886
being conducted at the time a criminal offense is committed. 1887

(R) "School premises" means either of the following: 1888

(1) The parcel of real property on which any school is 1889
situated, whether or not any instruction, extracurricular 1890
activities, or training provided by the school is being conducted 1891
on the premises at the time a criminal offense is committed; 1892

(2) Any other parcel of real property that is owned or leased 1893
by a board of education of a school, the governing authority of a 1894
community school established under Chapter 3314. of the Revised 1895
Code, or the governing body of a nonpublic school for which the 1896
state board of education prescribes minimum standards under 1897
section 3301.07 of the Revised Code and on which some of the 1898
instruction, extracurricular activities, or training of the school 1899
is conducted, whether or not any instruction, extracurricular 1900
activities, or training provided by the school is being conducted 1901
on the parcel of real property at the time a criminal offense is 1902
committed. 1903

(S) "School building" means any building in which any of the 1904
instruction, extracurricular activities, or training provided by a 1905
school is conducted, whether or not any instruction, 1906
extracurricular activities, or training provided by the school is 1907
being conducted in the school building at the time a criminal 1908
offense is committed. 1909

(T) "Disciplinary counsel" means the disciplinary counsel 1910
appointed by the board of commissioners on grievances and 1911
discipline of the supreme court under the Rules for the Government 1912
of the Bar of Ohio. 1913

(U) "Certified grievance committee" means a duly constituted 1914
and organized committee of the Ohio state bar association or of 1915
one or more local bar associations of the state of Ohio that 1916

complies with the criteria set forth in Rule V, section 6 of the Rules for the Government of the Bar of Ohio.

(V) "Professional license" means any license, permit, certificate, registration, qualification, admission, temporary license, temporary permit, temporary certificate, or temporary registration that is described in divisions (W)(1) to (36) of this section and that qualifies a person as a professionally licensed person.

(W) "Professionally licensed person" means any of the following:

(1) A person who has obtained a license as a manufacturer of controlled substances or a wholesaler of controlled substances under Chapter 3719. of the Revised Code;

(2) A person who has received a certificate or temporary certificate as a certified public accountant or who has registered as a public accountant under Chapter 4701. of the Revised Code and who holds an Ohio permit issued under that chapter;

(3) A person who holds a certificate of qualification to practice architecture issued or renewed and registered under Chapter 4703. of the Revised Code;

(4) A person who is registered as a landscape architect under Chapter 4703. of the Revised Code or who holds a permit as a landscape architect issued under that chapter;

(5) A person licensed under Chapter 4707. of the Revised Code;

(6) A person who has been issued a certificate of registration as a registered barber under Chapter 4709. of the Revised Code;

(7) A person licensed and regulated to engage in the business of a debt pooling company by a legislative authority, under

authority of Chapter 4710. of the Revised Code;	1947
(8) A person who has been issued a cosmetologist's license,	1948
hair designer's license, manicurist's license, esthetician's	1949
license, natural hair stylist's license, managing cosmetologist's	1950
license, managing hair designer's license, managing manicurist's	1951
license, managing esthetician's license, managing natural hair	1952
stylist's license, cosmetology instructor's license, hair design	1953
instructor's license, manicurist instructor's license, esthetics	1954
instructor's license, natural hair style instructor's license,	1955
independent contractor's license, or tanning facility permit under	1956
Chapter 4713. of the Revised Code;	1957
(9) A person who has been issued a license to practice	1958
dentistry, a general anesthesia permit, a conscious intravenous	1959
sedation permit, a limited resident's license, a limited teaching	1960
license, a dental hygienist's license, or a dental hygienist's	1961
teacher's certificate under Chapter 4715. of the Revised Code;	1962
(10) A person who has been issued an embalmer's license, a	1963
funeral director's license, a funeral home license, or a crematory	1964
license, or who has been registered for an embalmer's or funeral	1965
director's apprenticeship under Chapter 4717. of the Revised Code;	1966
(11) A person who has been licensed as a registered nurse or	1967
practical nurse, or who has been issued a certificate for the	1968
practice of nurse-midwifery under Chapter 4723. of the Revised	1969
Code;	1970
(12) A person who has been licensed to practice optometry or	1971
to engage in optical dispensing under Chapter 4725. of the Revised	1972
Code;	1973
(13) A person licensed to act as a pawnbroker under Chapter	1974
4727. of the Revised Code;	1975
(14) A person licensed to act as a precious metals dealer	1976
under Chapter 4728. of the Revised Code;	1977

(15) A person licensed as a pharmacist, a pharmacy intern, a wholesale distributor of dangerous drugs, or a terminal distributor of dangerous drugs under Chapter 4729. of the Revised Code;	1978 1979 1980 1981
(16) A person who is authorized to practice as a physician assistant under Chapter 4730. of the Revised Code;	1982 1983
(17) A person who has been issued a certificate to practice medicine and surgery, osteopathic medicine and surgery, a limited branch of medicine, or podiatry under Chapter 4731. of the Revised Code;	1984 1985 1986 1987
(18) A person licensed as a psychologist or school psychologist under Chapter 4732. of the Revised Code;	1988 1989
(19) A person registered to practice the profession of engineering or surveying under Chapter 4733. of the Revised Code;	1990 1991
(20) A person who has been issued a license to practice chiropractic under Chapter 4734. of the Revised Code;	1992 1993
(21) A person licensed to act as a real estate broker or real estate salesperson under Chapter 4735. of the Revised Code;	1994 1995
(22) A person registered as a registered sanitarian under Chapter 4736. of the Revised Code;	1996 1997
(23) A person licensed to operate or maintain a junkyard under Chapter 4737. of the Revised Code;	1998 1999
(24) A person who has been issued a motor vehicle salvage dealer's license under Chapter 4738. of the Revised Code;	2000 2001
(25) A person who has been licensed to act as a steam engineer under Chapter 4739. of the Revised Code;	2002 2003
(26) A person who has been issued a license or temporary permit to practice veterinary medicine or any of its branches, or who is registered as a graduate animal technician under Chapter 4741. of the Revised Code;	2004 2005 2006 2007

(27) A person who has been issued a hearing aid dealer's or fitter's license or trainee permit under Chapter 4747. of the Revised Code;	2008 2009 2010
(28) A person who has been issued a class A, class B, or class C license or who has been registered as an investigator or security guard employee under Chapter 4749. of the Revised Code;	2011 2012 2013
(29) A person licensed and registered to practice as a nursing home administrator under Chapter 4751. of the Revised Code;	2014 2015 2016
(30) A person licensed to practice as a speech-language pathologist or audiologist under Chapter 4753. of the Revised Code;	2017 2018 2019
(31) A person issued a license as an occupational therapist or physical therapist under Chapter 4755. of the Revised Code;	2020 2021
(32) A person who is licensed as a <u>licensed</u> professional clinical counselor or <u>licensed</u> professional counselor, licensed as a social worker or independent social worker, or registered as a social work assistant under Chapter 4757. of the Revised Code;	2022 2023 2024 2025
(33) A person issued a license to practice dietetics under Chapter 4759. of the Revised Code;	2026 2027
(34) A person who has been issued a license or limited permit to practice respiratory therapy under Chapter 4761. of the Revised Code;	2028 2029 2030
(35) A person who has been issued a real estate appraiser certificate under Chapter 4763. of the Revised Code;	2031 2032
(36) A person who has been admitted to the bar by order of the supreme court in compliance with its prescribed and published rules.	2033 2034 2035
(X) "Cocaine" means any of the following:	2036
(1) A cocaine salt, isomer, or derivative, a salt of a	2037

cocaine isomer or derivative, or the base form of cocaine; 2038

(2) Coca leaves or a salt, compound, derivative, or 2039
preparation of coca leaves, including ecgonine, a salt, isomer, or 2040
derivative of ecgonine, or a salt of an isomer or derivative of 2041
ecgonine; 2042

(3) A salt, compound, derivative, or preparation of a 2043
substance identified in division (X)(1) or (2) of this section 2044
that is chemically equivalent to or identical with any of those 2045
substances, except that the substances shall not include 2046
decocainized coca leaves or extraction of coca leaves if the 2047
extractions do not contain cocaine or ecgonine. 2048

(Y) "L.S.D." means lysergic acid diethylamide. 2049

(Z) "Hashish" means the resin or a preparation of the resin 2050
contained in marihuana, whether in solid form or in a liquid 2051
concentrate, liquid extract, or liquid distillate form. 2052

(AA) "Marihuana" has the same meaning as in section 3719.01 2053
of the Revised Code, except that it does not include hashish. 2054

(BB) An offense is "committed in the vicinity of a juvenile" 2055
if the offender commits the offense within one hundred feet of a 2056
juvenile or within the view of a juvenile, regardless of whether 2057
the offender knows the age of the juvenile, whether the offender 2058
knows the offense is being committed within one hundred feet of or 2059
within view of the juvenile, or whether the juvenile actually 2060
views the commission of the offense. 2061

(CC) "Presumption for a prison term" or "presumption that a 2062
prison term shall be imposed" means a presumption, as described in 2063
division (D) of section 2929.13 of the Revised Code, that a prison 2064
term is a necessary sanction for a felony in order to comply with 2065
the purposes and principles of sentencing under section 2929.11 of 2066
the Revised Code. 2067

(DD) "Major drug offender" has the same meaning as in section 2068
2929.01 of the Revised Code. 2069

(EE) "Minor drug possession offense" means either of the 2070
following: 2071

(1) A violation of section 2925.11 of the Revised Code as it 2072
existed prior to July 1, 1996; 2073

(2) A violation of section 2925.11 of the Revised Code as it 2074
exists on and after July 1, 1996, that is a misdemeanor or a 2075
felony of the fifth degree. 2076

(FF) "Mandatory prison term" has the same meaning as in 2077
section 2929.01 of the Revised Code. 2078

(GG) "Adulterate" means to cause a drug to be adulterated as 2079
described in section 3715.63 of the Revised Code. 2080

(HH) "Public premises" means any hotel, restaurant, tavern, 2081
store, arena, hall, or other place of public accommodation, 2082
business, amusement, or resort. 2083

(II) "Methamphetamine" means methamphetamine, any salt, 2084
isomer, or salt of an isomer of methamphetamine, or any compound, 2085
mixture, preparation, or substance containing methamphetamine or 2086
any salt, isomer, or salt of an isomer of methamphetamine. 2087

(JJ) "Lawful prescription" means a prescription that is 2088
issued for a legitimate medical purpose by a licensed health 2089
professional authorized to prescribe drugs, that is not altered or 2090
forged, and that was not obtained by means of deception or by the 2091
commission of any theft offense. 2092

(KK) "Deception" and "theft offense" have the same meanings 2093
as in section 2913.01 of the Revised Code. 2094

Sec. 2951.041. (A)(1) If an offender is charged with a 2095
criminal offense, including but not limited to a violation of 2096

section 2913.02, 2913.03, 2913.11, 2913.21, 2913.31, or 2919.21 of 2097
the Revised Code, and the court has reason to believe that drug or 2098
alcohol usage by the offender was a factor leading to the criminal 2099
offense with which the offender is charged or that, at the time of 2100
committing that offense, the offender had a mental illness or was 2101
a person with intellectual disability and that the mental illness 2102
or status as a person with intellectual disability was a factor 2103
leading to the offender's criminal behavior, the court may accept, 2104
prior to the entry of a guilty plea, the offender's request for 2105
intervention in lieu of conviction. The request shall include a 2106
statement from the offender as to whether the offender is alleging 2107
that drug or alcohol usage by the offender was a factor leading to 2108
the criminal offense with which the offender is charged or is 2109
alleging that, at the time of committing that offense, the 2110
offender had a mental illness or was a person with intellectual 2111
disability and that the mental illness or status as a person with 2112
intellectual disability was a factor leading to the criminal 2113
offense with which the offender is charged. The request also shall 2114
include a waiver of the defendant's right to a speedy trial, the 2115
preliminary hearing, the time period within which the grand jury 2116
may consider an indictment against the offender, and arraignment, 2117
unless the hearing, indictment, or arraignment has already 2118
occurred. The court may reject an offender's request without a 2119
hearing. If the court elects to consider an offender's request, 2120
the court shall conduct a hearing to determine whether the 2121
offender is eligible under this section for intervention in lieu 2122
of conviction and shall stay all criminal proceedings pending the 2123
outcome of the hearing. If the court schedules a hearing, the 2124
court shall order an assessment of the offender for the purpose of 2125
determining the offender's eligibility for intervention in lieu of 2126
conviction and recommending an appropriate intervention plan. 2127

If the offender alleges that drug or alcohol usage by the 2128
offender was a factor leading to the criminal offense with which 2129

the offender is charged, the court may order that the offender be 2130
assessed by a program certified pursuant to section 3793.06 of the 2131
Revised Code or a properly credentialed professional for the 2132
purpose of determining the offender's eligibility for intervention 2133
in lieu of conviction and recommending an appropriate intervention 2134
plan. The program or the properly credentialed professional shall 2135
provide a written assessment of the offender to the court. 2136

(2) The victim notification provisions of division (C) of 2137
section 2930.08 of the Revised Code apply in relation to any 2138
hearing held under division (A)(1) of this section. 2139

(B) An offender is eligible for intervention in lieu of 2140
conviction if the court finds all of the following: 2141

(1) The offender previously has not been convicted of or 2142
pleaded guilty to a felony offense of violence or previously has 2143
been convicted of or pleaded guilty to any felony that is not an 2144
offense of violence and the prosecuting attorney recommends that 2145
the offender be found eligible for participation in intervention 2146
in lieu of treatment under this section, previously has not been 2147
through intervention in lieu of conviction under this section or 2148
any similar regimen, and is charged with a felony for which the 2149
court, upon conviction, would impose a community control sanction 2150
on the offender under division (B)(2) of section 2929.13 of the 2151
Revised Code or with a misdemeanor. 2152

(2) The offense is not a felony of the first, second, or 2153
third degree, is not an offense of violence, is not a violation of 2154
division (A)(1) or (2) of section 2903.06 of the Revised Code, is 2155
not a violation of division (A)(1) of section 2903.08 of the 2156
Revised Code, is not a violation of division (A) of section 2157
4511.19 of the Revised Code or a municipal ordinance that is 2158
substantially similar to that division, and is not an offense for 2159
which a sentencing court is required to impose a mandatory prison 2160
term, a mandatory term of local incarceration, or a mandatory term 2161

of imprisonment in a jail. 2162

(3) The offender is not charged with a violation of section 2163
2925.02, 2925.04, or 2925.06 of the Revised Code, is not charged 2164
with a violation of section 2925.03 of the Revised Code that is a 2165
felony of the first, second, third, or fourth degree, and is not 2166
charged with a violation of section 2925.11 of the Revised Code 2167
that is a felony of the first, second, or third degree. 2168

(4) If an offender alleges that drug or alcohol usage by the 2169
offender was a factor leading to the criminal offense with which 2170
the offender is charged, the court has ordered that the offender 2171
be assessed by a program certified pursuant to section 3793.06 of 2172
the Revised Code or a properly credentialed professional for the 2173
purpose of determining the offender's eligibility for intervention 2174
in lieu of conviction and recommending an appropriate intervention 2175
plan, the offender has been assessed by a program of that nature 2176
or a properly credentialed professional in accordance with the 2177
court's order, and the program or properly credentialed 2178
professional has filed the written assessment of the offender with 2179
the court. 2180

(5) If an offender alleges that, at the time of committing 2181
the criminal offense with which the offender is charged, the 2182
offender had a mental illness or was a person with intellectual 2183
disability and that the mental illness or status as a person with 2184
intellectual disability was a factor leading to that offense, the 2185
offender has been assessed by a psychiatrist, psychologist, 2186
independent social worker, or licensed professional clinical 2187
counselor for the purpose of determining the offender's 2188
eligibility for intervention in lieu of conviction and 2189
recommending an appropriate intervention plan. 2190

(6) The offender's drug usage, alcohol usage, mental illness, 2191
or intellectual disability, whichever is applicable, was a factor 2192
leading to the criminal offense with which the offender is 2193

charged, intervention in lieu of conviction would not demean the 2194
seriousness of the offense, and intervention would substantially 2195
reduce the likelihood of any future criminal activity. 2196

(7) The alleged victim of the offense was not sixty-five 2197
years of age or older, permanently and totally disabled, under 2198
thirteen years of age, or a peace officer engaged in the officer's 2199
official duties at the time of the alleged offense. 2200

(8) If the offender is charged with a violation of section 2201
2925.24 of the Revised Code, the alleged violation did not result 2202
in physical harm to any person, and the offender previously has 2203
not been treated for drug abuse. 2204

(9) The offender is willing to comply with all terms and 2205
conditions imposed by the court pursuant to division (D) of this 2206
section. 2207

(10) The offender is not charged with an offense that would 2208
result in the offender being disqualified under Chapter 4506. of 2209
the Revised Code from operating a commercial motor vehicle or 2210
would subject the offender to any other sanction under that 2211
chapter. 2212

(C) At the conclusion of a hearing held pursuant to division 2213
(A) of this section, the court shall enter its determination as to 2214
whether the offender is eligible for intervention in lieu of 2215
conviction and as to whether to grant the offender's request. If 2216
the court finds under division (B) of this section that the 2217
offender is eligible for intervention in lieu of conviction and 2218
grants the offender's request, the court shall accept the 2219
offender's plea of guilty and waiver of the defendant's right to a 2220
speedy trial, the preliminary hearing, the time period within 2221
which the grand jury may consider an indictment against the 2222
offender, and arraignment, unless the hearing, indictment, or 2223
arraignment has already occurred. In addition, the court then may 2224

stay all criminal proceedings and order the offender to comply 2225
with all terms and conditions imposed by the court pursuant to 2226
division (D) of this section. If the court finds that the offender 2227
is not eligible or does not grant the offender's request, the 2228
criminal proceedings against the offender shall proceed as if the 2229
offender's request for intervention in lieu of conviction had not 2230
been made. 2231

(D) If the court grants an offender's request for 2232
intervention in lieu of conviction, the court shall place the 2233
offender under the general control and supervision of the county 2234
probation department, the adult parole authority, or another 2235
appropriate local probation or court services agency, if one 2236
exists, as if the offender was subject to a community control 2237
sanction imposed under section 2929.15, 2929.18, or 2929.25 of the 2238
Revised Code. The court shall establish an intervention plan for 2239
the offender. The terms and conditions of the intervention plan 2240
shall require the offender, for at least one year from the date on 2241
which the court grants the order of intervention in lieu of 2242
conviction, to abstain from the use of illegal drugs and alcohol, 2243
to participate in treatment and recovery support services, and to 2244
submit to regular random testing for drug and alcohol use and may 2245
include any other treatment terms and conditions, or terms and 2246
conditions similar to community control sanctions, which may 2247
include community service or restitution, that are ordered by the 2248
court. 2249

(E) If the court grants an offender's request for 2250
intervention in lieu of conviction and the court finds that the 2251
offender has successfully completed the intervention plan for the 2252
offender, including the requirement that the offender abstain from 2253
using illegal drugs and alcohol for a period of at least one year 2254
from the date on which the court granted the order of intervention 2255
in lieu of conviction, the requirement that the offender 2256

participate in treatment and recovery support services, and all 2257
other terms and conditions ordered by the court, the court shall 2258
dismiss the proceedings against the offender. Successful 2259
completion of the intervention plan and period of abstinence under 2260
this section shall be without adjudication of guilt and is not a 2261
criminal conviction for purposes of any disqualification or 2262
disability imposed by law and upon conviction of a crime, and the 2263
court may order the sealing of records related to the offense in 2264
question in the manner provided in sections 2953.31 to 2953.36 of 2265
the Revised Code. 2266

(F) If the court grants an offender's request for 2267
intervention in lieu of conviction and the offender fails to 2268
comply with any term or condition imposed as part of the 2269
intervention plan for the offender, the supervising authority for 2270
the offender promptly shall advise the court of this failure, and 2271
the court shall hold a hearing to determine whether the offender 2272
failed to comply with any term or condition imposed as part of the 2273
plan. If the court determines that the offender has failed to 2274
comply with any of those terms and conditions, it shall enter a 2275
finding of guilty and shall impose an appropriate sanction under 2276
Chapter 2929. of the Revised Code. If the court sentences the 2277
offender to a prison term, the court, after consulting with the 2278
department of rehabilitation and correction regarding the 2279
availability of services, may order continued court-supervised 2280
activity and treatment of the offender during the prison term and, 2281
upon consideration of reports received from the department 2282
concerning the offender's progress in the program of activity and 2283
treatment, may consider judicial release under section 2929.20 of 2284
the Revised Code. 2285

(G) As used in this section: 2286

(1) "Community control sanction" has the same meaning as in 2287
section 2929.01 of the Revised Code. 2288

(2) "Intervention in lieu of conviction" means any court-supervised activity that complies with this section.	2289 2290
(3) "Peace officer" has the same meaning as in section 2935.01 of the Revised Code.	2291 2292
(4) "Mental illness" and "psychiatrist" have the same meanings as in section 5122.01 of the Revised Code.	2293 2294
(5) "Person with intellectual disability" means a person having significantly subaverage general intellectual functioning existing concurrently with deficiencies in adaptive behavior, manifested during the developmental period.	2295 2296 2297 2298
(6) "Psychologist" has the same meaning as in section 4732.01 of the Revised Code.	2299 2300
(H) Whenever the term "mentally retarded person" is used in any statute, rule, contract, grant, or other document, the reference shall be deemed to include a "person with intellectual disability," as defined in this section.	2301 2302 2303 2304
Sec. 3107.014. (A) Except as provided in division (B) of this section, only an individual who meets all of the following requirements may perform the duties of an assessor under sections 3107.031, 3107.032, 3107.082, 3107.09, 3107.101, 3107.12, 5103.0324, and 5103.152 of the Revised Code:	2305 2306 2307 2308 2309
(1) The individual must be in the employ of, appointed by, or under contract with a court, public children services agency, private child placing agency, or private noncustodial agency;	2310 2311 2312
(2) The individual must be one of the following:	2313
(a) A <u>licensed professional clinical counselor</u> , <u>licensed professional counselor</u> , <u>independent social worker</u> , social worker, <u>independent marriage and family therapist</u> , or marriage and family therapist licensed under Chapter 4757. of the Revised Code;	2314 2315 2316 2317

(b) A psychologist licensed under Chapter 4732. of the Revised Code; 2318
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(c) A student working to earn a four-year, post-secondary degree, or higher, in a social or behavior science, or both, who conducts assessor's duties under the supervision of a licensed professional clinical counselor, licensed professional counselor, independent social worker, social worker, independent marriage and family therapist, or marriage and family therapist licensed under Chapter 4757. of the Revised Code or a psychologist licensed under Chapter 4732. of the Revised Code. Beginning July 1, 2009, a student is eligible under this division only if the supervising licensed professional clinical counselor, licensed professional counselor, independent social worker, social worker, independent marriage and family therapist, marriage and family therapist, or psychologist has completed training in accordance with rules adopted under section 3107.015 of the Revised Code. 2320
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(d) A civil service employee engaging in social work without a license under Chapter 4757. of the Revised Code, as permitted by division (A)(5) of section 4757.41 of the Revised Code; 2334
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(e) A former employee of a public children services agency who, while so employed, conducted the duties of an assessor; 2337
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(f) An employee of a court or public children services agency who is employed to conduct the duties of an assessor. 2339
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(3) The individual must complete training in accordance with rules adopted under section 3107.015 of the Revised Code. 2341
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(B) An individual in the employ of, appointed by, or under contract with a court prior to September 18, 1996, to conduct adoption investigations of prospective adoptive parents may perform the duties of an assessor under sections 3107.031, 3107.032, 3107.082, 3107.09, 3107.101, 3107.12, 5103.0324, and 5103.152 of the Revised Code if the individual complies with 2343
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division (A)(3) of this section regardless of whether the 2349
individual meets the requirement of division (A)(2) of this 2350
section. 2351

(C) A court, public children services agency, private child 2352
placing agency, or private noncustodial agency may employ, 2353
appoint, or contract with an assessor in the county in which a 2354
petition for adoption is filed and in any other county or location 2355
outside this state where information needed to complete or 2356
supplement the assessor's duties may be obtained. More than one 2357
assessor may be utilized for an adoption. 2358

(D) Not later than January 1, 2008, the department of job and 2359
family services shall develop and maintain an assessor registry. 2360
The registry shall list all individuals who are employed, 2361
appointed by, or under contract with a court, public children 2362
services agency, private child placing agency, or private 2363
noncustodial agency and meet the requirements of an assessor as 2364
described in this section. A public children services agency, 2365
private child placing agency, private noncustodial agency, court, 2366
or any other person may contact the department to determine if an 2367
individual is listed in the assessor registry. An individual 2368
listed in the assessor registry shall immediately inform the 2369
department when that individual is no longer employed, appointed 2370
by, or under contract with a court, public children services 2371
agency, private child placing agency, or private noncustodial 2372
agency to perform the duties of an assessor as described in this 2373
section. The director of job and family services shall adopt rules 2374
in accordance with Chapter 119. of the Revised Code necessary for 2375
the implementation, contents, and maintenance of the registry, and 2376
any sanctions related to the provision of information, or the 2377
failure to provide information, that is needed for the proper 2378
operation of the assessor registry. 2379

Sec. 3701.046. The director of health is authorized to make 2380
grants for women's health services from funds appropriated for 2381
that purpose by the general assembly. 2382

None of the funds received through grants for women's health 2383
services shall be used to provide abortion services. None of the 2384
funds received through these grants shall be used for counseling 2385
for or referrals for abortion, except in the case of a medical 2386
emergency. These funds shall be distributed by the director to 2387
programs that the department of health determines will provide 2388
services that are physically and financially separate from 2389
abortion-providing and abortion-promoting activities, and that do 2390
not include counseling for or referrals for abortion, other than 2391
in the case of medical emergency. 2392

These women's health services include and are limited to the 2393
following: pelvic examinations and laboratory testing; breast 2394
examinations and patient education on breast cancer; screening for 2395
cervical cancer; screening and treatment for sexually transmitted 2396
diseases and HIV screening; voluntary choice of contraception, 2397
including abstinence and natural family planning; patient 2398
education and pre-pregnancy counseling on the dangers of smoking, 2399
alcohol, and drug use during pregnancy; education on sexual 2400
coercion and violence in relationships; and prenatal care or 2401
referral for prenatal care. These health care services shall be 2402
provided in a medical clinic setting by persons authorized under 2403
Chapter- 4731_ of the Revised Code to practice medicine and 2404
surgery or osteopathic medicine and surgery; authorized under 2405
Chapter 4730. of the Revised Code to practice as a physician 2406
assistant; licensed under Chapter 4723. of the Revised Code as a 2407
registered nurse or licensed practical nurse; or licensed under 2408
Chapter 4757. of the Revised Code as a social worker, independent 2409
social worker, licensed professional clinical counselor, or 2410
licensed professional counselor. 2411

The director shall adopt rules under Chapter 119. of the 2412
Revised Code specifying reasonable eligibility standards that must 2413
be met to receive the state funding and provide reasonable methods 2414
by which a grantee wishing to be eligible for federal funding may 2415
comply with these requirements for state funding without losing 2416
its eligibility for federal funding. 2417

Each applicant for these funds shall provide sufficient 2418
assurance to the director of all of the following: 2419

(A) The program shall not discriminate in the provision of 2420
services based on an individual's religion, race, national origin, 2421
handicapping condition, age, sex, number of pregnancies, or 2422
marital status; 2423

(B) The program shall provide services without subjecting 2424
individuals to any coercion to accept services or to employ any 2425
particular methods of family planning; 2426

(C) Acceptance of services shall be solely on a voluntary 2427
basis and may not be made a prerequisite to eligibility for, or 2428
receipt of, any other service, assistance from, or participation 2429
in, any other program of the service provider; 2430

(D) Any charges for services provided by the program shall be 2431
based on the patient's ability to pay and priority in the 2432
provision of services shall be given to persons from low-income 2433
families. 2434

In distributing these grant funds, the director shall give 2435
priority to grant requests from local departments of health for 2436
women's health services to be provided directly by personnel of 2437
the local department of health. The director shall issue a single 2438
request for proposals for all grants for women's health services. 2439
The director shall send a notification of this request for 2440
proposals to every local department of health in this state and 2441
shall place a notification on the department's web site. The 2442

director shall allow at least thirty days after issuing this 2443
notification before closing the period to receive applications. 2444

After the closing date for receiving grant applications, the 2445
director shall first consider grant applications from local 2446
departments of health that apply for grants for women's health 2447
services to be provided directly by personnel of the local 2448
department of health. Local departments of health that apply for 2449
grants for women's health services to be provided directly by 2450
personnel of the local department of health need not provide all 2451
the listed women's health services in order to qualify for a 2452
grant. However, in prioritizing awards among local departments of 2453
health that qualify for funding under this paragraph, the director 2454
may consider, among other reasonable factors, the 2455
comprehensiveness of the women's health services to be offered, 2456
provided that no local department of health shall be discriminated 2457
against in the process of awarding these grant funds because the 2458
applicant does not provide contraception. 2459

If funds remain after awarding grants to all local 2460
departments of health that qualify for the priority, the director 2461
may make grants to other applicants. Awards to other applicants 2462
may be made to those applicants that will offer all eight of the 2463
listed women's health services or that will offer all of the 2464
services except contraception. No applicant shall be discriminated 2465
against in the process of awarding these grant funds because the 2466
applicant does not provide contraception. 2467

Sec. 3701.74. (A) As used in this section and section 2468
3701.741 of the Revised Code: 2469

(1) "Ambulatory care facility" means a facility that provides 2470
medical, diagnostic, or surgical treatment to patients who do not 2471
require hospitalization, including a dialysis center, ambulatory 2472
surgical facility, cardiac catheterization facility, diagnostic 2473

imaging center, extracorporeal shock wave lithotripsy center, home	2474
health agency, inpatient hospice, birthing center, radiation	2475
therapy center, emergency facility, and an urgent care center.	2476
"Ambulatory care facility" does not include the private office of	2477
a physician or dentist, whether the office is for an individual or	2478
group practice.	2479
(2) "Chiropractor" means an individual licensed under Chapter	2480
4734. of the Revised Code to practice chiropractic.	2481
(3) "Emergency facility" means a hospital emergency	2482
department or any other facility that provides emergency medical	2483
services.	2484
(4) "Health care practitioner" means all of the following:	2485
(a) A dentist or dental hygienist licensed under Chapter	2486
4715. of the Revised Code;	2487
(b) A registered or licensed practical nurse licensed under	2488
Chapter 4723. of the Revised Code;	2489
(c) An optometrist licensed under Chapter 4725. of the	2490
Revised Code;	2491
(d) A dispensing optician, spectacle dispensing optician,	2492
contact lens dispensing optician, or spectacle-contact lens	2493
dispensing optician licensed under Chapter 4725. of the Revised	2494
Code;	2495
(e) A pharmacist licensed under Chapter 4729. of the Revised	2496
Code;	2497
(f) A physician;	2498
(g) A physician assistant authorized under Chapter 4730. of	2499
the Revised Code to practice as a physician assistant;	2500
(h) A practitioner of a limited branch of medicine issued a	2501
certificate under Chapter 4731. of the Revised Code;	2502

(i) A psychologist licensed under Chapter 4732. of the Revised Code;	2503 2504
(j) A chiropractor;	2505
(k) A hearing aid dealer or fitter licensed under Chapter 4747. of the Revised Code;	2506 2507
(l) A speech-language pathologist or audiologist licensed under Chapter 4753. of the Revised Code;	2508 2509
(m) An occupational therapist or occupational therapy assistant licensed under Chapter 4755. of the Revised Code;	2510 2511
(n) A physical therapist or physical therapy assistant licensed under Chapter 4755. of the Revised Code;	2512 2513
(o) A <u>licensed</u> professional clinical counselor, <u>licensed</u> professional counselor, social worker, or independent social worker, <u>independent marriage and family therapist, or marriage and family therapist</u> licensed, or a social work assistant registered, under Chapter 4757. of the Revised Code;	2514 2515 2516 2517 2518
(p) A dietitian licensed under Chapter 4759. of the Revised Code;	2519 2520
(q) A respiratory care professional licensed under Chapter 4761. of the Revised Code;	2521 2522
(r) An emergency medical technician-basic, emergency medical technician-intermediate, or emergency medical technician-paramedic certified under Chapter 4765. of the Revised Code.	2523 2524 2525
(5) "Health care provider" means a hospital, ambulatory care facility, long-term care facility, pharmacy, emergency facility, or health care practitioner.	2526 2527 2528
(6) "Hospital" has the same meaning as in section 3727.01 of the Revised Code.	2529 2530
(7) "Long-term care facility" means a nursing home,	2531

residential care facility, or home for the aging, as those terms 2532
are defined in section 3721.01 of the Revised Code; a residential 2533
facility licensed under section 5119.22 of the Revised Code that 2534
provides accommodations, supervision, and personal care services 2535
for three to sixteen unrelated adults; a nursing facility or 2536
intermediate care facility for the mentally retarded, as those 2537
terms are defined in section 5111.20 of the Revised Code; a 2538
facility or portion of a facility certified as a skilled nursing 2539
facility under Title XVIII of the "Social Security Act," 49 Stat. 2540
286 (1965), 42 U.S.C.A. 1395, as amended. 2541

(8) "Medical record" means data in any form that pertains to 2542
a patient's medical history, diagnosis, prognosis, or medical 2543
condition and that is generated and maintained by a health care 2544
provider in the process of the patient's health care treatment. 2545

(9) "Medical records company" means a person who stores, 2546
locates, or copies medical records for a health care provider, or 2547
is compensated for doing so by a health care provider, and charges 2548
a fee for providing medical records to a patient or patient's 2549
representative. 2550

(10) "Patient" means either of the following: 2551

(a) An individual who received health care treatment from a 2552
health care provider; 2553

(b) A guardian, as defined in section 1337.11 of the Revised 2554
Code, of an individual described in division (A)(10)(a) of this 2555
section. 2556

(11) "Patient's personal representative" means a minor 2557
patient's parent or other person acting in loco parentis, a 2558
court-appointed guardian, or a person with durable power of 2559
attorney for health care for a patient, the executor or 2560
administrator of the patient's estate, or the person responsible 2561
for the patient's estate if it is not to be probated. "Patient's 2562

personal representative" does not include an insurer authorized 2563
under Title XXXIX of the Revised Code to do the business of 2564
sickness and accident insurance in this state, a health insuring 2565
corporation holding a certificate of authority under Chapter 1751. 2566
of the Revised Code, or any other person not named in this 2567
division. 2568

(12) "Pharmacy" has the same meaning as in section 4729.01 of 2569
the Revised Code. 2570

(13) "Physician" means a person authorized under Chapter 2571
4731. of the Revised Code to practice medicine and surgery, 2572
osteopathic medicine and surgery, or podiatric medicine and 2573
surgery. 2574

(14) "Authorized person" means a person to whom a patient has 2575
given written authorization to act on the patient's behalf 2576
regarding the patient's medical record. 2577

(B) A patient, a patient's personal representative or an 2578
authorized person who wishes to examine or obtain a copy of part 2579
or all of a medical record shall submit to the health care 2580
provider a written request signed by the patient, personal 2581
representative, or authorized person dated not more than one year 2582
before the date on which it is submitted. The request shall 2583
indicate whether the copy is to be sent to the requestor, 2584
physician or chiropractor, or held for the requestor at the office 2585
of the health care provider. Within a reasonable time after 2586
receiving a request that meets the requirements of this division 2587
and includes sufficient information to identify the record 2588
requested, a health care provider that has the patient's medical 2589
records shall permit the patient to examine the record during 2590
regular business hours without charge or, on request, shall 2591
provide a copy of the record in accordance with section 3701.741 2592
of the Revised Code, except that if a physician, psychologist, 2593
licensed professional clinical counselor, licensed professional 2594

counselor, independent social worker, social worker, independent 2595
marriage and family therapist, marriage and family therapist, or 2596
chiropractor who has treated the patient determines for clearly 2597
stated treatment reasons that disclosure of the requested record 2598
is likely to have an adverse effect on the patient, the health 2599
care provider shall provide the record to a physician, 2600
psychologist, licensed professional clinical counselor, licensed 2601
professional counselor, independent social worker, social worker, 2602
independent marriage and family therapist, marriage and family 2603
therapist, or chiropractor designated by the patient. The health 2604
care provider shall take reasonable steps to establish the 2605
identity of the person making the request to examine or obtain a 2606
copy of the patient's record. 2607

(C) If a health care provider fails to furnish a medical 2608
record as required by division (B) of this section, the patient, 2609
personal representative, or authorized person who requested the 2610
record may bring a civil action to enforce the patient's right of 2611
access to the record. 2612

(D)(1) This section does not apply to medical records whose 2613
release is covered by section 173.20 or 3721.13 of the Revised 2614
Code, by Chapter 1347. or 5122. of the Revised Code, by 42 C.F.R. 2615
part 2, "Confidentiality of Alcohol and Drug Abuse Patient 2616
Records," or by 42 C.F.R. 483.10. 2617

(2) Nothing in this section is intended to supersede the 2618
confidentiality provisions of sections 2305.24, 2305.25, 2305.251, 2619
and 2305.252 of the Revised Code. 2620

Sec. 3709.161. (A) The board of health of a city or general 2621
health district may procure a policy or policies of insurance 2622
insuring the members of the board, the health commissioner, and 2623
the employees of the board against liability on account of damage 2624
or injury to persons and property resulting from any act or 2625

omission that occurs in the individual's official capacity as a member or employee of the board or resulting solely out of such membership or employment.	2626 2627 2628
(B)(1) As used in this division, "health care professional" means all of the following:	2629 2630
(a) A dentist or dental hygienist licensed under Chapter 4715. of the Revised Code;	2631 2632
(b) A registered nurse or licensed practical nurse licensed under Chapter 4723. of the Revised Code;	2633 2634
(c) A person licensed under Chapter 4729. of the Revised Code to practice as a pharmacist;	2635 2636
(d) A person authorized under Chapter 4730. of the Revised Code to practice as a physician assistant;	2637 2638
(e) A person authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatry;	2639 2640 2641
(f) A psychologist licensed under Chapter 4732. of the Revised Code;	2642 2643
(g) A veterinarian licensed under Chapter 4741. of the Revised Code;	2644 2645
(h) A speech-language pathologist or audiologist licensed under Chapter 4753. of the Revised Code;	2646 2647
(i) An occupational therapist, physical therapist, physical therapist assistant, or athletic trainer licensed under Chapter 4755. of the Revised Code;	2648 2649 2650
(j) A <u>licensed</u> professional clinical counselor, <u>licensed</u> professional counselor, independent social worker, or social worker licensed under Chapter 4757. of the Revised Code;	2651 2652 2653
(k) A dietician <u>dietitian</u> licensed under Chapter 4759. of the	2654

Revised Code. 2655

(2) The board of health of a city or general health district 2656
may purchase liability insurance for a health care professional 2657
with whom the board contracts for the provision of health care 2658
services against liability on account of damage or injury to 2659
persons and property arising from the health care professional's 2660
performance of services under the contract. The policy shall be 2661
purchased from an insurance company licensed to do business in 2662
this state, if such a policy is available from such a company. The 2663
board of health of a city or general health district shall report 2664
the cost of the liability insurance policy and subsequent 2665
increases in the cost to the director of health on a form 2666
prescribed by the director. 2667

Sec. 3721.21. As used in sections 3721.21 to 3721.34 of the 2668
Revised Code: 2669

(A) "Long-term care facility" means either of the following: 2670

(1) A nursing home as defined in section 3721.01 of the 2671
Revised Code; 2672

(2) A facility or part of a facility that is certified as a 2673
skilled nursing facility or a nursing facility under Title XVIII 2674
or XIX of the "Social Security Act." 2675

(B) "Residential care facility" has the same meaning as in 2676
section 3721.01 of the Revised Code. 2677

(C) "Abuse" means knowingly causing physical harm or 2678
recklessly causing serious physical harm to a resident by physical 2679
contact with the resident or by use of physical or chemical 2680
restraint, medication, or isolation as punishment, for staff 2681
convenience, excessively, as a substitute for treatment, or in 2682
amounts that preclude habilitation and treatment. 2683

(D) "Neglect" means recklessly failing to provide a resident 2684

with any treatment, care, goods, or service necessary to maintain 2685
the health or safety of the resident when the failure results in 2686
serious physical harm to the resident. "Neglect" does not include 2687
allowing a resident, at the resident's option, to receive only 2688
treatment by spiritual means through prayer in accordance with the 2689
tenets of a recognized religious denomination. 2690

(E) "Misappropriation" means depriving, defrauding, or 2691
otherwise obtaining the real or personal property of a resident by 2692
any means prohibited by the Revised Code, including violations of 2693
Chapter 2911. or 2913. of the Revised Code. 2694

(F) "Resident" includes a resident, patient, former resident 2695
or patient, or deceased resident or patient of a long-term care 2696
facility or a residential care facility. 2697

(G) "Physical restraint" has the same meaning as in section 2698
3721.10 of the Revised Code. 2699

(H) "Chemical restraint" has the same meaning as in section 2700
3721.10 of the Revised Code. 2701

(I) "Nursing and nursing-related services" means the personal 2702
care services and other services not constituting skilled nursing 2703
care that are specified in rules the director of health shall 2704
adopt in accordance with Chapter 119. of the Revised Code. 2705

(J) "Personal care services" has the same meaning as in 2706
section 3721.01 of the Revised Code. 2707

(K)(1) Except as provided in division (K)(2) of this section, 2708
"nurse aide" means an individual who provides nursing and 2709
nursing-related services to residents in a long-term care 2710
facility, either as a member of the staff of the facility for 2711
monetary compensation or as a volunteer without monetary 2712
compensation. 2713

(2) "Nurse aide" does not include either of the following: 2714

(a) A licensed health professional practicing within the scope of the professional's license;	2715 2716
(b) An individual providing nursing and nursing-related services in a religious nonmedical health care institution, if the individual has been trained in the principles of nonmedical care and is recognized by the institution as being competent in the administration of care within the religious tenets practiced by the residents of the institution.	2717 2718 2719 2720 2721 2722
(L) "Licensed health professional" means all of the following:	2723 2724
(1) An occupational therapist or occupational therapy assistant licensed under Chapter 4755. of the Revised Code;	2725 2726
(2) A physical therapist or physical therapy assistant licensed under Chapter 4755. of the Revised Code;	2727 2728
(3) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatry;	2729 2730 2731
(4) A physician assistant authorized under Chapter 4730. of the Revised Code to practice as a physician assistant;	2732 2733
(5) A registered nurse or licensed practical nurse licensed under Chapter 4723. of the Revised Code;	2734 2735
(6) A social worker or independent social worker licensed under Chapter 4757. of the Revised Code or a social work assistant registered under that chapter;	2736 2737 2738
(7) A speech-language pathologist or audiologist licensed under Chapter 4753. of the Revised Code;	2739 2740
(8) A dentist or dental hygienist licensed under Chapter 4715. of the Revised Code;	2741 2742
(9) An optometrist licensed under Chapter 4725. of the Revised Code;	2743 2744

(10) A pharmacist licensed under Chapter 4729. of the Revised Code;	2745 2746
(11) A psychologist licensed under Chapter 4732. of the Revised Code;	2747 2748
(12) A chiropractor licensed under Chapter 4734. of the Revised Code;	2749 2750
(13) A nursing home administrator licensed or temporarily licensed under Chapter 4751. of the Revised Code;	2751 2752
(14) A <u>licensed</u> professional counselor or <u>licensed</u> professional clinical counselor licensed under Chapter 4757. of the Revised Code;	2753 2754 2755
<u>(15) A marriage and family therapist or independent marriage and family therapist licensed under Chapter 4757. of the Revised Code.</u>	2756 2757 2758
(M) "Religious nonmedical health care institution" means an institution that meets or exceeds the conditions to receive payment under the medicare program established under Title XVIII of the "Social Security Act" for inpatient hospital services or post-hospital extended care services furnished to an individual in a religious nonmedical health care institution, as defined in section 1861(ss)(1) of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1395x(ss)(1), as amended.	2759 2760 2761 2762 2763 2764 2765 2766
(N) "Competency evaluation program" means a program through which the competency of a nurse aide to provide nursing and nursing-related services is evaluated.	2767 2768 2769
(O) "Training and competency evaluation program" means a program of nurse aide training and evaluation of competency to provide nursing and nursing-related services.	2770 2771 2772
Sec. 3793.02. (A) The department of alcohol and drug addiction services shall promote, assist in developing, and	2773 2774

coordinate or conduct programs of education and research for the 2775
prevention of alcohol and drug addiction, the prevention of 2776
gambling addiction, the treatment, including intervention, of 2777
alcoholics and persons who abuse drugs of abuse, including 2778
anabolic steroids, and the treatment, including intervention, of 2779
persons with gambling addictions. Programs established by the 2780
department shall include abstinence-based prevention and treatment 2781
programs. 2782

(B) In addition to the other duties prescribed by this 2783
chapter, the department shall do all of the following: 2784

(1) Promote and coordinate efforts in the provision of 2785
alcohol and drug addiction services and of gambling addiction 2786
services by other state agencies, as defined in section 1.60 of 2787
the Revised Code; courts; hospitals; clinics; physicians in 2788
private practice; public health authorities; boards of alcohol, 2789
drug addiction, and mental health services; alcohol and drug 2790
addiction programs; law enforcement agencies; gambling addiction 2791
programs; and related groups; 2792

(2) Provide for education and training in prevention, 2793
diagnosis, treatment, and control of alcohol and drug addiction 2794
and of gambling addiction for medical students, physicians, 2795
nurses, social workers, licensed professional counselors, 2796
psychologists, and other persons who provide alcohol and drug 2797
addiction services or gambling addiction services; 2798

(3) Provide training and consultation for persons who 2799
supervise alcohol and drug addiction programs and facilities or 2800
gambling addiction programs and facilities; 2801

(4) Develop measures for evaluating the effectiveness of 2802
alcohol and drug addiction services, including services that use 2803
methadone treatment, and of gambling addiction services, and for 2804
increasing the accountability of alcohol and drug addiction 2805

programs and of gambling addiction programs; 2806

(5) Provide to each court of record, and biennially update, a 2807
list of the treatment and education programs within that court's 2808
jurisdiction that the court may require an offender, sentenced 2809
pursuant to section 4511.19 of the Revised Code, to attend; 2810

(6) Make the warning sign described in sections 3313.752, 2811
3345.41, and 3707.50 of the Revised Code available on the 2812
department's internet web site; 2813

(7) Provide a program of gambling addiction services on 2814
behalf of the state lottery commission, pursuant to an agreement 2815
entered into with the director of the commission under division 2816
(K) of section 3770.02 of the Revised Code, and provide a program 2817
of gambling and addiction services on behalf of the Ohio casino 2818
control commission, under an agreement entered into with the 2819
executive director of the commission under section 3772.062 of the 2820
Revised Code. Under Section 6(C)(3) of Article XV, Ohio 2821
Constitution, the department may enter into agreements with local 2822
alcohol, drug addiction, and mental health service districts that 2823
are authorized and operating in this state, including with such 2824
districts of counties in which a casino facility is not located, 2825
and nonprofit organizations to provide gambling and addiction 2826
services and substance abuse services, and with state institutions 2827
of higher education or private nonprofit institutions that possess 2828
a certificate of authorization issued under Chapter 1713. of the 2829
Revised Code to perform related research. 2830

(C) The department may accept and administer grants from 2831
public or private sources for carrying out any of the duties 2832
enumerated in this section. 2833

(D) Pursuant to Chapter 119. of the Revised Code, the 2834
department shall adopt a rule defining the term "intervention" as 2835
it is used in this chapter in connection with alcohol and drug 2836

addiction services and in connection with gambling addiction 2837
services. The department may adopt other rules as necessary to 2838
implement the requirements of this chapter. 2839

Sec. 3923.28. (A) Every policy of group sickness and accident 2840
insurance providing hospital, surgical, or medical expense 2841
coverage for other than specific diseases or accidents only, and 2842
delivered, issued for delivery, or renewed in this state on or 2843
after January 1, 1979, and that provides coverage for mental or 2844
emotional disorders, shall provide benefits for services on an 2845
outpatient basis for each eligible person under the policy who 2846
resides in this state for mental or emotional disorders, or for 2847
evaluations, that are at least equal to five hundred fifty dollars 2848
in any calendar year or twelve-month period. The services shall be 2849
legally performed by or under the clinical supervision of a 2850
physician authorized under Chapter 4731. of the Revised Code to 2851
practice medicine and surgery or osteopathic medicine and surgery; 2852
a psychologist licensed under Chapter 4732. of the Revised Code; a 2853
licensed professional clinical counselor, licensed professional 2854
counselor, or independent social worker licensed under Chapter 2855
4757. of the Revised Code; or a clinical nurse specialist licensed 2856
under Chapter 4723. of the Revised Code whose nursing specialty is 2857
mental health, whether performed in an office, in a hospital, or 2858
in a community mental health facility so long as the hospital or 2859
community mental health facility is approved by the joint 2860
commission on accreditation of healthcare organizations, the 2861
council on accreditation for children and family services, or the 2862
rehabilitation accreditation commission. 2863

(B) Outpatient benefits offered under division (A) of this 2864
section shall be subject to reasonable contract limitations and 2865
may be subject to reasonable deductibles and co-insurance costs. 2866
Persons entitled to such benefit under more than one service or 2867
insurance contract may be limited to a single 2868

five-hundred-fifty-dollar outpatient benefit for services under 2869
all contracts. 2870

(C) In order to qualify for participation under division (A) 2871
of this section, every facility specified in such division shall 2872
have in effect a plan for utilization review and a plan for peer 2873
review and every person specified in such division shall have in 2874
effect a plan for peer review. Such plans shall have the purpose 2875
of ensuring high quality patient care and effective and efficient 2876
utilization of available health facilities and services. 2877

(D) Nothing in this section shall be construed to require an 2878
insurer to pay benefits which are greater than usual, customary, 2879
and reasonable. 2880

(E)(1) Services performed under the clinical supervision of a 2881
health care professional identified in division (A) of this 2882
section, in order to be reimbursable under the coverage required 2883
in division (A) of this section, shall meet both of the following 2884
requirements: 2885

(a) The services shall be performed in accordance with a 2886
treatment plan that describes the expected duration, frequency, 2887
and type of services to be performed; 2888

(b) The plan shall be reviewed and approved by the health 2889
care professional every three months. 2890

(2) Payment of benefits for services reimbursable under 2891
division (E)(1) of this section shall not be restricted to 2892
services described in the treatment plan or conditioned upon 2893
standards of clinical supervision that are more restrictive than 2894
standards of a health care professional described in division (A) 2895
of this section, which at least equal the requirements of division 2896
(E)(1) of this section. 2897

(F) The benefits provided by this section for mental and 2898
emotional disorders shall not be reduced by the cost of benefits 2899

provided pursuant to section 3923.281 of the Revised Code for 2900
diagnostic and treatment services for biologically based mental 2901
illnesses. This section does not apply to benefits for diagnostic 2902
and treatment services for biologically based mental illnesses. 2903

Sec. 3923.281. (A) As used in this section: 2904

(1) "Biologically based mental illness" means schizophrenia, 2905
schizoaffective disorder, major depressive disorder, bipolar 2906
disorder, paranoia and other psychotic disorders, 2907
obsessive-compulsive disorder, and panic disorder, as these terms 2908
are defined in the most recent edition of the diagnostic and 2909
statistical manual of mental disorders published by the American 2910
psychiatric association. 2911

(2) "Policy of sickness and accident insurance" has the same 2912
meaning as in section 3923.01 of the Revised Code, but excludes 2913
any hospital indemnity, medicare supplement, long-term care, 2914
disability income, one-time-limited-duration policy of not longer 2915
than six months, supplemental benefit, or other policy that 2916
provides coverage for specific diseases or accidents only; any 2917
policy that provides coverage for workers' compensation claims 2918
compensable pursuant to Chapters 4121. and 4123. of the Revised 2919
Code; and any policy that provides coverage to beneficiaries 2920
enrolled in Title XIX of the "Social Security Act," 49 Stat. 620 2921
(1935), 42 U.S.C.A. 301, as amended, known as the medical 2922
assistance program or medicaid, as provided by the Ohio department 2923
of job and family services under Chapter 5111. of the Revised 2924
Code. 2925

(B) Notwithstanding section 3901.71 of the Revised Code, and 2926
subject to division (E) of this section, every policy of sickness 2927
and accident insurance shall provide benefits for the diagnosis 2928
and treatment of biologically based mental illnesses on the same 2929
terms and conditions as, and shall provide benefits no less 2930

extensive than, those provided under the policy of sickness and 2931
accident insurance for the treatment and diagnosis of all other 2932
physical diseases and disorders, if both of the following apply: 2933

(1) The biologically based mental illness is clinically 2934
diagnosed by a physician authorized under Chapter 4731. of the 2935
Revised Code to practice medicine and surgery or osteopathic 2936
medicine and surgery; a psychologist licensed under Chapter 4732. 2937
of the Revised Code; a licensed professional clinical counselor, 2938
licensed professional counselor, or independent social worker 2939
licensed under Chapter 4757. of the Revised Code; or a clinical 2940
nurse specialist licensed under Chapter 4723. of the Revised Code 2941
whose nursing specialty is mental health. 2942

(2) The prescribed treatment is not experimental or 2943
investigational, having proven its clinical effectiveness in 2944
accordance with generally accepted medical standards. 2945

(C) Division (B) of this section applies to all coverages and 2946
terms and conditions of the policy of sickness and accident 2947
insurance, including, but not limited to, coverage of inpatient 2948
hospital services, outpatient services, and medication; maximum 2949
lifetime benefits; copayments; and individual and family 2950
deductibles. 2951

(D) Nothing in this section shall be construed as prohibiting 2952
a sickness and accident insurance company from taking any of the 2953
following actions: 2954

(1) Negotiating separately with mental health care providers 2955
with regard to reimbursement rates and the delivery of health care 2956
services; 2957

(2) Offering policies that provide benefits solely for the 2958
diagnosis and treatment of biologically based mental illnesses; 2959

(3) Managing the provision of benefits for the diagnosis or 2960
treatment of biologically based mental illnesses through the use 2961

of pre-admission screening, by requiring beneficiaries to obtain 2962
authorization prior to treatment, or through the use of any other 2963
mechanism designed to limit coverage to that treatment determined 2964
to be necessary; 2965

(4) Enforcing the terms and conditions of a policy of 2966
sickness and accident insurance. 2967

(E) An insurer that offers any policy of sickness and 2968
accident insurance is not required to provide benefits for the 2969
diagnosis and treatment of biologically based mental illnesses 2970
pursuant to division (B) of this section if all of the following 2971
apply: 2972

(1) The insurer submits documentation certified by an 2973
independent member of the American academy of actuaries to the 2974
superintendent of insurance showing that incurred claims for 2975
diagnostic and treatment services for biologically based mental 2976
illnesses for a period of at least six months independently caused 2977
the insurer's costs for claims and administrative expenses for the 2978
coverage of all other physical diseases and disorders to increase 2979
by more than one per cent per year. 2980

(2) The insurer submits a signed letter from an independent 2981
member of the American academy of actuaries to the superintendent 2982
of insurance opining that the increase described in division 2983
(E)(1) of this section could reasonably justify an increase of 2984
more than one per cent in the annual premiums or rates charged by 2985
the insurer for the coverage of all other physical diseases and 2986
disorders. 2987

(3) The superintendent of insurance makes the following 2988
determinations from the documentation and opinion submitted 2989
pursuant to divisions (E)(1) and (2) of this section: 2990

(a) Incurred claims for diagnostic and treatment services for 2991
biologically based mental illnesses for a period of at least six 2992

months independently caused the insurer's costs for claims and 2993
administrative expenses for the coverage of all other physical 2994
diseases and disorders to increase by more than one per cent per 2995
year. 2996

(b) The increase in costs reasonably justifies an increase of 2997
more than one per cent in the annual premiums or rates charged by 2998
the insurer for the coverage of all other physical diseases and 2999
disorders. 3000

Any determination made by the superintendent under this 3001
division is subject to Chapter 119. of the Revised Code. 3002

Sec. 3923.282. (A) As used in this section: 3003

(1) "Biologically based mental illness" means schizophrenia, 3004
schizoaffective disorder, major depressive disorder, bipolar 3005
disorder, paranoia and other psychotic disorders, 3006
obsessive-compulsive disorder, and panic disorder, as these terms 3007
are defined in the most recent edition of the diagnostic and 3008
statistical manual of mental disorders published by the American 3009
psychiatric association. 3010

(2) "Plan of health coverage" includes any private or public 3011
employer group self-insurance plan that provides payment for 3012
health care benefits for other than specific diseases or accidents 3013
only, which benefits are not provided by contract with a sickness 3014
and accident insurer or health insuring corporation. 3015

(B) Notwithstanding section 3901.71 of the Revised Code, and 3016
subject to division (F) of this section, each plan of health 3017
coverage shall provide benefits for the diagnosis and treatment of 3018
biologically based mental illnesses on the same terms and 3019
conditions as, and shall provide benefits no less extensive than, 3020
those provided under the plan of health coverage for the treatment 3021
and diagnosis of all other physical diseases and disorders, if 3022

both of the following apply: 3023

(1) The biologically based mental illness is clinically 3024
diagnosed by a physician authorized under Chapter 4731. of the 3025
Revised Code to practice medicine and surgery or osteopathic 3026
medicine and surgery; a psychologist licensed under Chapter 4732. 3027
of the Revised Code; a licensed professional clinical counselor, 3028
licensed professional counselor, or independent social worker 3029
licensed under Chapter 4757. of the Revised Code; or a clinical 3030
nurse specialist licensed under Chapter 4723. of the Revised Code 3031
whose nursing specialty is mental health. 3032

(2) The prescribed treatment is not experimental or 3033
investigational, having proven its clinical effectiveness in 3034
accordance with generally accepted medical standards. 3035

(C) Division (B) of this section applies to all coverages and 3036
terms and conditions of the plan of health coverage, including, 3037
but not limited to, coverage of inpatient hospital services, 3038
outpatient services, and medication; maximum lifetime benefits; 3039
copayments; and individual and family deductibles. 3040

(D) This section does not apply to a plan of health coverage 3041
if federal law supersedes, preempts, prohibits, or otherwise 3042
precludes its application to such plans. This section does not 3043
apply to long-term care, hospital indemnity, disability income, or 3044
medicare supplement plans of health coverage, or to any other 3045
supplemental benefit plans of health coverage. 3046

(E) Nothing in this section shall be construed as prohibiting 3047
an employer from taking any of the following actions in connection 3048
with a plan of health coverage: 3049

(1) Negotiating separately with mental health care providers 3050
with regard to reimbursement rates and the delivery of health care 3051
services; 3052

(2) Managing the provision of benefits for the diagnosis or 3053

treatment of biologically based mental illnesses through the use 3054
of pre-admission screening, by requiring beneficiaries to obtain 3055
authorization prior to treatment, or through the use of any other 3056
mechanism designed to limit coverage to that treatment determined 3057
to be necessary; 3058

(3) Enforcing the terms and conditions of a plan of health 3059
coverage. 3060

(F) An employer that offers a plan of health coverage is not 3061
required to provide benefits for the diagnosis and treatment of 3062
biologically based mental illnesses in combination with benefits 3063
for the treatment and diagnosis of all other physical diseases and 3064
disorders as described in division (B) of this section if both of 3065
the following apply: 3066

(1) The employer submits documentation certified by an 3067
independent member of the American academy of actuaries to the 3068
superintendent of insurance showing that incurred claims for 3069
diagnostic and treatment services for biologically based mental 3070
illnesses for a period of at least six months independently caused 3071
the employer's costs for claims and administrative expenses for 3072
the coverage of all other physical diseases and disorders to 3073
increase by more than one per cent per year. 3074

(2) The superintendent of insurance determines from the 3075
documentation and opinion submitted pursuant to division (F) of 3076
this section, that incurred claims for diagnostic and treatment 3077
services for biologically based mental illnesses for a period of 3078
at least six months independently caused the employer's costs for 3079
claims and administrative expenses for the coverage of all other 3080
physical diseases and disorders to increase by more than one per 3081
cent per year. 3082

Any determination made by the superintendent under this 3083
division is subject to Chapter 119. of the Revised Code. 3084

Sec. 3923.30. Every person, the state and any of its 3085
instrumentalities, any county, township, school district, or other 3086
political subdivisions and any of its instrumentalities, and any 3087
municipal corporation and any of its instrumentalities, which 3088
provides payment for health care benefits for any of its employees 3089
resident in this state, which benefits are not provided by 3090
contract with an insurer qualified to provide sickness and 3091
accident insurance, or a health insuring corporation, shall 3092
include the following benefits in its plan of health care benefits 3093
commencing on or after January 1, 1979: 3094

(A) If such plan of health care benefits provides payment for 3095
the treatment of mental or nervous disorders, then such plan shall 3096
provide benefits for services on an outpatient basis for each 3097
eligible employee and dependent for mental or emotional disorders, 3098
or for evaluations, that are at least equal to the following: 3099

(1) Payments not less than five hundred fifty dollars in a 3100
twelve-month period, for services legally performed by or under 3101
the clinical supervision of a physician authorized under Chapter 3102
4731. of the Revised Code to practice medicine and surgery or 3103
osteopathic medicine and surgery; a psychologist licensed under 3104
Chapter 4732. of the Revised Code; a licensed professional 3105
clinical counselor, licensed professional counselor, or 3106
independent social worker licensed under Chapter 4757. of the 3107
Revised Code; or a clinical nurse specialist licensed under 3108
Chapter 4723. of the Revised Code whose nursing specialty is 3109
mental health, whether performed in an office, in a hospital, or 3110
in a community mental health facility so long as the hospital or 3111
community mental health facility is approved by the joint 3112
commission on accreditation of healthcare organizations, the 3113
council on accreditation for children and family services, or the 3114
rehabilitation accreditation commission; 3115

(2) Such benefit shall be subject to reasonable limitations, 3116
and may be subject to reasonable deductibles and co-insurance 3117
costs. 3118

(3) In order to qualify for participation under this 3119
division, every facility specified in this division shall have in 3120
effect a plan for utilization review and a plan for peer review 3121
and every person specified in this division shall have in effect a 3122
plan for peer review. Such plans shall have the purpose of 3123
ensuring high quality patient care and effective and efficient 3124
utilization of available health facilities and services. 3125

(4) Such payment for benefits shall not be greater than 3126
usual, customary, and reasonable. 3127

(5)(a) Services performed by or under the clinical 3128
supervision of a health care professional identified in division 3129
(A)(1) of this section, in order to be reimbursable under the 3130
coverage required in division (A) of this section, shall meet both 3131
of the following requirements: 3132

(i) The services shall be performed in accordance with a 3133
treatment plan that describes the expected duration, frequency, 3134
and type of services to be performed; 3135

(ii) The plan shall be reviewed and approved by the health 3136
care professional every three months. 3137

(b) Payment of benefits for services reimbursable under 3138
division (A)(5)(a) of the section shall not be restricted to 3139
services described in the treatment plan or conditioned upon 3140
standards of a licensed physician or licensed psychologist, which 3141
at least equal the requirements of division (A)(5)(a) of this 3142
section. 3143

(B) Payment for benefits for alcoholism treatment for 3144
outpatient, inpatient, and intermediate primary care for each 3145
eligible employee and dependent that are at least equal to the 3146

following: 3147

(1) Payments not less than five hundred fifty dollars in a 3148
twelve-month period for services legally performed by or under the 3149
clinical supervision of a health care professional identified in 3150
division (A)(1) of this section, whether performed in an office, 3151
or in a hospital or a community mental health facility or 3152
alcoholism treatment facility so long as the hospital, community 3153
mental health facility, or alcoholism treatment facility is 3154
approved by the joint commission on accreditation of hospitals or 3155
certified by the department of health; 3156

(2) The benefits provided under this division shall be 3157
subject to reasonable limitations and may be subject to reasonable 3158
deductibles and co-insurance costs. 3159

(3) A health care professional shall every three months 3160
certify a patient's need for continued services performed by such 3161
facilities. 3162

(4) In order to qualify for participation under this 3163
division, every facility specified in this division shall have in 3164
effect a plan for utilization review and a plan for peer review 3165
and every person specified in this division shall have in effect a 3166
plan for peer review. Such plans shall have the purpose of 3167
ensuring high quality patient care and efficient utilization of 3168
available health facilities and services. Such person or 3169
facilities shall also have in effect a program of rehabilitation 3170
or a program of rehabilitation and detoxification. 3171

(5) Nothing in this section shall be construed to require 3172
reimbursement for benefits which is greater than usual, customary, 3173
and reasonable. 3174

(C) The benefits provided by division (A) of this section for 3175
mental and emotional disorders shall not be reduced by the cost of 3176
benefits provided pursuant to section 3923.282 of the Revised Code 3177

for diagnostic and treatment services for biologically based 3178
mental illness. This section does not apply to benefits for 3179
diagnostic and treatment services for biologically based mental 3180
illnesses. 3181

Sec. 3963.01. As used in this chapter: 3182

(A) "Affiliate" means any person or entity that has ownership 3183
or control of a contracting entity, is owned or controlled by a 3184
contracting entity, or is under common ownership or control with a 3185
contracting entity. 3186

(B) "Basic health care services" has the same meaning as in 3187
division (A) of section 1751.01 of the Revised Code, except that 3188
it does not include any services listed in that division that are 3189
provided by a pharmacist or nursing home. 3190

(C) "Contracting entity" means any person that has a primary 3191
business purpose of contracting with participating providers for 3192
the delivery of health care services. 3193

(D) "Credentialing" means the process of assessing and 3194
validating the qualifications of a provider applying to be 3195
approved by a contracting entity to provide basic health care 3196
services, specialty health care services, or supplemental health 3197
care services to enrollees. 3198

(E) "Edit" means adjusting one or more procedure codes billed 3199
by a participating provider on a claim for payment or a practice 3200
that results in any of the following: 3201

(1) Payment for some, but not all of the procedure codes 3202
originally billed by a participating provider; 3203

(2) Payment for a different procedure code than the procedure 3204
code originally billed by a participating provider; 3205

(3) A reduced payment as a result of services provided to an 3206
enrollee that are claimed under more than one procedure code on 3207

the same service date. 3208

(F) "Electronic claims transport" means to accept and 3209
digitize claims or to accept claims already digitized, to place 3210
those claims into a format that complies with the electronic 3211
transaction standards issued by the United States department of 3212
health and human services pursuant to the "Health Insurance 3213
Portability and Accountability Act of 1996," 110 Stat. 1955, 42 3214
U.S.C. 1320d, et seq., as those electronic standards are 3215
applicable to the parties and as those electronic standards are 3216
updated from time to time, and to electronically transmit those 3217
claims to the appropriate contracting entity, payer, or 3218
third-party administrator. 3219

(G) "Enrollee" means any person eligible for health care 3220
benefits under a health benefit plan, including an eligible 3221
recipient of medicaid under Chapter 5111. of the Revised Code, and 3222
includes all of the following terms: 3223

(1) "Enrollee" and "subscriber" as defined by section 1751.01 3224
of the Revised Code; 3225

(2) "Member" as defined by section 1739.01 of the Revised 3226
Code; 3227

(3) "Insured" and "plan member" pursuant to Chapter 3923. of 3228
the Revised Code; 3229

(4) "Beneficiary" as defined by section 3901.38 of the 3230
Revised Code. 3231

(H) "Health care contract" means a contract entered into, 3232
materially amended, or renewed between a contracting entity and a 3233
participating provider for the delivery of basic health care 3234
services, specialty health care services, or supplemental health 3235
care services to enrollees. 3236

(I) "Health care services" means basic health care services, 3237

specialty health care services, and supplemental health care services. 3238
3239

(J) "Material amendment" means an amendment to a health care contract that decreases the participating provider's payment or compensation, changes the administrative procedures in a way that may reasonably be expected to significantly increase the provider's administrative expenses, or adds a new product. A material amendment does not include any of the following: 3240
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(1) A decrease in payment or compensation resulting solely from a change in a published fee schedule upon which the payment or compensation is based and the date of applicability is clearly identified in the contract; 3246
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(2) A decrease in payment or compensation that was anticipated under the terms of the contract, if the amount and date of applicability of the decrease is clearly identified in the contract; 3250
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(3) An administrative change that may significantly increase the provider's administrative expense, the specific applicability of which is clearly identified in the contract; 3254
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(4) Changes to an existing prior authorization, precertification, notification, or referral program that do not substantially increase the provider's administrative expense; 3257
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(5) Changes to an edit program or to specific edits if the participating provider is provided notice of the changes pursuant to division (A)(1) of section 3963.04 of the Revised Code and the notice includes information sufficient for the provider to determine the effect of the change; 3260
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(6) Changes to a health care contract described in division (B) of section 3963.04 of the Revised Code. 3265
3266

(K) "Participating provider" means a provider that has a 3267

health care contract with a contracting entity and is entitled to 3268
reimbursement for health care services rendered to an enrollee 3269
under the health care contract. 3270

(L) "Payer" means any person that assumes the financial risk 3271
for the payment of claims under a health care contract or the 3272
reimbursement for health care services provided to enrollees by 3273
participating providers pursuant to a health care contract. 3274

(M) "Primary enrollee" means a person who is responsible for 3275
making payments for participation in a health care plan or an 3276
enrollee whose employment or other status is the basis of 3277
eligibility for enrollment in a health care plan. 3278

(N) "Procedure codes" includes the American medical 3279
association's current procedural terminology code, the American 3280
dental association's current dental terminology, and the centers 3281
for medicare and medicaid services health care common procedure 3282
coding system. 3283

(O) "Product" means one of the following types of categories 3284
of coverage for which a participating provider may be obligated to 3285
provide health care services pursuant to a health care contract: 3286

(1) A health maintenance organization or other product 3287
provided by a health insuring corporation; 3288

(2) A preferred provider organization; 3289

(3) Medicare; 3290

(4) Medicaid; 3291

(5) Workers' compensation. 3292

(P) "Provider" means a physician, podiatrist, dentist, 3293
chiropractor, optometrist, psychologist, physician assistant, 3294
advanced practice registered nurse, occupational therapist, 3295
massage therapist, physical therapist, licensed professional 3296
counselor, licensed professional clinical counselor, hearing aid 3297

dealer, orthotist, prosthetist, home health agency, hospice care 3298
program, pediatric respite care program, or hospital, or a 3299
provider organization or physician-hospital organization that is 3300
acting exclusively as an administrator on behalf of a provider to 3301
facilitate the provider's participation in health care contracts. 3302
"Provider" does not mean a pharmacist, pharmacy, nursing home, or 3303
a provider organization or physician-hospital organization that 3304
leases the provider organization's or physician-hospital 3305
organization's network to a third party or contracts directly with 3306
employers or health and welfare funds. 3307

(Q) "Specialty health care services" has the same meaning as 3308
in section 1751.01 of the Revised Code, except that it does not 3309
include any services listed in division (B) of section 1751.01 of 3310
the Revised Code that are provided by a pharmacist or a nursing 3311
home. 3312

(R) "Supplemental health care services" has the same meaning 3313
as in division (B) of section 1751.01 of the Revised Code, except 3314
that it does not include any services listed in that division that 3315
are provided by a pharmacist or nursing home. 3316

Sec. 4723.16. (A) An individual whom the board of nursing 3317
licenses, certificates, or otherwise legally authorizes to engage 3318
in the practice of nursing as a registered nurse or as a licensed 3319
practical nurse may render the professional services of a 3320
registered or licensed practical nurse within this state through a 3321
corporation formed under division (B) of section 1701.03 of the 3322
Revised Code, a limited liability company formed under Chapter 3323
1705. of the Revised Code, a partnership, or a professional 3324
association formed under Chapter 1785. of the Revised Code. This 3325
division does not preclude an individual of that nature from 3326
rendering professional services as a registered or licensed 3327
practical nurse through another form of business entity, 3328

including, but not limited to, a nonprofit corporation or 3329
foundation, or in another manner that is authorized by or in 3330
accordance with this chapter, another chapter of the Revised Code, 3331
or rules of the board of nursing adopted pursuant to this chapter. 3332

(B) A corporation, limited liability company, partnership, or 3333
professional association described in division (A) of this section 3334
may be formed for the purpose of providing a combination of the 3335
professional services of the following individuals who are 3336
licensed, certificated, or otherwise legally authorized to 3337
practice their respective professions: 3338

(1) Optometrists who are authorized to practice optometry 3339
under Chapter 4725. of the Revised Code; 3340

(2) Chiropractors who are authorized to practice chiropractic 3341
or acupuncture under Chapter 4734. of the Revised Code; 3342

(3) Psychologists who are authorized to practice psychology 3343
under Chapter 4732. of the Revised Code; 3344

(4) Registered or licensed practical nurses who are 3345
authorized to practice nursing as registered nurses or as licensed 3346
practical nurses under this chapter; 3347

(5) Pharmacists who are authorized to practice pharmacy under 3348
Chapter 4729. of the Revised Code; 3349

(6) Physical therapists who are authorized to practice 3350
physical therapy under sections 4755.40 to 4755.56 of the Revised 3351
Code; 3352

(7) Occupational therapists who are licensed to practice 3353
occupational therapy under sections 4755.04 to 4755.13 of the 3354
Revised Code; 3355

(8) Mechanotherapists who are authorized to practice 3356
mechanotherapy under section 4731.151 of the Revised Code; 3357

(9) Doctors of medicine and surgery, osteopathic medicine and 3358

surgery, or podiatric medicine and surgery who are licensed, 3359
certificated, or otherwise legally authorized for their respective 3360
practices under Chapter 4731. of the Revised Code; 3361

(10) Licensed professional clinical counselors, licensed 3362
professional counselors, independent social workers, social 3363
workers, independent marriage and family therapists, or marriage 3364
and family therapists who are authorized for their respective 3365
practices under Chapter 4757. of the Revised Code. 3366

This division shall apply notwithstanding a provision of a 3367
code of ethics applicable to a nurse that prohibits a registered 3368
or licensed practical nurse from engaging in the practice of 3369
nursing as a registered nurse or as a licensed practical nurse in 3370
combination with a person who is licensed, certificated, or 3371
otherwise legally authorized to practice optometry, chiropractic, 3372
acupuncture through the state chiropractic board, psychology, 3373
pharmacy, physical therapy, occupational therapy, mechanotherapy, 3374
medicine and surgery, osteopathic medicine and surgery, ~~or~~ 3375
podiatric medicine and surgery, professional counseling, social 3376
work, or marriage and family therapy, but who is not also 3377
licensed, certificated, or otherwise legally authorized to engage 3378
in the practice of nursing as a registered nurse or as a licensed 3379
practical nurse. 3380

Sec. 4725.33. (A) An individual whom the state board of 3381
optometry licenses to engage in the practice of optometry may 3382
render the professional services of an optometrist within this 3383
state through a corporation formed under division (B) of section 3384
1701.03 of the Revised Code, a limited liability company formed 3385
under Chapter 1705. of the Revised Code, a partnership, or a 3386
professional association formed under Chapter 1785. of the Revised 3387
Code. This division does not preclude an optometrist from 3388
rendering professional services as an optometrist through another 3389

form of business entity, including, but not limited to, a 3390
nonprofit corporation or foundation, or in another manner that is 3391
authorized by or in accordance with this chapter, another chapter 3392
of the Revised Code, or rules of the state board of optometry 3393
adopted pursuant to this chapter. 3394

(B) A corporation, limited liability company, partnership, or 3395
professional association described in division (A) of this section 3396
may be formed for the purpose of providing a combination of the 3397
professional services of the following individuals who are 3398
licensed, certificated, or otherwise legally authorized to 3399
practice their respective professions: 3400

(1) Optometrists who are authorized to practice optometry 3401
under Chapter 4725. of the Revised Code; 3402

(2) Chiropractors who are authorized to practice chiropractic 3403
or acupuncture under Chapter 4734. of the Revised Code; 3404

(3) Psychologists who are authorized to practice psychology 3405
under Chapter 4732. of the Revised Code; 3406

(4) Registered or licensed practical nurses who are 3407
authorized to practice nursing as registered nurses or as licensed 3408
practical nurses under Chapter 4723. of the Revised Code; 3409

(5) Pharmacists who are authorized to practice pharmacy under 3410
Chapter 4729. of the Revised Code; 3411

(6) Physical therapists who are authorized to practice 3412
physical therapy under sections 4755.40 to 4755.56 of the Revised 3413
Code; 3414

(7) Occupational therapists who are authorized to practice 3415
occupational therapy under sections 4755.04 to 4755.13 of the 3416
Revised Code; 3417

(8) Mechanotherapists who are authorized to practice 3418
mechanotherapy under section 4731.151 of the Revised Code; 3419

~~(8)~~(9) Doctors of medicine and surgery, osteopathic medicine 3420
and surgery, or podiatric medicine and surgery who are authorized 3421
for their respective practices under Chapter 4731. of the Revised 3422
Code; 3423

(10) Licensed professional clinical counselors, licensed 3424
professional counselors, independent social workers, social 3425
workers, independent marriage and family therapists, or marriage 3426
and family therapists who are authorized for their respective 3427
practices under Chapter 4757. of the Revised Code. 3428

This division shall apply notwithstanding a provision of a 3429
code of ethics applicable to an optometrist that prohibits an 3430
optometrist from engaging in the practice of optometry in 3431
combination with a person who is licensed, certificated, or 3432
otherwise legally authorized to practice chiropractic, acupuncture 3433
through the state chiropractic board, psychology, nursing, 3434
pharmacy, physical therapy, occupational therapy, mechanotherapy, 3435
medicine and surgery, osteopathic medicine and surgery, ~~or~~ 3436
podiatric medicine and surgery, professional counseling, social 3437
work, or marriage and family therapy, but who is not also 3438
licensed, certificated, or otherwise legally authorized to engage 3439
in the practice of optometry. 3440

Sec. 4729.161. (A) An individual registered with the state 3441
board of pharmacy to engage in the practice of pharmacy may render 3442
the professional services of a pharmacist within this state 3443
through a corporation formed under division (B) of section 1701.03 3444
of the Revised Code, a limited liability company formed under 3445
Chapter 1705. of the Revised Code, a partnership, or a 3446
professional association formed under Chapter 1785. of the Revised 3447
Code. This division does not preclude an individual of that nature 3448
from rendering professional services as a pharmacist through 3449
another form of business entity, including, but not limited to, a 3450

nonprofit corporation or foundation, or in another manner that is 3451
authorized by or in accordance with this chapter, another chapter 3452
of the Revised Code, or rules of the state board of pharmacy 3453
adopted pursuant to this chapter. 3454

(B) A corporation, limited liability company, partnership, or 3455
professional association described in division (A) of this section 3456
may be formed for the purpose of providing a combination of the 3457
professional services of the following individuals who are 3458
licensed, certificated, or otherwise legally authorized to 3459
practice their respective professions: 3460

(1) Optometrists who are authorized to practice optometry 3461
under Chapter 4725. of the Revised Code; 3462

(2) Chiropractors who are authorized to practice chiropractic 3463
or acupuncture under Chapter 4734. of the Revised Code; 3464

(3) Psychologists who are authorized to practice psychology 3465
under Chapter 4732. of the Revised Code; 3466

(4) Registered or licensed practical nurses who are 3467
authorized to practice nursing as registered nurses or as licensed 3468
practical nurses under Chapter 4723. of the Revised Code; 3469

(5) Pharmacists who are authorized to practice pharmacy under 3470
Chapter 4729. of the Revised Code; 3471

(6) Physical therapists who are authorized to practice 3472
physical therapy under sections 4755.40 to 4755.56 of the Revised 3473
Code; 3474

(7) Occupational therapists who are authorized to practice 3475
occupational therapy under sections 4755.04 to 4755.13 of the 3476
Revised Code; 3477

(8) Mechanotherapists who are authorized to practice 3478
mechanotherapy under section 4731.151 of the Revised Code; 3479

(9) Doctors of medicine and surgery, osteopathic medicine and 3480

surgery, or podiatric medicine and surgery who are authorized for 3481
their respective practices under Chapter 4731. of the Revised 3482
Code; 3483

(10) Licensed professional clinical counselors, licensed 3484
professional counselors, independent social workers, social 3485
workers, independent marriage and family therapists, or marriage 3486
and family therapists who are authorized for their respective 3487
practices under Chapter 4757. of the Revised Code. 3488

This division shall apply notwithstanding a provision of a 3489
code of ethics applicable to a pharmacist that prohibits a 3490
pharmacist from engaging in the practice of pharmacy in 3491
combination with a person who is licensed, certificated, or 3492
otherwise legally authorized to practice optometry, chiropractic, 3493
acupuncture through the state chiropractic board, psychology, 3494
nursing, physical therapy, occupational therapy, mechanotherapy, 3495
medicine and surgery, osteopathic medicine and surgery, ~~or~~ 3496
podiatric medicine and surgery, professional counseling, social 3497
work, or marriage and family therapy, but who is not also 3498
licensed, certificated, or otherwise legally authorized to engage 3499
in the practice of pharmacy. 3500

Sec. 4731.226. (A)(1) An individual whom the state medical 3501
board licenses, certificates, or otherwise legally authorizes to 3502
engage in the practice of medicine and surgery, osteopathic 3503
medicine and surgery, or podiatric medicine and surgery may render 3504
the professional services of a doctor of medicine and surgery, 3505
osteopathic medicine and surgery, or podiatric medicine and 3506
surgery within this state through a corporation formed under 3507
division (B) of section 1701.03 of the Revised Code, a limited 3508
liability company formed under Chapter 1705. of the Revised Code, 3509
a partnership, or a professional association formed under Chapter 3510
1785. of the Revised Code. Division (A)(1) of this section does 3511

not preclude an individual of that nature from rendering 3512
professional services as a doctor of medicine and surgery, 3513
osteopathic medicine and surgery, or podiatric medicine and 3514
surgery through another form of business entity, including, but 3515
not limited to, a nonprofit corporation or foundation, or in 3516
another manner that is authorized by or in accordance with this 3517
chapter, another chapter of the Revised Code, or rules of the 3518
state medical board adopted pursuant to this chapter. 3519

(2) An individual whom the state medical board authorizes to 3520
engage in the practice of mechanotherapy may render the 3521
professional services of a mechanotherapist within this state 3522
through a corporation formed under division (B) of section 1701.03 3523
of the Revised Code, a limited liability company formed under 3524
Chapter 1705. of the Revised Code, a partnership, or a 3525
professional association formed under Chapter 1785. of the Revised 3526
Code. Division (A)(2) of this section does not preclude an 3527
individual of that nature from rendering professional services as 3528
a mechanotherapist through another form of business entity, 3529
including, but not limited to, a nonprofit corporation or 3530
foundation, or in another manner that is authorized by or in 3531
accordance with this chapter, another chapter of the Revised Code, 3532
or rules of the state medical board adopted pursuant to this 3533
chapter. 3534

(B) A corporation, limited liability company, partnership, or 3535
professional association described in division (A) of this section 3536
may be formed for the purpose of providing a combination of the 3537
professional services of the following individuals who are 3538
licensed, certificated, or otherwise legally authorized to 3539
practice their respective professions: 3540

(1) Optometrists who are authorized to practice optometry 3541
under Chapter 4725. of the Revised Code; 3542

(2) Chiropractors who are authorized to practice chiropractic 3543

or acupuncture under Chapter 4734. of the Revised Code;	3544
(3) Psychologists who are authorized to practice psychology under Chapter 4732. of the Revised Code;	3545
(4) Registered or licensed practical nurses who are authorized to practice nursing as registered nurses or as licensed practical nurses under Chapter 4723. of the Revised Code;	3547
(5) Pharmacists who are authorized to practice pharmacy under Chapter 4729. of the Revised Code;	3548
(6) Physical therapists who are authorized to practice physical therapy under sections 4755.40 to 4755.56 of the Revised Code;	3549
(7) Occupational therapists who are authorized to practice occupational therapy under sections 4755.04 to 4755.13 of the Revised Code;	3550
(8) Mechanotherapists who are authorized to practice mechanotherapy under section 4731.151 of the Revised Code;	3551
(9) Doctors of medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery who are authorized for their respective practices under this chapter;	3552
(10) <u>Licensed professional clinical counselors, licensed professional counselors, independent social workers, social workers, independent marriage and family therapists, or marriage and family therapists who are authorized for their respective practices under Chapter 4757. of the Revised Code.</u>	3553
(C) Division (B) of this section shall apply notwithstanding a provision of a code of ethics described in division (B)(18) of section 4731.22 of the Revised Code that prohibits either of the following:	3554
(1) A doctor of medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery from engaging in	3555
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the doctor's authorized practice in combination with a person who 3574
is licensed, certificated, or otherwise legally authorized to 3575
engage in the practice of optometry, chiropractic, acupuncture 3576
through the state chiropractic board, psychology, nursing, 3577
pharmacy, physical therapy, occupational therapy, ~~or~~ 3578
mechanotherapy, professional counseling, social work, or marriage 3579
and family therapy, but who is not also licensed, certificated, or 3580
otherwise legally authorized to practice medicine and surgery, 3581
osteopathic medicine and surgery, or podiatric medicine and 3582
surgery. 3583

(2) A mechanotherapist from engaging in the practice of 3584
mechanotherapy in combination with a person who is licensed, 3585
certificated, or otherwise legally authorized to engage in the 3586
practice of optometry, chiropractic, acupuncture through the state 3587
chiropractic board, psychology, nursing, pharmacy, physical 3588
therapy, occupational therapy, medicine and surgery, osteopathic 3589
medicine and surgery, ~~or~~ podiatric medicine and surgery, 3590
professional counseling, social work, or marriage and family 3591
therapy, but who is not also licensed, certificated, or otherwise 3592
legally authorized to engage in the practice of mechanotherapy. 3593

Sec. 4731.65. As used in sections 4731.65 to 4731.71 of the 3594
Revised Code: 3595

(A)(1) "Clinical laboratory services" means either of the 3596
following: 3597

(a) Any examination of materials derived from the human body 3598
for the purpose of providing information for the diagnosis, 3599
prevention, or treatment of any disease or impairment or for the 3600
assessment of health; 3601

(b) Procedures to determine, measure, or otherwise describe 3602
the presence or absence of various substances or organisms in the 3603
body. 3604

(2) "Clinical laboratory services" does not include the mere collection or preparation of specimens. 3605
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(B) "Designated health services" means any of the following: 3607

(1) Clinical laboratory services; 3608

(2) Home health care services; 3609

(3) Outpatient prescription drugs. 3610

(C) "Fair market value" means the value in arms-length transactions, consistent with general market value and: 3611
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(1) With respect to rentals or leases, the value of rental property for general commercial purposes, not taking into account its intended use; 3613
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(2) With respect to a lease of space, not adjusted to reflect the additional value the prospective lessee or lessor would attribute to the proximity or convenience to the lessor if the lessor is a potential source of referrals to the lessee. 3616
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(D) "Governmental health care program" means any program providing health care benefits that is administered by the federal government, this state, or a political subdivision of this state, including the medicare program established under Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, health care coverage for public employees, health care benefits administered by the bureau of workers' compensation, and the medicaid program established under Chapter 5111. of the Revised Code. 3620
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(E)(1) "Group practice" means a group of two or more holders of certificates under this chapter legally organized as a partnership, professional corporation or association, limited liability company, foundation, nonprofit corporation, faculty practice plan, or similar group practice entity, including an organization comprised of a nonprofit medical clinic that 3629
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contracts with a professional corporation or association of 3635
physicians to provide medical services exclusively to patients of 3636
the clinic in order to comply with section 1701.03 of the Revised 3637
Code and including a corporation, limited liability company, 3638
partnership, or professional association described in division (B) 3639
of section 4731.226 of the Revised Code formed for the purpose of 3640
providing a combination of the professional services of 3641
optometrists who are licensed, certificated, or otherwise legally 3642
authorized to practice optometry under Chapter 4725. of the 3643
Revised Code, chiropractors who are licensed, certificated, or 3644
otherwise legally authorized to practice chiropractic or 3645
acupuncture under Chapter 4734. of the Revised Code, psychologists 3646
who are licensed, certificated, or otherwise legally authorized to 3647
practice psychology under Chapter 4732. of the Revised Code, 3648
registered or licensed practical nurses who are licensed, 3649
certificated, or otherwise legally authorized to practice nursing 3650
under Chapter 4723. of the Revised Code, pharmacists who are 3651
licensed, certificated, or otherwise legally authorized to 3652
practice pharmacy under Chapter 4729. of the Revised Code, 3653
physical therapists who are licensed, certificated, or otherwise 3654
legally authorized to practice physical therapy under sections 3655
4755.40 to 4755.56 of the Revised Code, occupational therapists 3656
who are licensed, certificated, or otherwise legally authorized to 3657
practice occupational therapy under sections 4755.04 to 4755.13 of 3658
the Revised Code, mechanotherapists who are licensed, 3659
certificated, or otherwise legally authorized to practice 3660
mechanotherapy under section 4731.151 of the Revised Code, ~~and~~ 3661
doctors of medicine and surgery, osteopathic medicine and surgery, 3662
or podiatric medicine and surgery who are licensed, certificated, 3663
or otherwise legally authorized for their respective practices 3664
under this chapter, and licensed professional clinical counselors, 3665
licensed professional counselors, independent social workers, 3666
social workers, independent marriage and family therapists, or 3667

marriage and family therapists who are licensed, certificated, or 3668
otherwise legally authorized for their respective practices under 3669
Chapter 4757. of the Revised Code to which all of the following 3670
apply: 3671

(a) Each physician who is a member of the group practice 3672
provides substantially the full range of services that the 3673
physician routinely provides, including medical care, 3674
consultation, diagnosis, or treatment, through the joint use of 3675
shared office space, facilities, equipment, and personnel. 3676

(b) Substantially all of the services of the members of the 3677
group are provided through the group and are billed in the name of 3678
the group and amounts so received are treated as receipts of the 3679
group. 3680

(c) The overhead expenses of and the income from the practice 3681
are distributed in accordance with methods previously determined 3682
by members of the group. 3683

(d) The group practice meets any other requirements that the 3684
state medical board applies in rules adopted under section 4731.70 3685
of the Revised Code. 3686

(2) In the case of a faculty practice plan associated with a 3687
hospital with a medical residency training program in which 3688
physician members may provide a variety of specialty services and 3689
provide professional services both within and outside the group, 3690
as well as perform other tasks such as research, the criteria in 3691
division (E)(1) of this section apply only with respect to 3692
services rendered within the faculty practice plan. 3693

(F) "Home health care services" and "immediate family" have 3694
the same meanings as in the rules adopted under section 4731.70 of 3695
the Revised Code. 3696

(G) "Hospital" has the same meaning as in section 3727.01 of 3697
the Revised Code. 3698

(H) A "referral" includes both of the following:	3699
(1) A request by a holder of a certificate under this chapter for an item or service, including a request for a consultation with another physician and any test or procedure ordered by or to be performed by or under the supervision of the other physician;	3700 3701 3702 3703
(2) A request for or establishment of a plan of care by a certificate holder that includes the provision of designated health services.	3704 3705 3706
(I) "Third-party payer" has the same meaning as in section 3901.38 of the Revised Code.	3707 3708
Sec. 4732.28. (A) An individual whom the state board of psychology licenses, certificates, or otherwise legally authorizes to engage in the practice of psychology may render the professional services of a psychologist within this state through a corporation formed under division (B) of section 1701.03 of the Revised Code, a limited liability company formed under Chapter 1705. of the Revised Code, a partnership, or a professional association formed under Chapter 1785. of the Revised Code. This division does not preclude an individual of that nature from rendering professional services as a psychologist through another form of business entity, including, but not limited to, a nonprofit corporation or foundation, or in another manner that is authorized by or in accordance with this chapter, another chapter of the Revised Code, or rules of the state board of psychology adopted pursuant to this chapter.	3709 3710 3711 3712 3713 3714 3715 3716 3717 3718 3719 3720 3721 3722 3723
(B) A corporation, limited liability company, partnership, or professional association described in division (A) of this section may be formed for the purpose of providing a combination of the professional services of the following individuals who are licensed, certificated, or otherwise legally authorized to practice their respective professions:	3724 3725 3726 3727 3728 3729

(1) Optometrists who are authorized to practice optometry under Chapter 4725. of the Revised Code;	3730 3731
(2) Chiropractors who are authorized to practice chiropractic or acupuncture under Chapter 4734. of the Revised Code;	3732 3733
(3) Psychologists who are authorized to practice psychology under this chapter;	3734 3735
(4) Registered or licensed practical nurses who are authorized to practice nursing as registered nurses or as licensed practical nurses under Chapter 4723. of the Revised Code;	3736 3737 3738
(5) Pharmacists who are authorized to practice pharmacy under Chapter 4729. of the Revised Code;	3739 3740
(6) Physical therapists who are authorized to practice physical therapy under sections 4755.40 to 4755.56 of the Revised Code;	3741 3742 3743
(7) Occupational therapists who are authorized to practice occupational therapy under sections 4755.04 to 4755.13 of the Revised Code;	3744 3745 3746
(8) Mechanotherapists who are authorized to practice mechanotherapy under section 4731.151 of the Revised Code;	3747 3748
(9) Doctors of medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery who are authorized for their respective practices under Chapter 4731. of the Revised Code;	3749 3750 3751 3752
<u>(10) Licensed professional clinical counselors, licensed professional counselors, independent social workers, social workers, independent marriage and family therapists, or marriage and family therapists who are authorized for their respective practices under Chapter 4757. of the Revised Code.</u>	3753 3754 3755 3756 3757
This division shall apply notwithstanding a provision of a code of ethics applicable to a psychologist that prohibits a	3758 3759

psychologist from engaging in the practice of psychology in 3760
combination with a person who is licensed, certificated, or 3761
otherwise legally authorized to practice optometry, chiropractic, 3762
acupuncture through the state chiropractic board, nursing, 3763
pharmacy, physical therapy, occupational therapy, mechanotherapy, 3764
medicine and surgery, osteopathic medicine and surgery, ~~or~~ 3765
podiatric medicine and surgery, professional counseling, social 3766
work, or marriage and family therapy, but who is not also 3767
licensed, certificated, or otherwise legally authorized to engage 3768
in the practice of psychology. 3769

Sec. 4734.17. (A) An individual whom the state chiropractic 3770
board licenses to engage in the practice of chiropractic or 3771
certifies to practice acupuncture may render the professional 3772
services of a chiropractor or chiropractor certified to practice 3773
acupuncture within this state through a corporation formed under 3774
division (B) of section 1701.03 of the Revised Code, a limited 3775
liability company formed under Chapter 1705. of the Revised Code, 3776
a partnership, or a professional association formed under Chapter 3777
1785. of the Revised Code. This division does not preclude a 3778
chiropractor from rendering professional services as a 3779
chiropractor or chiropractor certified to practice acupuncture 3780
through another form of business entity, including, but not 3781
limited to, a nonprofit corporation or foundation, or in another 3782
manner that is authorized by or in accordance with this chapter, 3783
another chapter of the Revised Code, or rules of the state 3784
chiropractic board adopted pursuant to this chapter. 3785

(B) A corporation, limited liability company, partnership, or 3786
professional association described in division (A) of this section 3787
may be formed for the purpose of providing a combination of the 3788
professional services of the following individuals who are 3789
licensed, certificated, or otherwise legally authorized to 3790
practice their respective professions: 3791

(1) Optometrists who are authorized to practice optometry, under Chapter 4725. of the Revised Code;	3792 3793
(2) Chiropractors who are authorized to practice chiropractic or acupuncture under this chapter;	3794 3795
(3) Psychologists who are authorized to practice psychology under Chapter 4732. of the Revised Code;	3796 3797
(4) Registered or licensed practical nurses who are authorized to practice nursing as registered nurses or as licensed practical nurses under Chapter 4723. of the Revised Code;	3798 3799 3800
(5) Pharmacists who are authorized to practice pharmacy under Chapter 4729. of the Revised Code;	3801 3802
(6) Physical therapists who are authorized to practice physical therapy under sections 4755.40 to 4755.56 of the Revised Code;	3803 3804 3805
(7) Occupational therapists who are authorized to practice occupational therapy under sections 4755.04 to 4755.13 of the Revised Code;	3806 3807 3808
(8) Mechanotherapists who are authorized to practice mechanotherapy under section 4731.151 of the Revised Code;	3809 3810
(9) Doctors of medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery who are authorized for their respective practices under Chapter 4731. of the Revised Code;	3811 3812 3813 3814
<u>(10) Licensed professional clinical counselors, licensed professional counselors, independent social workers, social workers, independent marriage and family therapists, or marriage and family therapists who are authorized for their respective practices under Chapter 4757. of the Revised Code.</u>	3815 3816 3817 3818 3819
This division shall apply notwithstanding a provision of any code of ethics established or adopted under section 4734.16 of the	3820 3821

Revised Code that prohibits an individual from engaging in the 3822
practice of chiropractic or acupuncture in combination with an 3823
individual who is licensed, certificated, or otherwise authorized 3824
for the practice of optometry, psychology, nursing, pharmacy, 3825
physical therapy, occupational therapy, mechanotherapy, medicine 3826
and surgery, osteopathic medicine and surgery, ~~or~~ podiatric 3827
medicine and surgery, professional counseling, social work, or 3828
marriage and family therapy, but who is not also licensed under 3829
this chapter to engage in the practice of chiropractic. 3830

Sec. 4734.41. (A) As used in this section: 3831

(1) "Chemical dependency" means either of the following: 3832

(a) The chronic and habitual use of alcoholic beverages to 3833
the extent that the user no longer can control the use of alcohol 3834
or endangers the user's health, safety, or welfare or that of 3835
others; 3836

(b) The use of a controlled substance as defined in section 3837
3719.01 of the Revised Code, a harmful intoxicant as defined in 3838
section 2925.01 of the Revised Code, or a dangerous drug as 3839
defined in section 4729.01 of the Revised Code, to the extent that 3840
the user becomes physically or psychologically dependent on the 3841
substance, intoxicant, or drug or endangers the user's health, 3842
safety, or welfare or that of others. 3843

(2) "Mental illness" means a recognized psychiatric or 3844
psychological condition, disorder, or syndrome that has been 3845
diagnosed by a psychiatrist, psychologist, licensed professional 3846
clinical counselor, or independent social worker as a condition, 3847
disorder, or syndrome that may pose a danger to the person 3848
diagnosed or others or may prevent the person from practicing the 3849
person's profession according to acceptable and prevailing 3850
standards of care. 3851

(B) The state chiropractic board shall establish a chemical dependency and mental illness monitoring program. The program shall be made available to any individual under the board's jurisdiction who has a chemical dependency or mental illness and meets the board's eligibility requirements for admission to and continued participation in the program. The board shall develop the program and may designate a coordinator to administer it or enter into a contract for the program to be administered by another entity through a coordinator. The board shall adopt rules in accordance with Chapter 119. of the Revised Code that establish standards and procedure for operating the program.

(C) Except as provided in division (D) of this section, all records of an individual's participation in the monitoring program, including medical records, chemical dependency records, and mental health records, shall be confidential, are not public records for the purposes of section 149.43 of the Revised Code, and are not subject to discovery by subpoena or admissble as evidence in any judicial proceeding. The program coordinator shall maintain all records as directed by the board.

(D) The monitoring program's coordinator may disclose records or information regarding an individual's progress and status of participation in the program to the disciplinary section of the board and to any person or government entity that the program participant authorizes in writing to be given the records or information.

In disclosing records or information under this division, the coordinator shall not include any record or information that is protected under section 3793.13 of the Revised Code or any federal statute or regulation that provides for the confidentiality of mental health or substance abuse records.

(E) In the absence of fraud or bad faith, the monitoring program's coordinator, the board and the board's employees and

representatives are not liable for damages in any civil action as 3884
a result of disclosing records or information in accordance with 3885
division (D) of this section. In the absence of fraud or bad 3886
faith, any person reporting to the program an individual's 3887
chemical dependency or mental illness, or the progress or lack of 3888
progress of that individual with regard to treatment, is not 3889
liable for damages in any civil action as a result of the report. 3890

(F) The board may abstain from taking formal disciplinary 3891
action under section 4734.31 of the Revised Code against an 3892
individual because of the individual's chemical dependency or 3893
mental illness, if the individual meets the eligibility 3894
requirements for admission into the monitoring program and all of 3895
the following occur: 3896

(1) The individual enters into a monitoring agreement with 3897
the coordinator of the program; 3898

(2) The individual complies with the terms and conditions for 3899
continued participation in the program, as specified in the 3900
monitoring agreement; 3901

(3) The individual successfully completes the terms and 3902
conditions of the monitoring agreement, including the condition 3903
that the individual attain the ability to practice in accordance 3904
with acceptable and prevailing standards of care applicable to the 3905
practice of chiropractic. 3906

Sec. 4755.471. (A) An individual whom the occupational 3907
therapy section or physical therapy section of the Ohio 3908
occupational therapy, physical therapy, and athletic trainers 3909
board licenses, certificates, or otherwise legally authorizes to 3910
engage in the practice of occupational therapy or physical therapy 3911
may render the professional services of an occupational therapist 3912
or a physical therapist within this state through a corporation 3913
formed under division (B) of section 1701.03 of the Revised Code, 3914

a limited liability company formed under Chapter 1705. of the 3915
Revised Code, a partnership, or a professional association formed 3916
under Chapter 1785. of the Revised Code. This division does not 3917
preclude an individual of that nature from rendering professional 3918
services as an occupational therapist or a physical therapist 3919
through another form of business entity, including, but not 3920
limited to, a nonprofit corporation or foundation, or in another 3921
manner that is authorized by or in accordance with sections 3922
4755.40 to 4755.53 of the Revised Code, another chapter of the 3923
Revised Code, or rules of the Ohio occupational therapy, physical 3924
therapy, and athletic trainers board adopted pursuant to sections 3925
4755.40 to 4755.53 of the Revised Code. 3926

(B) A corporation, limited liability company, partnership, or 3927
professional association described in division (A) of this section 3928
may be formed for the purpose of providing a combination of the 3929
professional services of the following individuals who are 3930
licensed, certificated, or otherwise legally authorized to 3931
practice their respective professions: 3932

(1) Optometrists who are authorized to practice optometry 3933
under Chapter 4725. of the Revised Code; 3934

(2) Chiropractors who are authorized to practice chiropractic 3935
or acupuncture under Chapter 4734. of the Revised Code; 3936

(3) Psychologists who are authorized to practice psychology 3937
under Chapter 4732. of the Revised Code; 3938

(4) Registered or licensed practical nurses who are 3939
authorized to practice nursing as registered nurses or as licensed 3940
practical nurses under Chapter 4723. of the Revised Code; 3941

(5) Pharmacists who are authorized to practice pharmacy under 3942
Chapter 4729. of the Revised Code; 3943

(6) Physical therapists who are authorized to practice 3944
physical therapy under sections 4755.40 to 4755.56 of the Revised 3945

Code;	3946
(7) <u>Occupational therapists who are authorized to practice occupational therapy under sections 4755.04 to 4755.13 of the Revised Code;</u>	3947 3948 3949
(8) Mechanotherapists who are authorized to practice mechanotherapy under section 4731.151 of the Revised Code;	3950 3951
(8) (9) Doctors of medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery who are authorized for their respective practices under Chapter 4731. of the Revised Code;	3952 3953 3954 3955
(10) <u>Licensed professional clinical counselors, licensed professional counselors, independent social workers, social workers, independent marriage and family therapists, or marriage and family therapists who are authorized for their respective practices under Chapter 4757. of the Revised Code.</u>	3956 3957 3958 3959 3960
This division shall apply notwithstanding a provision of a code of ethics applicable to <u>an occupational therapist or a physical therapist that prohibits an occupational therapist or a physical therapist from engaging in the practice of occupational therapy or physical therapy in combination with a person who is licensed, certificated, or otherwise legally authorized to practice optometry, chiropractic, acupuncture through the state chiropractic board, psychology, nursing, pharmacy, mechanotherapy, medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery, professional counseling, social work, or marriage and family therapy, but who is not also licensed, certificated, or otherwise legally authorized to engage in the practice of occupational therapy or physical therapy.</u>	3961 3962 3963 3964 3965 3966 3967 3968 3969 3970 3971 3972 3973
Sec. 4757.01. As used in this chapter:	3974
(A) "Practice of professional counseling" means rendering or	3975

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

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

(C) "Practice of social work" means the application of social work theory and specialized knowledge of human development and behavior and social, economic, and cultural systems in directly assisting individuals, families, and groups in a clinical setting to improve or restore their capacity for social functioning, including counseling, the use of psychosocial interventions, and the use of social psychotherapy, which includes the diagnosis and treatment of mental and emotional disorders.

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

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

(F) "Mental and emotional disorders" means those disorders that are classified in accepted nosologies such as the

international classification of diseases and the diagnostic and 4007
statistical manual of mental disorders and in future editions of 4008
those nosologies. 4009

(G) "Marriage and family therapy" means the diagnosis, 4010
evaluation, assessment, counseling, management and treatment of 4011
mental and emotional disorders, whether cognitive, affective, or 4012
behavioral, within the context of marriage and family systems, 4013
through the professional application of marriage and family 4014
therapies and techniques. 4015

(H) "Practice of marriage and family therapy" means the 4016
diagnosis, treatment, evaluation, assessment, counseling, and 4017
management, of mental and emotional disorders, whether cognitive, 4018
affective or behavioral, within the context of marriage and family 4019
systems, to individuals, couples, and families, singly or in 4020
groups, whether those services are offered directly to the general 4021
public or through public or private organizations, for a fee, 4022
salary or other consideration through the professional application 4023
of marriage and family theories, therapies, and techniques, 4024
including, but not limited to psychotherapeutic theories, 4025
therapies and techniques that marriage and family therapists are 4026
educated and trained to perform. 4027

(I) "Social functioning" means living up to the expectations 4028
that are made of an individual by the individual's own self, the 4029
immediate social environment, and by society at large. "Social 4030
functioning" includes meeting basic needs of the individual and 4031
the individual's dependents, including physical aspects, personal 4032
fulfillment, emotional needs, and an adequate self-concept. 4033

Sec. 4757.02. (A) Except as provided in division (C) of this 4034
section and section 4757.41 of the Revised Code: 4035

(1) No person shall engage in or claim to the public to be 4036
engaging in the practice of professional counseling for a fee, 4037

salary, or other consideration unless the person is currently 4038
licensed under this chapter as a licensed professional clinical 4039
counselor or licensed professional counselor. 4040

(2) No person shall practice or claim to the public to be 4041
practicing social work for a fee, salary, or other consideration 4042
unless the person is currently licensed under this chapter as an 4043
independent social worker or a social worker. 4044

(3) No person shall claim to the public to be a social work 4045
assistant unless the person is currently registered under this 4046
chapter as a social work assistant. 4047

(4) No person shall engage in the practice of marriage and 4048
family therapy or claim to the public to be engaging in the 4049
practice of marriage and family therapy unless the person is 4050
currently licensed under this chapter as a marriage and family 4051
therapist. 4052

(B)(1) No person shall use the title "licensed professional 4053
clinical counselor," "licensed professional counselor," or any 4054
other title or description incorporating the word "counselor" or 4055
any initials used to identify persons acting in those capacities 4056
unless currently authorized under this chapter by licensure to act 4057
in the capacity indicated by the title or initials. 4058

(2) No person shall use the title "social worker," 4059
"independent social worker," "social work assistant," or any other 4060
title or description incorporating the words "social worker" or 4061
any initials used to identify persons acting in those capacities 4062
unless the person is currently authorized by licensure or 4063
registration under this chapter to act in the capacity indicated 4064
by the title or initials. 4065

(3) No person shall use the title "marriage and family 4066
therapist" or any initials used to identify persons acting in that 4067
capacity unless the person is currently authorized by licensure 4068

under this chapter to act in the capacity indicated by the title 4069
or initials. 4070

(C)(1) Divisions (A)(1) to (3) of this section do not apply 4071
to the practice of marriage and family therapy by a person holding 4072
a valid license or temporary license as a marriage and family 4073
therapist or independent marriage and family therapist under this 4074
chapter. 4075

(2) Division (A)(4) of this section does not apply to the 4076
following persons licensed or registered under this chapter: 4077
licensed professional clinical counselors, licensed professional 4078
counselors, independent social workers, social workers, and social 4079
work assistants. 4080

Sec. 4757.03. (A) There is hereby created the counselor, 4081
social worker, and marriage and family therapist board, consisting 4082
of fifteen members. The governor shall appoint the members with 4083
the advice and consent of the senate. 4084

(1) Four ~~of the~~ members shall be individuals licensed under 4085
this chapter as licensed professional clinical counselors or 4086
licensed professional counselors. At all times, the counselor 4087
membership shall include at least ~~two licensed professional~~ 4088
~~clinical counselors,~~ at least one individual who has received a 4089
doctoral degree in counseling from an accredited educational 4090
institution recognized by the board and holds a graduate level 4091
teaching position in a counselor education program, ~~and at least~~ 4092
~~two individuals who have received at least a master's degree in~~ 4093
~~counseling from an accredited educational institution recognized~~ 4094
~~by the board.~~ 4095

~~Two of the~~ (2) Four members shall be individuals licensed 4096
under this chapter as independent marriage and family therapists 4097
~~and two shall be individuals licensed under this chapter as or~~ 4098
~~marriage and family therapists or, if the board has not yet~~ 4099

~~licensed independent marriage and family therapists or marriage
and family therapists, eligible for licensure as independent
marriage and family therapists or marriage and family therapists.
They shall have, during the five years preceding appointment,
actively engaged in the practice of marriage and family therapy,
in educating and training master's, doctoral, or postdoctoral
students of marriage and family therapy, or in marriage and family
therapy research and, during the two years immediately preceding
appointment, shall have devoted the majority of their professional
time to the activity while residing in this state. At all times,
the marriage and family therapist membership shall include one
educator who holds a teaching position in a master's degree
marriage and family therapy program at an accredited educational
institution recognized by the board.~~

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

(4) Three members shall be representatives of the general
public who have not practiced professional counseling, marriage
and family therapy, or social work and have not been involved in
the delivery of professional counseling, marriage and family
therapy, or social work services. At least one of the members
representing the general public shall be at least sixty years of
age. During their terms the public members shall not practice
professional counseling, marriage and family therapy, or social
work or be involved in the delivery of professional counseling,

marriage and family therapy, or social work services. 4132

(B) Both of the following apply to each member specified in 4133
divisions (A)(1), (2), and (3) of this section: 4134

(1) During the five years preceding appointment to the board, 4135
the member shall have actively engaged in the practice of the 4136
member's profession by conducting research in the member's 4137
profession or by educating and training master's, doctoral, or 4138
postdoctoral students in the member's profession. 4139

(2) During the two years immediately preceding appointment, 4140
the member shall have devoted the majority of their professional 4141
time to the activity described in division (B)(1) of this section 4142
while residing in this state. 4143

(C) At least three members, one from each of the board's 4144
professional standards committees, during the five years preceding 4145
appointment, shall have practiced at a public agency or at an 4146
organization that is certified or licensed by the department of 4147
developmental disabilities, the department of alcohol and drug 4148
addiction services, the department of job and family services, or 4149
the department of mental health. 4150

(D) Not more than eight members of the board may be members 4151
of the same political party or sex. At 4152

(E) At least one member of the board shall be of African, 4153
Native American, Hispanic, or Asian descent. 4154

~~Of the initial appointees, three shall be appointed for terms~~ 4155
~~ending October 10, 1985, four shall be appointed for terms ending~~ 4156
~~October 10, 1986, and four shall be appointed for terms ending~~ 4157
~~October 10, 1987. Of the two initial independent marriage and~~ 4158
~~family therapists appointed to the board, one shall be appointed~~ 4159
~~for a term ending two years after the effective date of this~~ 4160
~~amendment and one for a term ending three years after that date.~~ 4161
~~Of the two initial marriage and family therapists appointed to the~~ 4162

~~board, one shall be appointed for a term ending two years after 4163
the effective date of this amendment and one for a term ending 4164
three years after that date. After the initial appointments, terms 4165~~

(F) Terms of office shall be three years, each term ending on 4166
the same day of the same month of the year as did the term that it 4167
succeeds. As a result of the dates of initial appointment, the 4168
number of terms expiring each year are four, five, or six. 4169

(G) A member shall hold office from the date of appointment 4170
until the end of the term for which the member was appointed. A 4171
member appointed to fill a vacancy occurring prior to the 4172
expiration of the term for which the member's predecessor was 4173
appointed shall hold office for the remainder of that term. A 4174
member shall continue in office after the expiration date of the 4175
member's term until a successor takes office ~~or until a period of 4176
sixty days has elapsed, whichever occurs first.~~ Members may be 4177
reappointed, except that if a person has held office for two 4178
consecutive full terms, the person shall not be reappointed to the 4179
board sooner than one year after the expiration of the second full 4180
term as a member of the board. 4181

Sec. 4757.04. Within the counselor, social worker, and 4182
marriage and family therapist board, there is hereby created the 4183
counselors professional standards committee, the social workers 4184
professional standards committee, and the marriage and family 4185
therapist professional standards committee. 4186

The counselors professional standards committee consists of 4187
the board's licensed professional clinical counselor and licensed 4188
professional counselor members and one of the members representing 4189
the public who is not the member representing the public on the 4190
marriage and family therapist professional standards committee or 4191
the social workers professional standards committee. The committee 4192
has full authority to act on behalf of the board on all matters 4193

concerning professional clinical counselors and professional 4194
counselors. 4195

The social workers professional standards committee consists 4196
of the board's independent social worker and social worker members 4197
and one of the members representing the public who is not the 4198
member representing the public on the counselors professional 4199
standards committee or the marriage and family therapist 4200
professional standards committee. The committee has full authority 4201
to act on behalf of the board on all matters concerning 4202
independent social workers, social workers, and social work 4203
assistants. 4204

The marriage and family therapist professional standards 4205
committee consists of the board's marriage and family therapists 4206
and one of the members representing the public who is not the 4207
member representing the public on the counselors professional 4208
standards committee or the social workers professional standards 4209
committee. The committee has full authority to act on behalf of 4210
the board on all matters concerning independent marriage and 4211
family therapists and marriage and family therapists. 4212

Sec. 4757.10. The counselor, social worker, and marriage and 4213
family therapist board may adopt any rules necessary to carry out 4214
this chapter. 4215

The board shall adopt rules that do all of the following: 4216

(A) Concern intervention for and treatment of any impaired 4217
person holding a license or certificate of registration issued 4218
under this chapter; 4219

(B) Establish standards for training and experience of 4220
supervisors described in division (C) of section 4757.30 of the 4221
Revised Code; 4222

(C) Define the requirement that an applicant be of good moral 4223

character in order to be licensed or registered under this 4224
chapter; 4225

(D) Establish requirements for criminal records checks of 4226
applicants under section 4776.03 of the Revised Code; 4227

(E) Establish a graduated system of fines based on the scope 4228
and severity of violations and the history of compliance, not to 4229
exceed five hundred dollars per incident, that any professional 4230
standards committee of the board may charge for a disciplinary 4231
violation described in section 4757.36 of the Revised Code; 4232

(F) Establish the amount and content of corrective action 4233
courses required by the board under section 4755.36 of the Revised 4234
Code; 4235

(G) Provide for voluntary registration of all of the 4236
following: 4237

(1) Master's level counselor trainees enrolled in practice 4238
and internships; 4239

(2) Master's level social worker trainees enrolled in 4240
fieldwork, practice, and internships; 4241

(3) Master's level marriage and family therapist trainees 4242
enrolled in practice and internships. 4243

Rules adopted under division (G) of this section shall not 4244
require a trainee to register with the board, and if a trainee has 4245
not registered, shall prohibit any adverse effect with respect to 4246
a trainee's application for licensure by the board. 4247

All rules adopted under this section shall be adopted in 4248
accordance with Chapter 119. of the Revised Code. When it adopts 4249
rules under this section or any other section of this chapter, the 4250
board may consider standards established by any national 4251
association or other organization representing the interests of 4252
those involved in professional counseling, social work, or 4253

marriage and family therapy. 4254

Sec. 4757.11. The counselor, social worker, and marriage and 4255
family therapist board shall establish a code of ethical practice 4256
for persons licensed under this chapter as licensed professional 4257
clinical counselors or licensed professional counselors. The board 4258
shall establish a code of ethical practice for persons licensed 4259
under this chapter as independent social workers or social 4260
workers, persons registered under this chapter as social work 4261
assistants, and persons licensed as independent marriage and 4262
family therapists or marriage and family therapists. The codes of 4263
ethical practice shall be established by adopting rules in 4264
accordance with Chapter 119. of the Revised Code. The codes of 4265
ethical practice shall define unprofessional conduct, which shall 4266
include engaging in a dual relationship with a client or former 4267
client, committing an act of sexual abuse, misconduct, or 4268
exploitation of a client or former client, and, except as 4269
permitted by law, violating client confidentiality. The codes of 4270
ethical practice may be based on any codes of ethical practice 4271
developed by national organizations representing the interests of 4272
those involved in professional counseling, social work, or 4273
marriage and family therapy. The board may establish standards in 4274
its codes of ethical practice that are more stringent than those 4275
established by national organizations. 4276

Sec. 4757.13. (A) Each individual who engages in the practice 4277
of professional counseling, social work, or marriage and family 4278
therapy shall prominently display, in a conspicuous place in the 4279
office or place where a major portion of the individual's practice 4280
is conducted, and in such a manner as to be easily seen and read, 4281
the license granted to the individual by the state counselor, 4282
social worker, and marriage and family therapist board. 4283

(B) A license holder engaged in a private individual 4284

practice, partnership, or group practice shall prominently display 4285
the license holder's fee schedule in the office or place where a 4286
major portion of the license holder's practice is conducted. The 4287
bottom of the first page of the fee schedule shall include the 4288
following statement, which shall be followed by the name, address, 4289
and telephone number of the board: 4290

"This information is required by the Counselor, Social 4291
Worker, and Marriage and Family Therapist Board, which regulates 4292
the practices of professional counseling, social work, and 4293
marriage and family therapy in this state." 4294

Sec. 4757.16. (A) A person seeking to be licensed under this 4295
chapter as a licensed professional clinical counselor or licensed 4296
professional counselor shall file with the counselors professional 4297
standards committee of the counselor, social worker, and marriage 4298
and family therapist board a written application on a form 4299
prescribed by the board. A person seeking to be licensed under 4300
this chapter as an independent social worker or social worker or 4301
registered under this chapter as a social work assistant shall 4302
file with the social workers professional standards committee of 4303
the board a written application on a form prescribed by the board. 4304
A person seeking to be licensed under this chapter as an 4305
independent marriage and family therapist or a marriage and family 4306
therapist shall file with the marriage and family therapist 4307
professional standards committee of the board a written 4308
application on a form prescribed by the board. 4309

Each form prescribed by the board shall contain a statement 4310
informing the applicant that a person who knowingly makes a false 4311
statement on the form is guilty of falsification under section 4312
2921.13 of the Revised Code, a misdemeanor of the first degree. 4313

(B) The professional standards committees shall adopt rules 4314
under Chapter 119. of the Revised Code concerning the process for 4315

review of each application received ~~and shall~~ to determine whether 4316
the applicant meets the requirements to receive the license or 4317
certificate of registration for which application has been made. 4318

Sec. 4757.21. A person licensed under this chapter to 4319
practice as a licensed professional clinical counselor or a 4320
licensed professional counselor may diagnose and treat mental and 4321
emotional disorders, except that a licensed professional counselor 4322
may do so only under the supervision of a psychologist, 4323
psychiatrist, licensed professional clinical counselor, 4324
independent marriage and family therapist, or independent social 4325
worker. A licensed professional clinical counselor or licensed 4326
professional counselor may engage in the private practice of 4327
professional counseling as an individual practitioner or as a 4328
member of a partnership or group practice. 4329

Sec. 4757.22. (A) The counselors professional standards 4330
committee of the counselor, social worker, and marriage and family 4331
therapist board shall issue a license to practice as a licensed 4332
professional clinical counselor to each applicant who submits a 4333
properly completed application, pays the fee established under 4334
section 4757.31 of the Revised Code, and meets the requirements 4335
specified in division (B) of this section. 4336

(B)(1) To be eligible for a licensed professional clinical 4337
counselor license, an individual must meet the following 4338
requirements: 4339

~~(1)~~(a) The individual must be of good moral character. 4340

~~(2)~~(b) The individual must hold from an accredited 4341
educational institution a graduate degree in counseling. 4342

~~(3)~~(c) The individual must complete a minimum of ninety 4343
quarter hours or sixty semester hours of graduate credit in 4344
counselor training acceptable to the committee, including a 4345

~~minimum of thirty quarter hours of~~ instruction in the following 4346
areas: 4347

~~(a)(i)~~ Clinical psychopathology, personality, and abnormal 4348
behavior; 4349

~~(b)(ii)~~ Evaluation of mental and emotional disorders; 4350

~~(c)(iii)~~ Diagnosis of mental and emotional disorders; 4351

~~(d)(iv)~~ Methods of prevention, intervention, and treatment of 4352
mental and emotional disorders. 4353

~~(4)(d)~~ The individual must complete, in either a private or 4354
clinical counseling setting, supervised experience in counseling 4355
that is of a type approved by the committee, is supervised by a 4356
licensed professional clinical counselor or other qualified 4357
professional approved by the committee, and is in the following 4358
amounts: 4359

~~(a)(i)~~ In the case of an individual holding only a master's 4360
degree, not less than two years of experience, which must be 4361
completed after the award of the master's degree; 4362

~~(b)(ii)~~ In the case of an individual holding a doctorate, not 4363
less than one year of experience, which must be completed after 4364
the award of the doctorate. 4365

~~(5)(e)~~ The individual must pass a field evaluation that meets 4366
the following requirements: 4367

~~(a)(i)~~ Has been completed by the applicant's instructors, 4368
employers, supervisors, or other persons determined by the 4369
committee to be competent to evaluate an individual's professional 4370
competence; 4371

~~(b)(ii)~~ Includes documented evidence of the quality, scope, 4372
and nature of the applicant's experience and competence in 4373
diagnosing and treating mental and emotional disorders. 4374

~~(6)(f)~~ The individual must pass an examination administered 4375

by the board for the purpose of determining ability to practice as a licensed professional clinical counselor. 4376
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(2) To meet the requirement of division (B)(1)(b) of this section, a graduate degree in counseling obtained from a mental health counseling program in this state after January 1, 2018, must be from one of the following: 4378
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(a) A clinical mental health counseling program or an addiction counseling program accredited by the council for accreditation of counseling and related educational programs; 4382
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(b) Any other accredited counseling programs accepted by the board in accordance with rules adopted under division (F)(3) of this section. 4385
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(3) Clinical mental health counseling programs accredited by the council for accreditation of counseling and related educational programs and, until January 1, 2018, mental health counseling programs, and any other accredited counseling programs accepted by the board in accordance with rules adopted under division (F)(3) of this section meet the educational requirements of division (B)(1)(c) of this section. 4388
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(C) To be accepted by the committee for purposes of division (B) of this section, counselor training must include at least the following: 4395
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(1) Instruction in human growth and development; counseling theory; counseling techniques; group dynamics, processing, and counseling; appraisal of individuals; research and evaluation; professional, legal, and ethical responsibilities; social and cultural foundations; and lifestyle and career development; 4398
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(2) Participation in a supervised practicum and internship in counseling. 4403
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(D) The committee may issue a provisional license to an 4405

applicant who meets all of the requirements to be licensed under 4406
this section, pending the receipt of transcripts or action by the 4407
committee to issue a license to practice as a professional 4408
clinical counselor. 4409

(E) An individual may not sit for the licensing examination 4410
unless the individual meets the educational requirements to be 4411
licensed under this section. An individual who is denied admission 4412
to the licensing examination may appeal the denial in accordance 4413
with Chapter 119. of the Revised Code. 4414

(F) The board shall adopt any rules necessary for the 4415
committee to implement this section, ~~including~~. The rules shall do 4416
all of the following: 4417

(1) Establish criteria for the committee to use in 4418
determining whether an applicant's training should be accepted and 4419
supervised experience approved; 4420

(2) Establish course content requirements for qualifying 4421
counseling degrees from clinical mental health counseling programs 4422
and addiction counseling programs that are not accredited by the 4423
council for accreditation of counseling and related educational 4424
programs and for graduate degrees from other accredited counseling 4425
programs approved by the board in accordance with rules adopted 4426
under division (F)(3) of this section; 4427

(3) For purposes of divisions (B)(2)(b) and (3) of this 4428
section, requirements for acceptance by the committee of 4429
accredited counseling programs. 4430

Rules adopted under this division shall be adopted in 4431
accordance with Chapter 119. of the Revised Code. 4432

Sec. 4757.23. (A) The counselors professional standards 4433
committee of the counselor, social worker, and marriage and family 4434
therapist board shall issue a license as a licensed professional 4435

counselor to each applicant who submits a properly completed 4436
application, pays the fee established under section 4757.31 of the 4437
Revised Code, and meets the requirements established under 4438
division (B) of this section. 4439

(B)(1) To be eligible for a license as a licensed 4440
professional counselor, an individual must meet the following 4441
requirements: 4442

~~(1)~~(a) The individual must be of good moral character. 4443

~~(2)~~(b) The individual must hold from an accredited 4444
educational institution a graduate degree in counseling. 4445

~~(3)~~(c) The individual must complete a minimum of ninety 4446
quarter hours or sixty semester hours of graduate credit in 4447
counselor training acceptable to the committee, which the 4448
individual may complete while working toward receiving a graduate 4449
degree in counseling, or subsequent to receiving the degree, and 4450
which shall include training in the following areas: 4451

(i) Clinical psychopathology, personality, and abnormal 4452
behavior; 4453

(ii) Evaluation of mental and emotional disorders; 4454

(iii) Diagnosis of mental and emotional disorders; 4455

(iv) Methods of prevention, intervention, and treatment of 4456
mental and emotional disorders. 4457

~~(4)~~(d) The individual must pass an examination administered 4458
by the board for the purpose of determining ability to practice as 4459
a licensed professional counselor. 4460

(2) To meet the requirement of division (B)(1)(b) of this 4461
section, a graduate degree in counseling obtained from a mental 4462
health counseling program in this state after January 1, 2018, 4463
must be from one of the following: 4464

(a) A counseling program accredited by the council for accreditation of counseling and related educational programs; 4465
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(b) Any other accredited counseling programs accepted by the board in accordance with rules adopted under division (F)(3) of this section. 4467
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(3) A graduate degree in counseling from a clinical mental health counseling program accredited by the council for accreditation of counseling and related educational programs meets the educational requirements of division (B)(1)(c) of this section. 4470
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(C) To be accepted by the committee for purposes of division (B) of this section, counselor training must include at least the following: 4475
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(1) Instruction in human growth and development; counseling theory; counseling techniques; group dynamics, processing, and counseling; appraisal of individuals; research and evaluation; professional, legal, and ethical responsibilities; social and cultural foundations; and lifestyle and career development; 4478
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(2) Participation in a supervised practicum and internship in counseling. 4483
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(D) The committee may issue a provisional license to an applicant who meets all of the requirements to be licensed under this section, pending the receipt of transcripts or action by the committee to issue a license as a licensed professional counselor. 4485
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(E) An individual may not sit for the licensing examination unless the individual meets the educational requirements to be licensed under this section. An individual who is denied admission to the licensing examination may appeal the denial in accordance with Chapter 119. of the Revised Code. 4489
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(F) The board shall adopt any rules necessary for the 4494

committee to implement this section, ~~including~~. The rules shall do 4495
all of the following: 4496

(1) Establish criteria for the committee to use in 4497
determining whether an applicant's training should be accepted and 4498
supervised experience approved; 4499

(2) Establish requirements for qualifying counseling degrees 4500
from counseling programs that are not accredited by the council 4501
for accreditation of counseling and related educational programs 4502
and for graduate degrees from any other accredited counseling 4503
programs accepted by the board in accordance with rules adopted 4504
under division (F)(3) of this section; 4505

(3) For purposes of divisions (B)(2)(b) and (3) of this 4506
section, requirements for acceptance by the committee of 4507
accredited counseling programs. 4508

Rules adopted under this division shall be adopted in 4509
accordance with Chapter 119. of the Revised Code. 4510

Sec. 4757.26. (A) A person licensed under this chapter to 4511
practice as an independent social worker or a social worker may 4512
diagnose and treat mental and emotional disorders, except that a 4513
social worker may do so only under the supervision of a 4514
psychologist, psychiatrist, licensed professional clinical 4515
counselor, independent marriage and family therapist, independent 4516
social worker, or registered nurse who holds a master's degree in 4517
psychiatric nursing. 4518

(B) A person licensed under this chapter to practice as an 4519
independent social worker may engage in the private practice of 4520
social work as an individual practitioner or as a member of a 4521
partnership or group practice. 4522

(C) A person licensed under this chapter to practice as a 4523
social worker shall not engage in the private practice of social 4524

work as an individual practitioner or as a member of a partnership 4525
or group practice. A social worker shall not engage in the 4526
practice of social work as an employee of a private individual, 4527
partnership, or group practitioner of social work unless the 4528
social worker is supervised by a psychologist, psychiatrist, 4529
licensed professional clinical counselor, independent marriage and 4530
family therapist, independent social worker, or registered nurse 4531
who holds a master's degree in psychiatric nursing. 4532

(D) A person who receives a certificate of registration to 4533
practice as a social work assistant is not authorized to engage in 4534
the practice of social work. A social work assistant, under the 4535
direct supervision of a psychologist, psychiatrist, licensed 4536
professional clinical counselor, licensed professional counselor, 4537
independent marriage and family therapist, independent social 4538
worker, social worker, or registered nurse who holds a master's 4539
degree in psychiatric nursing, may provide human, social, and 4540
community services that include intake assessment and referral, 4541
screening, crisis intervention and resolution, community support, 4542
case management and outreach, record keeping, social assessment, 4543
visual observation of an individual in the individual's 4544
environment, assistance in facilitation with groups and families, 4545
advocacy, and orientation, education, and prevention services. 4546

Sec. 4757.27. (A) The social workers professional standards 4547
committee of the counselor, social worker, and marriage and family 4548
therapist board shall issue a license as an independent social 4549
worker to each applicant who submits a properly completed 4550
application, pays the fee established under section 4757.31 of the 4551
Revised Code, and meets the requirements specified in division (B) 4552
of this section. An independent social worker license shall 4553
clearly indicate each academic degree earned by the person to whom 4554
it has been issued. 4555

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

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

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

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

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

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

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

Sec. 4757.28. (A) The social workers professional standards committee of the counselor, social worker, and marriage and family therapist board shall issue a license as a social worker to each applicant who submits a properly completed application, pays the fee established under section 4757.31 of the Revised Code, and meets the requirements specified in division (B) of this section. A social worker license shall clearly indicate each academic

degree earned by the person to whom it is issued. 4586

(B) To be eligible for a license as a social worker, an 4587
individual must meet the following requirements: 4588

(1) The individual must be of good moral character. 4589

(2) The individual must hold from an accredited educational 4590
institution one of the following: 4591

(a) A baccalaureate degree in social work ~~or, prior to~~ 4592
~~October 10, 1992, a baccalaureate degree in a program closely~~ 4593
~~related to social work and approved by the committee;~~ 4594

(b) A master's degree in social work; 4595

(c) A doctorate in social work. 4596

(3) The individual must pass an examination administered by 4597
the board for the purpose of determining ability to practice as a 4598
social worker. 4599

(C) The committee may issue a temporary license to practice 4600
as a social worker as follows: 4601

(1) To an applicant who meets all of the requirements to be 4602
licensed under this section, pending the receipt of transcripts or 4603
action by the committee to issue a license as a social worker- 4604
However, the committee may issue a temporary license; 4605

(2) For a period not to exceed ninety days, to an applicant 4606
who provides the board with a statement from the applicant's 4607
academic institution indicating that the applicant ~~is in good~~ 4608
~~standing with the institution, that the applicant~~ has met the 4609
academic requirements for the applicant's degree, and the 4610
projected date the applicant will receive the applicant's 4611
transcript showing a conferred degree. 4612

On application to the committee, a temporary license issued 4613
under division (C)(2) of this section may be renewed for good 4614

cause shown. 4615

(D) The board shall adopt any rules necessary for the 4616
committee to implement this section, including criteria for the 4617
committee to use in determining whether an applicant's training 4618
should be accepted and supervised experience approved. Rules 4619
adopted under this division shall be adopted in accordance with 4620
Chapter 119. of the Revised Code. 4621

Sec. 4757.29. ~~(A)~~ The social workers professional standards 4622
committee of the counselor, social worker, and marriage and family 4623
therapist board shall issue a certificate of registration as a 4624
social work assistant to each applicant who submits a properly 4625
completed application, pays the fee established under section 4626
4757.31 of the Revised Code, is of good moral character, and holds 4627
from an accredited educational institution an associate degree in 4628
social service technology or a bachelor's degree that is 4629
equivalent to an associate degree in social service technology or 4630
a related bachelor's or higher degree that is approved by the 4631
committee. 4632

~~(B) On and after March 18, 1997, a counselor assistant 4633
certificate of registration issued under former section 4757.08 of 4634
the Revised Code shall be considered a certificate of registration 4635
as a social work assistant. The holder of the certificate is 4636
subject to the supervision requirements specified in section 4637
4757.26 of the Revised Code, the continuing education requirements 4638
specified in section 4757.33 of the Revised Code, and regulation 4639
by the social workers professional standards committee. On the 4640
first renewal occurring after March 18, 1997, the committee shall 4641
issue a certificate of registration as a social work assistant to 4642
each former counselor assistant who qualifies for renewal. 4643~~

~~(C) The social workers professional standards committee shall 4644
issue a certificate of registration as a social work assistant to 4645~~

~~any person who, on or before March 18, 1998, meets the 4646
requirements for a certificate of registration as a counselor 4647
assistant pursuant to division (A)(3) of former section 4757.08 of 4648
the Revised Code, submits a properly completed application, pays 4649
the fee established under section 4757.31 of the Revised Code, and 4650
is of good moral character. 4651~~

Sec. 4757.30. (A) The marriage and family therapist 4652
professional standards committee of the counselor, social worker, 4653
and marriage and family therapist board shall issue a license to 4654
practice as a marriage and family therapist to a person who has 4655
done all of the following: 4656

(1) Properly completed an application for the license; 4657

(2) Paid the required fee established by the board under 4658
section 4757.31 of the Revised Code; 4659

(3) Achieved one of the following: 4660

(a) Received from an educational institution accredited at 4661
the time the degree was granted by a regional accrediting 4662
organization recognized by the board a master's degree or a 4663
doctorate in marriage and family therapy; 4664

(b) Completed a graduate degree that includes a minimum of 4665
ninety quarter hours of graduate level course work in marriage and 4666
family therapy training that is acceptable to the committee; 4667

(4) Passed an examination administered by the board for the 4668
purpose of determining the person's ability to be a marriage and 4669
family therapist; 4670

(5) Completed a practicum that includes at least three 4671
hundred hours of client contact. 4672

(B) To be accepted by the committee for purposes of division 4673
(A)(3)(b) of this section, marriage and family therapist training 4674
must include instruction in at least the following: 4675

(1) Research and evaluation;	4676
(2) Professional, legal, and ethical responsibilities;	4677
(3) Marriage and family studies;	4678
(4) Marriage and family therapy, including therapeutic theory and techniques for individuals, groups, and families;	4679 4680
(5) Human development;	4681
(6) Appraisal of individuals and families;	4682
(7) Diagnosis of mental and emotional disorders;	4683
(8) Systems theory.	4684
(C) The marriage and family therapist professional standards committee shall issue a license to practice as an independent marriage and family therapist to a person who does both of the following:	4685 4686 4687 4688
(1) Meets all of the requirements of division (A) of this section;	4689 4690
(2) After meeting the requirements of division (A)(3) of this section, completes at least two calendar years of work experience <u>supervised training while engaged in the practice of</u> marriage and family therapy.	4691 4692 4693 4694
The two calendar years of work experience <u>supervised training</u> must include <u>two hundred hours of face-to-face supervision while</u> <u>completing a minimum of</u> one thousand hours of documented client contact in marriage and family therapy. Two <u>Of the required two</u> hundred hours of the one thousand hours must include face to face <u>supervision, a minimum of one hundred hours must be individual</u> <u>supervision. Supervision shall be performed</u> by a supervisor whose training and experience meets standards established by the board in rules adopted under section 4757.10 of the Revised Code and one hundred hours of the two hundred hours of supervision must be individual supervision.	4695 4696 4697 4698 4699 4700 4701 4702 4703 4704 4705

(D) An independent marriage and family therapist or a 4706
marriage and family therapist may engage in the private practice 4707
of marriage and family therapy as an individual practitioner or as 4708
a member of a partnership or group practice. 4709

(E) A marriage and family therapist may diagnose and treat 4710
mental and emotional disorders only under the supervision of a 4711
psychologist, psychiatrist, licensed professional clinical 4712
counselor, independent social worker, or independent marriage and 4713
family therapist. An independent marriage and family therapist may 4714
diagnose and treat mental and emotional disorders without 4715
supervision. 4716

(F) Nothing in this chapter or rules adopted under it 4717
authorizes an independent marriage and family therapist or a 4718
marriage and family therapist to admit a patient to a hospital or 4719
requires a hospital to allow a marriage and family therapist to 4720
admit a patient. 4721

(G) An independent marriage and family therapist or a 4722
marriage and family therapist may not diagnose, treat, or advise 4723
on conditions outside the recognized boundaries of the marriage 4724
and family therapist's competency. An independent marriage and 4725
family therapist or a marriage and family therapist shall make 4726
appropriate and timely referrals when a client's needs exceed the 4727
marriage and family therapist's competence level. 4728

Sec. 4757.31. (A) Subject to division (B) of this section, 4729
the counselor, social worker, and marriage and family therapist 4730
board shall establish, and may from time to time adjust, fees to 4731
be charged for the following: 4732

(1) Examination for licensure as a licensed professional 4733
clinical counselor, licensed professional counselor, marriage and 4734
family therapist, independent marriage and family therapist, 4735
social worker, or independent social worker; 4736

- (2) Initial licenses of licensed professional clinical 4737
counselors, licensed professional counselors, marriage and family 4738
therapists, independent marriage and family therapists, social 4739
workers, and independent social workers, except that the board 4740
shall charge only one fee to a person who fulfills all 4741
requirements for more than one of the following initial licenses: 4742
an initial license as a social worker or independent social 4743
worker, an initial license as a licensed professional counselor or 4744
licensed professional clinical counselor, and an initial license 4745
as a marriage and family therapist or independent marriage and 4746
family therapist; 4747
- (3) Initial certificates of registration of social work 4748
assistants; 4749
- (4) Renewal and late renewal of licenses of licensed 4750
professional clinical counselors, licensed professional 4751
counselors, marriage and family therapists, independent marriage 4752
and family therapists, social workers, and independent social 4753
workers and renewal and late renewal of certificates of 4754
registration of social work assistants; 4755
- (5) Verification, to another jurisdiction, of a license or 4756
registration issued by the board; 4757
- (6) Continuing education programs offered by the board to 4758
licensees or registrants; 4759
- (7) Approval of continuing education programs; 4760
- (8) Approval of continuing education providers to be 4761
authorized to offer continuing education programs without prior 4762
approval from the board for each program offered; 4763
- (9) Issuance of a replacement copy of any wall certificate 4764
issued by the board; 4765
- (10) Late completion of continuing counselor, social worker, 4766

or marriage and family therapy education required under section 4757.33 of the Revised Code and the rules adopted under it. 4767
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(B) The fees charged under division (A)(1) of this section shall be established in amounts sufficient to cover the direct expenses incurred in examining applicants for licensure. The fees charged under divisions (A)(2) to (9) of this section shall be nonrefundable and shall be established in amounts sufficient to cover the necessary expenses in administering this chapter and rules adopted under it that are not covered by fees charged under division (A)(1) or (C) of this section. The renewal fee for a license or certificate of registration shall not be less than the initial fee for that license or certificate. The fees charged for licensure and registration and the renewal of licensure and registration may differ for the various types of licensure and registration, but shall not exceed one hundred twenty-five dollars each, unless the board determines that amounts in excess of one hundred twenty-five dollars are needed to cover its necessary expenses in administering this chapter and rules adopted under it and the amounts in excess of one hundred twenty-five dollars are approved by the controlling board. 4769
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(C) All receipts of the board shall be deposited in the state treasury to the credit of the occupational licensing and regulatory fund. All vouchers of the board shall be approved by the chairperson or executive director of the board, or both, as authorized by the board. 4787
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Sec. 4757.33. (A) Except as provided in division (B) of this section, each person who holds a license or certificate of registration issued under this chapter shall complete during the period that the license or certificate is in effect not less than thirty clock hours of continuing professional education as a condition of receiving a renewed license or certificate. To have a 4792
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lapsed license or certificate of registration restored, a person 4798
shall complete the number of hours of continuing education 4799
specified by the counselor, social worker, and marriage and family 4800
therapist board in rules it shall adopt in accordance with Chapter 4801
119. of the Revised Code. 4802

The professional standards committees of the counselor, 4803
social worker, and marriage and family therapist board shall adopt 4804
rules in accordance with Chapter 119. of the Revised Code 4805
establishing standards and procedures to be followed by the 4806
committees in conducting the continuing education approval 4807
process, which shall include registering individuals and entities 4808
to provide continuing education programs approved by the board. 4809

(B) The board may waive the continuing education requirements 4810
established under this section for persons who are unable to 4811
fulfill them because of military service, illness, residence 4812
abroad, or any other reason the committee considers acceptable. 4813

~~In the case of a social worker licensed by virtue of 4814
receiving, prior to October 10, 1992, a baccalaureate degree in a 4815
program closely related to social work, as a condition of the 4816
first renewal of the license, the social worker must complete at 4817
an accredited educational institution a minimum of five semester 4818
hours of social work graduate or undergraduate credit, or their 4819
equivalent, that is acceptable to the committee and includes a 4820
course in social work theory and a course in social work methods.~~ 4821

Sec. 4757.34. ~~Not later than ninety days after December 9,~~ 4822
~~1994, the~~ The counselor, social worker, and marriage and family 4823
therapist board shall approve one or more continuing education 4824
courses of study that assist social workers, independent social 4825
workers, social work assistants, independent marriage and family 4826
therapists, marriage and family therapists, licensed professional 4827

clinical counselors, and licensed professional counselors in 4828
recognizing the signs of domestic violence and its relationship to 4829
child abuse. Social workers, independent social workers, social 4830
work assistants, independent marriage and family therapists, 4831
marriage and family therapists, licensed professional clinical 4832
counselors, and licensed professional counselors are not required 4833
to take the courses. 4834

Sec. 4757.36. (A) The appropriate professional standards 4835
committee of the counselor, social worker, and marriage and family 4836
therapist board may, in accordance with Chapter 119. of the 4837
Revised Code, take any action specified in division (B) of this 4838
section for any reason described in division (C) of this section 4839
against an individual who has applied for or holds a license ~~to~~ 4840
~~practice as a professional clinical counselor, professional~~ 4841
~~counselor, independent marriage and family therapist, marriage and~~ 4842
~~family therapist, social worker, or independent social worker, or~~ 4843
~~a certificate of registration to practice as a social work~~ 4844
~~assistant, for any reason described in division (C) of this~~ 4845
~~section~~ issued under this chapter; a counselor trainee, social 4846
worker trainee, or marriage and family therapist trainee; or an 4847
individual or entity that is registered, or has applied for 4848
registration, in accordance with rules adopted under section 4849
4757.33 of the Revised Code to provide continuing education 4850
programs approved by the board. 4851

(B) In its imposition of sanctions against an individual or 4852
entity specified in division (A) of this section, the board may do 4853
any of the following: 4854

(1) Refuse to issue or refuse to renew a license or 4855
certificate of registration; 4856

(2) Suspend, revoke, or otherwise restrict a license or 4857

certificate of registration; 4858

(3) Reprimand an individual holding a license or certificate 4859
of registration; 4860

(4) Impose a fine in accordance with the graduated system of 4861
fines established by the board in rules adopted under section 4862
4757.10 of the Revised Code; 4863

(5) Require an individual holding a license or certificate of 4864
registration to take corrective action courses. 4865

(C) The appropriate professional standards committee of the 4866
board may take an action specified in division (B) of this section 4867
for any of the following reasons: 4868

(1) Commission of an act that violates any provision of this 4869
chapter or rules adopted under it; 4870

(2) Knowingly making a false statement on an application for 4871
licensure or registration, or for renewal of a license or 4872
certificate of registration; 4873

(3) Accepting a commission or rebate for referring persons to 4874
any professionals licensed, certified, or registered by any court 4875
or board, commission, department, division, or other agency of the 4876
state, including, but not limited to, individuals practicing 4877
counseling, social work, or marriage and family therapy or 4878
practicing in fields related to counseling, social work, or 4879
marriage and family therapy; 4880

(4) A failure to comply with section ~~4757.12~~ 4757.13 of the 4881
Revised Code; 4882

(5) A conviction in this or any other state of a crime that 4883
is a felony in this state; 4884

(6) A failure to perform properly as a licensed professional 4885
clinical counselor, licensed professional counselor, independent 4886
marriage and family therapist, marriage and family therapist, 4887

social work assistant, social worker, or independent social worker 4888
due to the use of alcohol or other drugs or any other physical or 4889
mental condition; 4890

(7) A conviction in this state or in any other state of a 4891
misdemeanor committed in the course of practice as a licensed 4892
professional clinical counselor, licensed professional counselor, 4893
independent marriage and family therapist, marriage and family 4894
therapist, social work assistant, social worker, or independent 4895
social worker; 4896

(8) Practicing outside the scope of practice applicable to 4897
that person; 4898

(9) Practicing in violation of the supervision requirements 4899
specified under sections 4757.21 and 4757.26, and division (E) of 4900
section 4757.30, of the Revised Code; 4901

(10) A violation of the person's code of ethical practice 4902
adopted by rule of the board pursuant to section 4757.11 of the 4903
Revised Code; 4904

(11) Revocation or suspension of a license or certificate of 4905
registration, other disciplinary action against a license holder 4906
or registration, or the voluntary surrender of a license or 4907
certificate of registration in another state or jurisdiction for 4908
an offense that would be a violation of this chapter. 4909

(D) A disciplinary action under division (B) of this section 4910
shall be taken pursuant to an adjudication under Chapter 119. of 4911
the Revised Code, except that in lieu of an adjudication, the 4912
appropriate professional standards committee may enter into a 4913
consent agreement with an individual or entity specified in 4914
division (A) of this section to resolve an allegation of a 4915
violation of this chapter or any rule adopted under it. A consent 4916
agreement, when ratified by the appropriate professional standards 4917
committee, constitutes the findings and order of the board with 4918

respect to the matter addressed in the agreement. If a committee
refuses to ratify a consent agreement, the admissions and findings
contained in the consent agreement are of no force or effect.

(E) In any instance in which a professional standards
committee of the board is required by Chapter 119. of the Revised
Code to give notice of the opportunity for a hearing and the
individual or entity subject to the notice does not timely request
a hearing in accordance with section 119.07 of the Revised Code,
the committee may adopt a final order that contains the board's
findings. In that final order, the committee may order any of the
sanctions identified in division (B) of this section.

(F) One year or more after the date of suspension or
revocation of a license or certificate of registration under this
section, application may be made to the appropriate professional
standards committee for reinstatement. The committee may ~~accept~~
~~approve~~ or ~~refuse~~ deny an application for reinstatement. If a
license has been suspended or revoked, the committee may require
an examination for reinstatement.

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

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

**Sec. 4757.37. (A) An individual whom the counselor, social
worker, and marriage and family therapist board licenses,
certificates, or otherwise legally authorizes to engage in the
practice of professional counseling, social work, or marriage and
family therapy may render the professional services of a licensed
professional clinical counselor, licensed professional counselor,
independent social worker, social worker, independent marriage and**

family therapist, or marriage and family therapist within this 4950
state through a corporation formed under division (B) of section 4951
1701.03 of the Revised Code, a limited liability company formed 4952
under Chapter 1705. of the Revised Code, a partnership, or a 4953
professional association formed under Chapter 1785. of the Revised 4954
Code. This division does not preclude such an individual from 4955
rendering professional services as a licensed professional 4956
clinical counselor, licensed professional counselor, independent 4957
social worker, social worker, independent marriage and family 4958
therapist, or marriage and family therapist through another form 4959
of business entity, including, but not limited to, a nonprofit 4960
corporation or foundation, or in another manner that is authorized 4961
by or in accordance with this chapter, another chapter of the 4962
Revised Code, or rules of the counselor, social worker, and 4963
marriage and family therapist board adopted pursuant to this 4964
chapter. 4965

(B) A corporation, limited liability company, partnership, or 4966
professional association described in division (A) of this section 4967
may be formed for the purpose of providing a combination of the 4968
professional services of the following individuals who are 4969
licensed, certificated, or otherwise legally authorized to 4970
practice their respective professions: 4971

(1) Optometrists who are authorized to practice optometry 4972
under Chapter 4725. of the Revised Code; 4973

(2) Chiropractors who are authorized to practice chiropractic 4974
or acupuncture under Chapter 4734. of the Revised Code; 4975

(3) Psychologists who are authorized to practice psychology 4976
under Chapter 4732. of the Revised Code; 4977

(4) Registered or licensed practical nurses who are 4978
authorized to practice nursing as registered nurses or as licensed 4979
practical nurses under Chapter 4723. of the Revised Code; 4980

<u>(5) Pharmacists who are authorized to practice pharmacy under Chapter 4729. of the Revised Code;</u>	4981
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<u>(6) Physical therapists who are authorized to practice physical therapy under sections 4755.40 to 4755.56 of the Revised Code;</u>	4983
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<u>(7) Occupational therapists who are authorized to practice occupational therapy under sections 4755.04 to 4755.13 of the Revised Code;</u>	4986
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<u>(8) Mechanotherapists who are authorized to practice mechanotherapy under section 4731.151 of the Revised Code;</u>	4989
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<u>(9) Doctors of medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery who are authorized for their respective practices under Chapter 4731. of the Revised Code;</u>	4991
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<u>(10) Licensed professional clinical counselors, licensed professional counselors, independent social workers, social workers, independent marriage and family therapists, or marriage and family therapists who are authorized for their respective practices under this chapter.</u>	4995
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<u>This division applies notwithstanding a provision of a code of ethics applicable to an individual who is a licensed professional clinical counselor, licensed professional counselor, independent social worker, social worker, independent marriage and family therapist, or marriage and family therapist that prohibits the individual from engaging in the individual's practice in combination with a person who is licensed, certificated, or otherwise legally authorized to practice optometry, chiropractic, acupuncture through the state chiropractic board, psychology, nursing, pharmacy, physical therapy, occupational therapy, mechanotherapy, medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery, but who is not also</u>	5000
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licensed, certificated, or otherwise legally authorized to engage 5012
in the practice of professional counseling, social work, or 5013
marriage and family therapy. 5014

Sec. 4757.38. (A) The counselor, social worker, and marriage 5015
and family therapist board shall investigate alleged violations of 5016
this chapter or the rules adopted under it and alleged 5017
irregularities in the delivery of services related to professional 5018
counseling, social work, or marriage and family therapy by persons 5019
licensed or registered under this chapter. As part of its conduct 5020
of an investigation, the board may issue subpoenas, examine 5021
witnesses, and administer oaths. 5022

(B) All of the following apply under this chapter with 5023
respect to the confidentiality of information: 5024

(1) Information received by the board pursuant to a complaint 5025
or an investigation is confidential and not subject to discovery 5026
in any civil action, except that the board may disclose 5027
information to law enforcement officers and government entities 5028
for purposes of an investigation of either an individual who holds 5029
a license or certificate of registration issued under this chapter 5030
or an individual or entity that may have engaged in the 5031
unauthorized practice of professional counseling, social work, or 5032
marriage and family therapy. No law enforcement officer or 5033
government entity with knowledge of any information disclosed by 5034
the board pursuant to this division shall divulge the information 5035
to any other person or government entity except for the purpose of 5036
a government investigation, a prosecution, or an adjudication by a 5037
court or government entity. 5038

(2) If an investigation requires a review of patient records, 5039
the investigation and proceeding shall be conducted in such a 5040
manner as to protect patient confidentiality. 5041

(3) All adjudications and investigations of the board are 5042

civil actions for the purposes of section 2305.252 of the Revised Code. 5043
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(4) Any board activity that involves continued monitoring of an individual as part of or following any disciplinary action taken under section 4755.36 of the Revised Code shall be conducted in a manner that maintains the individual's confidentiality. Information received or maintained by the board with respect to the board's monitoring activities is not subject to discovery in any civil action and is confidential, except that the board may disclose information to law enforcement officers and government entities for purposes of an investigation of an individual holding a license or certificate of registration issued under this chapter. 5045
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(C) The board may receive any information necessary to conduct an investigation under this section. If the board is investigating the provision of services to a couple or group, it is not necessary for both members of the couple or all members of the group to consent to the release of information relevant to the investigation. 5056
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(D) The board shall ensure that all records it holds pertaining to an investigation remain confidential. The board shall adopt rules establishing procedures to be followed in maintaining the confidentiality of its investigative records. The rules shall be adopted in accordance with Chapter 119. of the Revised Code. 5062
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Sec. 4757.41. (A) This chapter shall not apply to the following: 5068
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(1) A person certified by the state board of education under Chapter 3319. of the Revised Code while performing any services within the person's scope of employment by a board of education or by a private school meeting the standards prescribed by the state 5070
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board of education under division (D) of section 3301.07 of the Revised Code or in a program operated under Chapter 5126. of the Revised Code for training individuals with mental retardation or other developmental disabilities;

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

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

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

(5) Any person who is not licensed under this chapter as a licensed professional clinical counselor, licensed professional counselor, independent social worker, or social worker and is employed in the civil service as defined in section 124.01 of the Revised Code while engaging in ~~social work~~ or professional counseling or social work as a civil service employee, if on the effective date of this amendment the person has at least two years of service in that capacity;

(6) A student in an accredited educational institution while carrying out activities that are part of the student's prescribed

course of study if the activities are supervised as required by 5105
the educational institution and if the student does not hold 5106
herself or himself out as a person licensed or registered under 5107
this chapter; 5108

(7) Individuals who hold a license or certificate under 5109
Chapter 4758. of the Revised Code who are acting within the scope 5110
of their license or certificate as members of the profession of 5111
chemical dependency counseling or alcohol and other drug 5112
prevention services; 5113

(8) Any person employed by the American red cross while 5114
engaging in activities relating to services for military families 5115
and veterans and disaster relief, as described in the "American 5116
National Red Cross Act," 33 Stat. 599 (1905), 36 U.S.C.A. 1, as 5117
amended; 5118

(9) Members of labor organizations who hold union counselor 5119
certificates while performing services in their official capacity 5120
as union counselors; 5121

(10) Any person employed in a hospital as defined in section 5122
3727.01 of the Revised Code or in a nursing home as defined in 5123
section 3721.01 of the Revised Code while providing as a hospital 5124
employee or nursing home employee, respectively, social services 5125
other than counseling and the use of psychosocial interventions 5126
and social psychotherapy; 5127

(11) A vocational rehabilitation professional who is 5128
providing rehabilitation services to individuals under section 5129
3304.17 of the Revised Code; 5130

(12) A caseworker employed by a public children services 5131
agency under section 5153.112 of the Revised Code. 5132

(B) Divisions (A)(5), ~~(8)~~, and (10) of this section do not 5133
prevent a person described in those divisions from obtaining a 5134
license or certificate of registration under this chapter. 5135

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

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

Sec. 4757.43. Nothing in this chapter or the rules adopted under it shall be construed as authorizing a licensed professional clinical counselor, licensed professional counselor, independent marriage and family therapist, marriage and family therapist, independent social worker, social worker, or social work assistant to admit a patient to a hospital or as requiring a hospital to allow any of those individuals to admit a patient.

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

(A) To meet the requirements of this division, an individual 5167
must meet all of the following requirements: 5168

(1) Hold from an accredited educational institution at least 5169
a master's degree in a behavioral science or nursing that meets 5170
the course requirements specified in rules adopted under section 5171
4758.20 of the Revised Code; 5172

(2) Have not less than two thousand hours of compensated work 5173
or supervised internship experience in any of the following, not 5174
less than four hundred hours of which are in chemical dependency 5175
counseling: 5176

(a) Chemical dependency services, substance abuse services, 5177
or both types of services; 5178

(b) The practice of psychology, as defined in section 4732.01 5179
of the Revised Code; 5180

(c) The practice of professional counseling, the practice of 5181
social work, or the practice of marriage and family therapy, all 5182
as defined in section 4757.01 of the Revised Code. 5183

(3) Have a minimum of one hundred eighty hours of training in 5184
chemical dependency that meets the requirements specified in rules 5185
adopted under section 4758.20 of the Revised Code; 5186

(4) Unless the individual holds a valid license, 5187
registration, certificate, or credentials issued under another 5188
chapter of the Revised Code that authorizes the individual to 5189
engage in a profession whose scope of practice includes chemical 5190
dependency counseling and diagnosing and treating chemical 5191
dependency conditions, pass one or more examinations administered 5192
pursuant to section 4758.22 of the Revised Code for the purpose of 5193
determining competence to practice as an independent chemical 5194
dependency counselor. 5195

(B) To meet the requirements of this division, an individual 5196

must meet both of the following requirements:	5197
(1) Hold, on December 23, 2002, a certificate or credentials	5198
that were accepted under former section 3793.07 of the Revised	5199
Code as authority to practice as a certified chemical dependency	5200
counselor III or certified chemical dependency counselor III-E;	5201
(2) Meet one of the following requirements:	5202
(a) Hold the degree described in division (A)(1) of this	5203
section;	5204
(b) Have held a chemical dependency counselor III, II, or I	5205
certificate for at least eight consecutive years and have not less	5206
than forty clock hours of training on the version of the	5207
diagnostic and statistical manual of mental disorders that is	5208
current at the time of the training. The training must meet the	5209
requirements specified in rules adopted under section 4758.20 of	5210
the Revised Code. An individual authorized under Chapter 4731. of	5211
the Revised Code to practice medicine and surgery or osteopathic	5212
medicine and surgery, a psychologist licensed under Chapter 4732.	5213
of the Revised Code, or a <u>licensed</u> professional clinical counselor	5214
or independent social worker licensed under Chapter 4757. of the	5215
Revised Code may provide any portion of the training. An	5216
independent chemical dependency counselor licensed under this	5217
chapter who holds the degree described in division (A)(1) of this	5218
section may provide the portion of the training on chemical	5219
dependency conditions.	5220
Sec. 4758.41. An individual seeking a chemical dependency	5221
counselor III license shall meet the requirements of division (A),	5222
(B), or (C) of this section.	5223
(A) To meet the requirements of this division, an individual	5224
must meet all of the following requirements:	5225
(1) Hold from an accredited educational institution at least	5226

a bachelor's degree in a behavioral science or nursing that meets 5227
the course requirements specified in rules adopted under section 5228
4758.20 of the Revised Code; 5229

(2) Have not less than two thousand hours of compensated work 5230
or supervised internship experience in any of the following, not 5231
less than four hundred hours of which are in chemical dependency 5232
counseling: 5233

(a) Chemical dependency services, substance abuse services, 5234
or both types of services; 5235

(b) The practice of psychology, as defined in section 4732.01 5236
of the Revised Code; 5237

(c) The practice of professional counseling, the practice of 5238
social work, or the practice of marriage and family therapy, all 5239
as defined in section 4757.01 of the Revised Code. 5240

(3) Have a minimum of one hundred eighty hours of training in 5241
chemical dependency that meets the requirements specified in rules 5242
adopted under section 4758.20 of the Revised Code; 5243

(4) Unless the individual holds a valid license, 5244
registration, certificate, or credentials issued under another 5245
chapter of the Revised Code that authorizes the individual to 5246
engage in a profession whose scope of practice includes chemical 5247
dependency counseling and diagnosing and treating chemical 5248
dependency conditions, pass one or more examinations administered 5249
pursuant to section 4758.22 of the Revised Code for the purpose of 5250
determining competence to practice as a chemical dependency 5251
counselor III. 5252

(B) To meet the requirements of this division, an individual 5253
must meet both of the following requirements: 5254

(1) Hold, on December 23, 2002, a certificate or credentials 5255
that were accepted under former section 3793.07 of the Revised 5256

Code as authority to practice as a certified chemical dependency counselor III or certified chemical dependency counselor III-E; 5257
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(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 licensed 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. 5259
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(C) To meet the requirements of this division, an individual must meet all of the following requirements: 5274
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(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; 5276
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(2) Meet the requirement of division (B)(2) of this section; 5280

(3) Hold a bachelor's degree in a behavioral science. 5281

Sec. 4758.561. 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: 5282
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(A) An independent chemical dependency counselor-clinical supervisor licensed under this chapter; 5285
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(B) An individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery; 5287
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(C) A psychologist licensed under Chapter 4732. of the Revised Code; 5290
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(D) A registered nurse licensed under Chapter 4723. of the Revised Code or licensed 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. 5292
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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: 5299
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(1) Perform treatment planning, assessment, crisis intervention, individual and group counseling, case management, and education services as they relate to abuse of or dependency on alcohol and other drugs; 5303
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(2) Refer individuals with nonchemical dependency conditions to appropriate sources of help. 5307
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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: 5309
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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; 5313
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(2) An individual authorized under Chapter 4731. of the 5316

Revised Code to practice medicine and surgery or osteopathic medicine and surgery;	5317
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(3) A psychologist licensed under Chapter 4732. of the Revised Code;	5319
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(4) A registered nurse licensed under Chapter 4723. of the Revised Code or <u>licensed</u> 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, <u>licensed</u> professional clinical counselor, independent social worker, or independent marriage and family therapist.	5321
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(C) A chemical dependency counselor assistant may not practice as an individual practitioner.	5329
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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:	5331
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(A) A prevention specialist II or prevention specialist I certified under this chapter;	5336
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(B) An independent chemical dependency counselor-clinical supervisor, an independent chemical dependency counselor, or a chemical dependency counselor III licensed under this chapter;	5338
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(C) An individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery;	5341
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(D) A psychologist licensed under Chapter 4732. of the Revised Code;	5344
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(E) A registered nurse licensed under Chapter 4723. of the	5346

Revised Code;	5347
(F) A <u>licensed</u> professional clinical counselor, a <u>licensed</u> professional counselor, an independent social worker, a social worker, an independent marriage and family therapist, or a marriage and family therapist licensed under Chapter 4757. of the Revised Code;	5348 5349 5350 5351 5352
(G) A school counselor licensed by the department of education pursuant to section 3319.22 of the Revised Code;	5353 5354
(H) A health education specialist certified by the national commission for health education credentialing.	5355 5356
Sec. 4769.01. As used in this chapter:	5357
(A) "Medicare" means the program established by Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended.	5358 5359 5360
(B) "Balance billing" means charging or collecting from a medicare beneficiary an amount in excess of the medicare reimbursement rate for medicare-covered services or supplies provided to a medicare beneficiary, except when medicare is the secondary insurer. When medicare is the secondary insurer, the health care practitioner may pursue full reimbursement under the terms and conditions of the primary coverage and, if applicable, the charge allowed under the terms and conditions of the appropriate provider contract, from the primary insurer, but the medicare beneficiary cannot be balance billed above the medicare reimbursement rate for a medicare-covered service or supply. "Balance billing" does not include charging or collecting deductibles or coinsurance required by the program.	5361 5362 5363 5364 5365 5366 5367 5368 5369 5370 5371 5372 5373
(C) "Health care practitioner" means all of the following:	5374
(1) A dentist or dental hygienist licensed under Chapter 4715. of the Revised Code;	5375 5376

(2) A registered or licensed practical nurse licensed under Chapter 4723. of the Revised Code;	5377 5378
(3) An optometrist licensed under Chapter 4725. of the Revised Code;	5379 5380
(4) A dispensing optician, spectacle dispensing optician, contact lens dispensing optician, or spectacle-contact lens dispensing optician licensed under Chapter 4725. of the Revised Code;	5381 5382 5383 5384
(5) A pharmacist licensed under Chapter 4729. of the Revised Code;	5385 5386
(6) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatry;	5387 5388 5389
(7) A physician assistant authorized under Chapter 4730. of the Revised Code to practice as a physician assistant;	5390 5391
(8) A practitioner of a limited branch of medicine issued a certificate under Chapter 4731. of the Revised Code;	5392 5393
(9) A psychologist licensed under Chapter 4732. of the Revised Code;	5394 5395
(10) A chiropractor licensed under Chapter 4734. of the Revised Code;	5396 5397
(11) A hearing aid dealer or fitter licensed under Chapter 4747. of the Revised Code;	5398 5399
(12) A speech-language pathologist or audiologist licensed under Chapter 4753. of the Revised Code;	5400 5401
(13) An occupational therapist or occupational therapy assistant licensed under Chapter 4755. of the Revised Code;	5402 5403
(14) A physical therapist or physical therapy assistant licensed under Chapter 4755. of the Revised Code;	5404 5405

(15) A licensed professional clinical counselor, licensed professional counselor, social worker, or independent social worker licensed, or a social work assistant registered, under Chapter 4757. of the Revised Code;

(16) A dietitian licensed under Chapter 4759. of the Revised Code;

(17) A respiratory care professional licensed under Chapter 4761. of the Revised Code;

(18) An emergency medical technician-basic, emergency medical technician-intermediate, or emergency medical technician-paramedic certified under Chapter 4765. of the Revised Code.

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

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

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

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

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

(c) Has a medical director, a dental director, if dental care

is provided, and a nursing director responsible for the execution 5436
of such policies, and has physicians, dentists, nursing, and 5437
ancillary staff appropriate to the scope of services provided; 5438

(d) Requires that the health care and medical care of every 5439
patient be under the supervision of a physician, provides for 5440
medical care in a case of emergency, has in effect a written 5441
agreement with one or more hospitals and other centers or clinics, 5442
and has an established patient referral system to other resources, 5443
and a utilization review plan and program; 5444

(e) Maintains clinical records on all patients; 5445

(f) Provides nursing services and other therapeutic services 5446
in accordance with programs and policies, with such services 5447
supervised by a registered professional nurse, and has a 5448
registered professional nurse on duty at all times of clinical 5449
operations; 5450

(g) Provides approved methods and procedures for the 5451
dispensing and administration of drugs and biologicals; 5452

(h) Has established an accounting and record keeping system 5453
to determine reasonable and allowable costs; 5454

(i) "Ambulatory health facilities" also includes an 5455
alcoholism treatment facility approved by the joint commission on 5456
accreditation of healthcare organizations as an alcoholism 5457
treatment facility or certified by the department of alcohol and 5458
drug addiction services, and such facility shall comply with other 5459
provisions of this division not inconsistent with such 5460
accreditation or certification. 5461

(3) "Community mental health facility" means a facility which 5462
provides community mental health services and is included in the 5463
comprehensive mental health plan for the alcohol, drug addiction, 5464
and mental health service district in which it is located. 5465

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

(5) "Home health agency" means an institution or a distinct part of an institution operated in this state which:

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

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

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

(d) Maintains comprehensive records on all patients;

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

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

(a) Nursing care provided by or under the supervision of a registered professional nurse;	5497 5498
(b) Physical, occupational, or speech therapy ordered by the patient's attending physician;	5499 5500
(c) Medical social services performed by or under the supervision of a qualified medical or psychiatric social worker and under the direction of the patient's attending physician;	5501 5502 5503
(d) Personal health care of the patient performed by aides in accordance with the orders of a doctor of medicine or osteopathy and under the supervision of a registered professional nurse;	5504 5505 5506
(e) Medical supplies and the use of medical appliances;	5507
(f) Medical services of interns and residents-in-training under an approved teaching program of a nonprofit hospital and under the direction and supervision of the patient's attending physician;	5508 5509 5510 5511
(g) Any of the foregoing items and services which:	5512
(i) Are provided on an outpatient basis under arrangements made by the home health agency at a hospital or skilled nursing facility;	5513 5514 5515
(ii) Involve the use of equipment of such a nature that the items and services cannot readily be made available to the patient in the patient's place of residence, or which are furnished at the hospital or skilled nursing facility while the patient is there to receive any item or service involving the use of such equipment.	5516 5517 5518 5519 5520
Any attorney, physician, osteopath, podiatrist, chiropractor, dentist, psychologist, any employee of a hospital as defined in section 3701.01 of the Revised Code, any nurse licensed under Chapter 4723. of the Revised Code, any employee of an ambulatory health facility, any employee of a home health agency, any employee of a residential facility licensed under section 5119.22	5521 5522 5523 5524 5525 5526

of the Revised Code that provides accommodations, supervision, and 5527
personal care services for three to sixteen unrelated adults, any 5528
employee of a nursing home, residential care facility, or home for 5529
the aging, as defined in section 3721.01 of the Revised Code, any 5530
senior service provider, any peace officer, coroner, member of the 5531
clergy, any employee of a community mental health facility, and 5532
any person engaged in professional counseling, social work ~~or~~ 5533
~~counseling~~, or marriage and family therapy having reasonable cause 5534
to believe that an adult is being abused, neglected, or exploited, 5535
or is in a condition which is the result of abuse, neglect, or 5536
exploitation shall immediately report such belief to the county 5537
department of job and family services. This section does not apply 5538
to employees of any hospital or public hospital as defined in 5539
section 5122.01 of the Revised Code. 5540

(B) Any person having reasonable cause to believe that an 5541
adult has suffered abuse, neglect, or exploitation may report, or 5542
cause reports to be made of such belief to the department. 5543

(C) The reports made under this section shall be made orally 5544
or in writing except that oral reports shall be followed by a 5545
written report if a written report is requested by the department. 5546
Written reports shall include: 5547

(1) The name, address, and approximate age of the adult who 5548
is the subject of the report; 5549

(2) The name and address of the individual responsible for 5550
the adult's care, if any individual is, and if the individual is 5551
known; 5552

(3) The nature and extent of the alleged abuse, neglect, or 5553
exploitation of the adult; 5554

(4) The basis of the reporter's belief that the adult has 5555
been abused, neglected, or exploited. 5556

(D) Any person with reasonable cause to believe that an adult 5557

is suffering abuse, neglect, or exploitation who makes a report 5558
pursuant to this section or who testifies in any administrative or 5559
judicial proceeding arising from such a report, or any employee of 5560
the state or any of its subdivisions who is discharging 5561
responsibilities under section 5101.62 of the Revised Code shall 5562
be immune from civil or criminal liability on account of such 5563
investigation, report, or testimony, except liability for perjury, 5564
unless the person has acted in bad faith or with malicious 5565
purpose. 5566

(E) No employer or any other person with the authority to do 5567
so shall discharge, demote, transfer, prepare a negative work 5568
performance evaluation, or reduce benefits, pay, or work 5569
privileges, or take any other action detrimental to an employee or 5570
in any way retaliate against an employee as a result of the 5571
employee's having filed a report under this section. 5572

(F) Neither the written or oral report provided for in this 5573
section nor the investigatory report provided for in section 5574
5101.62 of the Revised Code shall be considered a public record as 5575
defined in section 149.43 of the Revised Code. Information 5576
contained in the report shall upon request be made available to 5577
the adult who is the subject of the report, to agencies authorized 5578
by the department to receive information contained in the report, 5579
and to legal counsel for the adult. 5580

Sec. 5123.61. (A) As used in this section: 5581

(1) "Law enforcement agency" means the state highway patrol, 5582
the police department of a municipal corporation, or a county 5583
sheriff. 5584

(2) "Abuse" has the same meaning as in section 5123.50 of the 5585
Revised Code, except that it includes a misappropriation, as 5586
defined in that section. 5587

(3) "Neglect" has the same meaning as in section 5123.50 of the Revised Code. 5588
5589

(B) The department of developmental disabilities shall 5590
establish a registry office for the purpose of maintaining reports 5591
of abuse, neglect, and other major unusual incidents made to the 5592
department under this section and reports received from county 5593
boards of developmental disabilities under section 5126.31 of the 5594
Revised Code. The department shall establish committees to review 5595
reports of abuse, neglect, and other major unusual incidents. 5596

(C)(1) Any person listed in division (C)(2) of this section, 5597
having reason to believe that a person with mental retardation or 5598
a developmental disability has suffered or faces a substantial 5599
risk of suffering any wound, injury, disability, or condition of 5600
such a nature as to reasonably indicate abuse or neglect of that 5601
person, shall immediately report or cause reports to be made of 5602
such information to the entity specified in this division. Except 5603
as provided in section 5120.173 of the Revised Code or as 5604
otherwise provided in this division, the person making the report 5605
shall make it to a law enforcement agency or to the county board 5606
of developmental disabilities. If the report concerns a resident 5607
of a facility operated by the department of developmental 5608
disabilities the report shall be made either to a law enforcement 5609
agency or to the department. If the report concerns any act or 5610
omission of an employee of a county board of developmental 5611
disabilities, the report immediately shall be made to the 5612
department and to the county board. 5613

(2) All of the following persons are required to make a 5614
report under division (C)(1) of this section: 5615

(a) Any physician, including a hospital intern or resident, 5616
any dentist, podiatrist, chiropractor, practitioner of a limited 5617
branch of medicine as specified in section 4731.15 of the Revised 5618
Code, hospital administrator or employee of a hospital, nurse 5619

licensed under Chapter 4723. of the Revised Code, employee of an 5620
ambulatory health facility as defined in section 5101.61 of the 5621
Revised Code, employee of a home health agency, employee of a 5622
residential facility licensed under section 5119.22 of the Revised 5623
Code that provides accommodations, supervision, and person care 5624
services for three to sixteen unrelated adults, or employee of a 5625
community mental health facility; 5626

(b) Any school teacher or school authority, licensed 5627
professional clinical counselor, licensed professional counselor, 5628
independent social worker, social worker, independent marriage and 5629
family therapist, marriage and family therapist, psychologist, 5630
attorney, peace officer, coroner, or residents' rights advocate as 5631
defined in section 3721.10 of the Revised Code; 5632

(c) A superintendent, board member, or employee of a county 5633
board of developmental disabilities; an administrator, board 5634
member, or employee of a residential facility licensed under 5635
section 5123.19 of the Revised Code; an administrator, board 5636
member, or employee of any other public or private provider of 5637
services to a person with mental retardation or a developmental 5638
disability, or any MR/DD employee, as defined in section 5123.50 5639
of the Revised Code; 5640

(d) A member of a citizen's advisory council established at 5641
an institution or branch institution of the department of 5642
developmental disabilities under section 5123.092 of the Revised 5643
Code; 5644

(e) A member of the clergy who is employed in a position that 5645
includes providing specialized services to an individual with 5646
mental retardation or another developmental disability, while 5647
acting in an official or professional capacity in that position, 5648
or a person who is employed in a position that includes providing 5649
specialized services to an individual with mental retardation or 5650
another developmental disability and who, while acting in an 5651

official or professional capacity, renders spiritual treatment 5652
through prayer in accordance with the tenets of an organized 5653
religion. 5654

(3)(a) The reporting requirements of this division do not 5655
apply to employees of the Ohio protection and advocacy system. 5656

(b) An attorney or physician is not required to make a report 5657
pursuant to division (C)(1) of this section concerning any 5658
communication the attorney or physician receives from a client or 5659
patient in an attorney-client or physician-patient relationship, 5660
if, in accordance with division (A) or (B) of section 2317.02 of 5661
the Revised Code, the attorney or physician could not testify with 5662
respect to that communication in a civil or criminal proceeding, 5663
except that the client or patient is deemed to have waived any 5664
testimonial privilege under division (A) or (B) of section 2317.02 5665
of the Revised Code with respect to that communication and the 5666
attorney or physician shall make a report pursuant to division 5667
(C)(1) of this section, if both of the following apply: 5668

(i) The client or patient, at the time of the communication, 5669
is a person with mental retardation or a developmental disability. 5670

(ii) The attorney or physician knows or suspects, as a result 5671
of the communication or any observations made during that 5672
communication, that the client or patient has suffered or faces a 5673
substantial risk of suffering any wound, injury, disability, or 5674
condition of a nature that reasonably indicates abuse or neglect 5675
of the client or patient. 5676

(4) Any person who fails to make a report required under 5677
division (C) of this section and who is an MR/DD employee, as 5678
defined in section 5123.50 of the Revised Code, shall be eligible 5679
to be included in the registry regarding misappropriation, abuse, 5680
neglect, or other specified misconduct by MR/DD employees 5681
established under section 5123.52 of the Revised Code. 5682

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

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

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

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

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

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

be made to the department and to the county board. 5714

(G)(1) Upon the receipt of a report concerning the possible 5715
abuse or neglect of a person with mental retardation or a 5716
developmental disability, the law enforcement agency shall inform 5717
the county board of developmental disabilities or, if the person 5718
is a resident of a facility operated by the department of 5719
developmental disabilities, the director of the department or the 5720
director's designee. 5721

(2) On receipt of a report under this section that includes 5722
an allegation of action or inaction that may constitute a crime 5723
under federal law or the law of this state, the department of 5724
developmental disabilities shall notify the law enforcement 5725
agency. 5726

(3) When a county board of developmental disabilities 5727
receives a report under this section that includes an allegation 5728
of action or inaction that may constitute a crime under federal 5729
law or the law of this state, the superintendent of the board or 5730
an individual the superintendent designates under division (H) of 5731
this section shall notify the law enforcement agency. The 5732
superintendent or individual shall notify the department of 5733
developmental disabilities when it receives any report under this 5734
section. 5735

(4) When a county board of developmental disabilities 5736
receives a report under this section and believes that the degree 5737
of risk to the person is such that the report is an emergency, the 5738
superintendent of the board or an employee of the board the 5739
superintendent designates shall attempt a face-to-face contact 5740
with the person with mental retardation or a developmental 5741
disability who allegedly is the victim within one hour of the 5742
board's receipt of the report. 5743

(H) The superintendent of the board may designate an 5744

individual to be responsible for notifying the law enforcement 5745
agency and the department when the county board receives a report 5746
under this section. 5747

(I) An adult with mental retardation or a developmental 5748
disability about whom a report is made may be removed from the 5749
adult's place of residence only by law enforcement officers who 5750
consider that the adult's immediate removal is essential to 5751
protect the adult from further injury or abuse or in accordance 5752
with the order of a court made pursuant to section 5126.33 of the 5753
Revised Code. 5754

(J) A law enforcement agency shall investigate each report of 5755
abuse or neglect it receives under this section. In addition, the 5756
department, in cooperation with law enforcement officials, shall 5757
investigate each report regarding a resident of a facility 5758
operated by the department to determine the circumstances 5759
surrounding the injury, the cause of the injury, and the person 5760
responsible. The investigation shall be in accordance with the 5761
memorandum of understanding prepared under section 5126.058 of the 5762
Revised Code. The department shall determine, with the registry 5763
office which shall be maintained by the department, whether prior 5764
reports have been made concerning an adult with mental retardation 5765
or a developmental disability or other principals in the case. If 5766
the department finds that the report involves action or inaction 5767
that may constitute a crime under federal law or the law of this 5768
state, it shall submit a report of its investigation, in writing, 5769
to the law enforcement agency. If the person with mental 5770
retardation or a developmental disability is an adult, with the 5771
consent of the adult, the department shall provide such protective 5772
services as are necessary to protect the adult. The law 5773
enforcement agency shall make a written report of its findings to 5774
the department. 5775

If the person is an adult and is not a resident of a facility 5776

operated by the department, the county board of developmental 5777
disabilities shall review the report of abuse or neglect in 5778
accordance with sections 5126.30 to 5126.33 of the Revised Code 5779
and the law enforcement agency shall make the written report of 5780
its findings to the county board. 5781

(K) Any person or any hospital, institution, school, health 5782
department, or agency participating in the making of reports 5783
pursuant to this section, any person participating as a witness in 5784
an administrative or judicial proceeding resulting from the 5785
reports, or any person or governmental entity that discharges 5786
responsibilities under sections 5126.31 to 5126.33 of the Revised 5787
Code shall be immune from any civil or criminal liability that 5788
might otherwise be incurred or imposed as a result of such actions 5789
except liability for perjury, unless the person or governmental 5790
entity has acted in bad faith or with malicious purpose. 5791

(L) No employer or any person with the authority to do so 5792
shall discharge, demote, transfer, prepare a negative work 5793
performance evaluation, reduce pay or benefits, terminate work 5794
privileges, or take any other action detrimental to an employee or 5795
retaliate against an employee as a result of the employee's having 5796
made a report under this section. This division does not preclude 5797
an employer or person with authority from taking action with 5798
regard to an employee who has made a report under this section if 5799
there is another reasonable basis for the action. 5800

(M) Reports made under this section are not public records as 5801
defined in section 149.43 of the Revised Code. Information 5802
contained in the reports on request shall be made available to the 5803
person who is the subject of the report, to the person's legal 5804
counsel, and to agencies authorized to receive information in the 5805
report by the department or by a county board of developmental 5806
disabilities. 5807

(N) Notwithstanding section 4731.22 of the Revised Code, the 5808

physician-patient privilege shall not be a ground for excluding 5809
evidence regarding the injuries or physical neglect of a person 5810
with mental retardation or a developmental disability or the cause 5811
thereof in any judicial proceeding resulting from a report 5812
submitted pursuant to this section. 5813

Section 2. That existing sections 1701.03, 1705.03, 1705.04, 5814
1705.53, 1785.01, 1785.02, 1785.03, 2152.72, 2305.234, 2305.51, 5815
2317.02, 2921.22, 2925.01, 2951.041, 3107.014, 3701.046, 3701.74, 5816
3709.161, 3721.21, 3793.02, 3923.28, 3923.281, 3923.282, 3923.30, 5817
3963.01, 4723.16, 4725.33, 4729.161, 4731.226, 4731.65, 4732.28, 5818
4734.17, 4734.41, 4755.471, 4757.01, 4757.02, 4757.03, 4757.04, 5819
4757.10, 4757.11, 4757.16, 4757.21, 4757.22, 4757.23, 4757.26, 5820
4757.27, 4757.28, 4757.29, 4757.30, 4757.31, 4757.33, 4757.34, 5821
4757.36, 4757.38, 4757.41, 4757.43, 4758.40, 4758.41, 4758.561, 5822
4758.59, 4758.61, 4769.01, 5101.61, and 5123.61 and section 5823
4757.12 of the Revised Code are hereby repealed. 5824

Section 3. Within one year after the effective date of this 5825
act, the Office of Collective Bargaining in the Department of 5826
Administrative Services shall implement division (C) of section 5827
4757.41 of the Revised Code as enacted by this act. 5828

Within ninety days after the effective date of this act, the 5829
Office of Collective Bargaining shall negotiate with each state 5830
agency and the affected union to reach a mutually agreeable 5831
resolution for employees impacted by the enactment of division (C) 5832
of section 4757.41 of the Revised Code. 5833

Notwithstanding divisions (A) and (D) of section 124.14 of 5834
the Revised Code or any other contrary provision of law, for 5835
employees in the service of the state exempt from Chapter 4117. of 5836
the Revised Code who are impacted by the enactment of division (C) 5837
of section 4757.41 of the Revised Code, the Director of 5838
Administrative Services may implement any or all of the provisions 5839

of the resolutions described in the preceding paragraph. 5840

The Director, within ninety days after the effective date of 5841
this act, shall develop and assign new classifications related to 5842
the enactment of division (C) of section 4757.41 of the Revised 5843
Code as needed and reassign impacted employees to appropriate 5844
classifications based on the employee's duties and qualifications. 5845