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130th General Assembly

Regular Session

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Sub. H. B. No. 232

Representatives Sears, Milkovich

**Cosponsors: Representatives Gonzales, Hackett, Stebelton, Smith,
Johnson, DeVitis, Letson, Stinziano, Wachtmann, Cera, Pelanda, Stautberg,
Barnes, Bishoff, Brown, Amstutz, Anielski, Beck, Buchy, Burkley,
Damschroder, Green, Grossman, Hagan, C., McClain, Sears, Slaby**

Speaker Batchelder

**Senators Brown, Burke, Eklund, Hite, LaRose, Lehner, Manning, Patton,
Sawyer, Skindell, Smith, Tavares, Widener**

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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
3923.28, 3923.281, 3923.282, 3923.29, 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, 4758.55, 12
4758.561, 4758.59, 4758.61, 4769.01, 5101.61, and 13
5123.61; to enact sections 4755.111, 4757.13, 14
4757.321, and 4757.37; and to repeal section 15
4757.12 of the Revised Code to modify the laws 16
governing professional counselors, social workers, 17

and marriage and family therapists.

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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, 3923.28, 3923.281, 3923.282, 3923.29, 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, 4758.55, 4758.561, 27
4758.59, 4758.61, 4769.01, 5101.61, and 5123.61 be amended and 28
sections 4755.111 4757.13, 4757.321, and 4757.37 of the Revised 29
Code be enacted to read as 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

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

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| evidences of indebtedness; | 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 203
residence, domicile, or state of organization, may form a limited 204
liability company. The articles of organization shall be signed 205
and filed with the secretary of state and shall set forth all of 206
the following: 207

(1) The name of the company; 208

(2) Except as provided in division (B) of this section, the 209
period of its duration, which may be perpetual; 210

(3) Any other provisions that are from the operating 211
agreement or that are not inconsistent with applicable law and 212
that the members elect to set out in the articles for the 213
regulation of the affairs of the company. 214

The legal existence of the company begins upon the filing of 215
the articles of organization or on a later date specified in the 216
articles of organization that is not more than ninety days after 217
the filing. 218

(B) If the articles of organization or operating agreement do 219
not set forth the period of the duration of the limited liability 220
company, its duration shall be perpetual. 221

(C) If a limited liability company is formed under this 222
chapter for the purpose of rendering a professional service, the 223
kinds of professional services authorized under Chapters 4703. and 224
4733. of the Revised Code, or a combination of the professional 225
services of optometrists authorized under Chapter 4725. of the 226
Revised Code, chiropractors authorized under Chapter 4734. of the 227
Revised Code to practice chiropractic or acupuncture, 228
psychologists authorized under Chapter 4732. of the Revised Code, 229
registered or licensed practical nurses authorized under Chapter 230
4723. of the Revised Code, pharmacists authorized under Chapter 231
4729. of the Revised Code, physical therapists authorized under 232

sections 4755.40 to 4755.56 of the Revised Code, occupational 233
therapists authorized under sections 4755.04 to 4755.13 of the 234
Revised Code, mechanotherapists authorized under section 4731.151 235
of the Revised Code, ~~and~~ doctors of medicine and surgery, 236
osteopathic medicine and surgery, or podiatric medicine and 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 270
renders a professional service in another state and, if the 271
management of the company is not reserved to its members, each 272
manager of the company who renders a professional service in 273
another state shall be licensed, certificated, or otherwise 274
legally authorized to render that professional service in the 275
other state. 276

(D) Except for the provisions of this chapter pertaining to 277
the personal liability of members, employees, or other agents of a 278
limited liability company and, if the management of the company is 279
not reserved to its members, the personal liability of managers of 280
the company, this chapter does not restrict, limit, or otherwise 281
affect the authority or responsibilities of any agency, board, 282
commission, department, office, or other entity to license, 283
certificate, register, and otherwise regulate the professional 284
conduct of individuals or organizations of any kind rendering 285
professional services in this state or to regulate the practice of 286
any profession that is within the jurisdiction of the agency, 287
board, commission, department, office, or other entity, 288
notwithstanding that the individual is a member or manager of a 289
limited liability company and is rendering the professional 290
services or engaging in the practice of the profession through the 291
limited liability company or that the organization is a limited 292
liability company. 293

(E) No limited liability company formed for the purpose of 294
providing a combination of the professional services, as defined 295
in section 1785.01 of the Revised Code, of optometrists authorized 296
under Chapter 4725. of the Revised Code, chiropractors authorized 297

under Chapter 4734. of the Revised Code to practice chiropractic 298
or acupuncture, psychologists authorized under Chapter 4732. of 299
the Revised Code, registered or licensed practical nurses 300
authorized under Chapter 4723. of the Revised Code, pharmacists 301
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
authorized under Chapter 4723. of the Revised Code, pharmacists 472
authorized under Chapter 4729. of the Revised Code, physical 473
therapists authorized under sections 4755.40 to 4755.56 of the 474
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 525
Code that relates to the wearing or carrying of body armor during 526
the commission of the act for which the child was adjudicated a 527
delinquent child. 528

(B)(1) Except as provided in division (E) of this section, a 529
public children services agency, private child placing agency, 530
private noncustodial agency, or court, the department of youth 531
services, or another private or government entity shall not place 532
a child in a certified foster home or for adoption until it 533
provides the foster caregivers or prospective adoptive parents 534
with all of the following: 535

(a) A written report describing the child's social history; 536

(b) A written report describing all the acts committed by the 537
child the entity knows of that resulted in the child being 538
adjudicated a delinquent child and the disposition made by the 539
court, unless the records pertaining to the acts have been sealed 540
pursuant to section 2151.356 of the Revised Code; 541

(c) A written report describing any other violent act 542
committed by the child of which the entity is aware; 543

(d) The substantial and material conclusions and 544
recommendations of any psychiatric or psychological examination 545
conducted on the child or, if no psychological or psychiatric 546
examination of the child is available, the substantial and 547
material conclusions and recommendations of an examination to 548
detect mental and emotional disorders conducted in compliance with 549
the requirements of Chapter 4757. of the Revised Code by an 550
independent social worker, social worker, licensed professional 551
clinical counselor, ~~or~~ licensed professional counselor, 552

independent marriage and family therapist, or marriage and family therapist 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.

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

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

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

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

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

(D)(1) Except as provided in divisions (D)(2) and (3) of this section, the expenses of conducting the examinations and preparing

the reports and assessment required by division (B) or (C) of this 584
section shall be paid by the entity that places the child in the 585
certified foster home or for adoption. 586

(2) When a juvenile court grants temporary or permanent 587
custody of a child pursuant to any section of the Revised Code, 588
including section 2151.33, 2151.353, 2151.354, or 2152.19 of the 589
Revised Code, to a public children services agency or private 590
child placing agency, the court shall provide the agency the 591
information described in division (B) of this section, pay the 592
expenses of preparing that information, and, if a new examination 593
is required to be conducted, pay the expenses of conducting the 594
examination described in division (C) of this section. On receipt 595
of the information described in division (B) of this section, the 596
agency shall provide to the court written acknowledgment that the 597
agency received the information. The court shall keep the 598
acknowledgment and provide a copy to the agency. On the motion of 599
the agency, the court may terminate the order granting temporary 600
or permanent custody of the child to that agency, if the court 601
does not provide the information described in division (B) of this 602
section. 603

(3) If one of the following entities is placing a child in a 604
certified foster home or for adoption with the assistance of or by 605
contracting with a public children services agency, private child 606
placing agency, or a private noncustodial agency, the entity shall 607
provide the agency with the information described in division (B) 608
of this section, pay the expenses of preparing that information, 609
and, if a new examination is required to be conducted, pay the 610
expenses of conducting the examination described in division (C) 611
of this section: 612

(a) The department of youth services if the placement is 613
pursuant to any section of the Revised Code including section 614
2152.22, 5139.06, 5139.07, 5139.38, or 5139.39 of the Revised 615

Code; 616

(b) A juvenile court with temporary or permanent custody of a 617
child pursuant to section 2151.354 or 2152.19 of the Revised Code; 618

(c) A public children services agency or private child 619
placing agency with temporary or permanent custody of the child. 620

The agency receiving the information described in division 621
(B) of this section shall provide the entity described in ~~division~~ 622
divisions (D)(3)(a) to (c) of this section that sent the 623
information written acknowledgment that the agency received the 624
information and provided it to the foster caregivers or 625
prospective adoptive parents. The entity shall keep the 626
acknowledgment and provide a copy to the agency. An entity that 627
places a child in a certified foster home or for adoption with the 628
assistance of or by contracting with an agency remains responsible 629
to provide the information described in division (B) of this 630
section to the foster caregivers or prospective adoptive parents 631
unless the entity receives written acknowledgment that the agency 632
provided the information. 633

(E) If a child is placed in a certified foster home as a 634
result of an emergency removal of the child from home pursuant to 635
division (D) of section 2151.31 of the Revised Code, an emergency 636
change in the child's case plan pursuant to division (F)(3) of 637
section 2151.412 of the Revised Code, or an emergency placement by 638
the department of youth services pursuant to this chapter or 639
Chapter 5139. of the Revised Code, the entity that places the 640
child in the certified foster home shall provide the information 641
described in division (B) of this section no later than ninety-six 642
hours after the child is placed in the certified foster home. 643

(F) On receipt of the information described in divisions (B) 644
and (C) of this section, the foster caregiver or prospective 645
adoptive parents shall provide to the entity that places the child 646

in the foster caregiver's or prospective adoptive parents' home a 647
written acknowledgment that the foster caregiver or prospective 648
adoptive parents received the information. The entity shall keep 649
the acknowledgment and provide a copy to the foster caregiver or 650
prospective adoptive parents. 651

(G) No person employed by an entity subject to this section 652
and made responsible by that entity for the child's placement in a 653
certified foster home or for adoption shall fail to provide the 654
foster caregivers or prospective adoptive parents with the 655
information required by divisions (B) and (C) of this section. 656

(H) It is not a violation of any duty of confidentiality 657
provided for in the Revised Code or a code of professional 658
responsibility for a person or government entity to provide the 659
substantial and material conclusions and recommendations of a 660
psychiatric or psychological examination, or an examination to 661
detect mental and emotional disorders, in accordance with division 662
(B)(1)(d) or (C) of this section. 663

(I) As used in this section: 664

(1) "Body armor" has the same meaning as in section 2941.1411 665
of the Revised Code. 666

(2) "Firearm" has the same meaning as in section 2923.11 of 667
the Revised Code. 668

Sec. 2305.234. (A) As used in this section: 669

(1) "Chiropractic claim," "medical claim," and "optometric 670
claim" have the same meanings as in section 2305.113 of the 671
Revised Code. 672

(2) "Dental claim" has the same meaning as in section 673
2305.113 of the Revised Code, except that it does not include any 674
claim arising out of a dental operation or any derivative claim 675
for relief that arises out of a dental operation. 676

(3) "Governmental health care program" has the same meaning
as in section 4731.65 of the Revised Code. 677
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(4) "Health care facility or location" means a hospital,
clinic, ambulatory surgical facility, office of a health care
professional or associated group of health care professionals,
training institution for health care professionals, or any other
place where medical, dental, or other health-related diagnosis,
care, or treatment is provided to a person. 679
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(5) "Health care professional" means any of the following who
provide medical, dental, or other health-related diagnosis, care,
or treatment: 685
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(a) Physicians authorized under Chapter 4731. of the Revised
Code to practice medicine and surgery or osteopathic medicine and
surgery; 688
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(b) Registered nurses and licensed practical nurses licensed
under Chapter 4723. of the Revised Code and individuals who hold a
certificate of authority issued under that chapter that authorizes
the practice of nursing as a certified registered nurse
anesthetist, clinical nurse specialist, certified nurse-midwife,
or certified nurse practitioner; 691
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(c) Physician assistants authorized to practice under Chapter
4730. of the Revised Code; 697
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(d) Dentists and dental hygienists licensed under Chapter
4715. of the Revised Code; 699
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(e) Physical therapists, physical therapist assistants,
occupational therapists, ~~and~~ occupational therapy assistants, and
athletic trainers licensed under Chapter 4755. of the Revised
Code; 701
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(f) Chiropractors licensed under Chapter 4734. of the Revised
Code; 705
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|---|---|
| (g) Optometrists licensed under Chapter 4725. of the Revised Code; | 707 708 |
| (h) Podiatrists authorized under Chapter 4731. of the Revised Code to practice podiatry; | 709 710 |
| (i) Dietitians licensed under Chapter 4759. of the Revised Code; | 711 712 |
| (j) Pharmacists licensed under Chapter 4729. of the Revised Code; | 713 714 |
| (k) Emergency medical technicians-basic, emergency medical technicians-intermediate, and emergency medical technicians-paramedic, certified under Chapter 4765. of the Revised Code; | 715 716 717 718 |
| (l) Respiratory care professionals licensed under Chapter 4761. of the Revised Code; | 719 720 |
| (m) Speech-language pathologists and audiologists licensed under Chapter 4753. of the Revised Code; | 721 722 |
| (n) Professional <u>Licensed professional</u> clinical counselors, <u>licensed</u> professional counselors, independent social workers, social workers, independent marriage and family therapists, and marriage and family therapists, licensed under Chapter 4757. of the Revised Code; | 723 724 725 726 727 |
| (o) Psychologists licensed under Chapter 4732. of the Revised Code; | 728 729 |
| (p) Independent chemical dependency counselors, chemical dependency counselors III, chemical dependency counselors II, and chemical dependency counselors I, licensed under Chapter 4758. of the Revised Code <u>Individuals licensed or certified under Chapter 4758. of the Revised Code who are acting within the scope of their license or certificate as members of the profession of chemical dependency counseling or alcohol and other drug prevention</u> | 730 731 732 733 734 735 736 |

services. 737

(6) "Health care worker" means a person other than a health 738
care professional who provides medical, dental, or other 739
health-related care or treatment under the direction of a health 740
care professional with the authority to direct that individual's 741
activities, including medical technicians, medical assistants, 742
dental assistants, orderlies, aides, and individuals acting in 743
similar capacities. 744

(7) "Indigent and uninsured person" means a person who meets 745
all of the following requirements: 746

(a) The person's income is not greater than two hundred per 747
cent of the current poverty line as defined by the United States 748
office of management and budget and revised in accordance with 749
section 673(2) of the "Omnibus Budget Reconciliation Act of 1981," 750
95 Stat. 511, 42 U.S.C. 9902, as amended. 751

(b) The person is not eligible for the medicaid program or 752
any other governmental health care program. 753

(c) Either of the following applies: 754

(i) The person is not a policyholder, certificate holder, 755
insured, contract holder, subscriber, enrollee, member, 756
beneficiary, or other covered individual under a health insurance 757
or health care policy, contract, or plan. 758

(ii) The person is a policyholder, certificate holder, 759
insured, contract holder, subscriber, enrollee, member, 760
beneficiary, or other covered individual under a health insurance 761
or health care policy, contract, or plan, but the insurer, policy, 762
contract, or plan denies coverage or is the subject of insolvency 763
or bankruptcy proceedings in any jurisdiction. 764

(8) "Nonprofit health care referral organization" means an 765
entity that is not operated for profit and refers patients to, or 766

arranges for the provision of, health-related diagnosis, care, or 767
treatment by a health care professional or health care worker. 768

(9) "Operation" means any procedure that involves cutting or 769
otherwise infiltrating human tissue by mechanical means, including 770
surgery, laser surgery, ionizing radiation, therapeutic 771
ultrasound, or the removal of intraocular foreign bodies. 772

"Operation" does not include the administration of medication by 773
injection, unless the injection is administered in conjunction 774
with a procedure infiltrating human tissue by mechanical means 775
other than the administration of medicine by injection. 776

"Operation" does not include routine dental restorative 777
procedures, the scaling of teeth, or extractions of teeth that are 778
not impacted. 779

(10) "Tort action" means a civil action for damages for 780
injury, death, or loss to person or property other than a civil 781
action for damages for a breach of contract or another agreement 782
between persons or government entities. 783

(11) "Volunteer" means an individual who provides any 784
medical, dental, or other health-care related diagnosis, care, or 785
treatment without the expectation of receiving and without receipt 786
of any compensation or other form of remuneration from an indigent 787
and uninsured person, another person on behalf of an indigent and 788
uninsured person, any health care facility or location, any 789
nonprofit health care referral organization, or any other person 790
or government entity. 791

(12) "Community control sanction" has the same meaning as in 792
section 2929.01 of the Revised Code. 793

(13) "Deep sedation" means a drug-induced depression of 794
consciousness during which a patient cannot be easily aroused but 795
responds purposefully following repeated or painful stimulation, a 796
patient's ability to independently maintain ventilatory function 797

may be impaired, a patient may require assistance in maintaining a 798
patent airway and spontaneous ventilation may be inadequate, and 799
cardiovascular function is usually maintained. 800

(14) "General anesthesia" means a drug-induced loss of 801
consciousness during which a patient is not arousable, even by 802
painful stimulation, the ability to independently maintain 803
ventilatory function is often impaired, a patient often requires 804
assistance in maintaining a patent airway, positive pressure 805
ventilation may be required because of depressed spontaneous 806
ventilation or drug-induced depression of neuromuscular function, 807
and cardiovascular function may be impaired. 808

(B)(1) Subject to divisions (F) and (G)(3) of this section, a 809
health care professional who is a volunteer and complies with 810
division (B)(2) of this section is not liable in damages to any 811
person or government entity in a tort or other civil action, 812
including an action on a medical, dental, chiropractic, 813
optometric, or other health-related claim, for injury, death, or 814
loss to person or property that allegedly arises from an action or 815
omission of the volunteer in the provision to an indigent and 816
uninsured person of medical, dental, or other health-related 817
diagnosis, care, or treatment, including the provision of samples 818
of medicine and other medical products, unless the action or 819
omission constitutes willful or wanton misconduct. 820

(2) To qualify for the immunity described in division (B)(1) 821
of this section, a health care professional shall do all of the 822
following prior to providing diagnosis, care, or treatment: 823

(a) Determine, in good faith, that the indigent and uninsured 824
person is mentally capable of giving informed consent to the 825
provision of the diagnosis, care, or treatment and is not subject 826
to duress or under undue influence; 827

(b) Inform the person of the provisions of this section, 828

including notifying the person that, by giving informed consent to 829
the provision of the diagnosis, care, or treatment, the person 830
cannot hold the health care professional liable for damages in a 831
tort or other civil action, including an action on a medical, 832
dental, chiropractic, optometric, or other health-related claim, 833
unless the action or omission of the health care professional 834
constitutes willful or wanton misconduct; 835

(c) Obtain the informed consent of the person and a written 836
waiver, signed by the person or by another individual on behalf of 837
and in the presence of the person, that states that the person is 838
mentally competent to give informed consent and, without being 839
subject to duress or under undue influence, gives informed consent 840
to the provision of the diagnosis, care, or treatment subject to 841
the provisions of this section. A written waiver under division 842
(B)(2)(c) of this section shall state clearly and in conspicuous 843
type that the person or other individual who signs the waiver is 844
signing it with full knowledge that, by giving informed consent to 845
the provision of the diagnosis, care, or treatment, the person 846
cannot bring a tort or other civil action, including an action on 847
a medical, dental, chiropractic, optometric, or other 848
health-related claim, against the health care professional unless 849
the action or omission of the health care professional constitutes 850
willful or wanton misconduct. 851

(3) A physician or podiatrist who is not covered by medical 852
malpractice insurance, but complies with division (B)(2) of this 853
section, is not required to comply with division (A) of section 854
4731.143 of the Revised Code. 855

(C) Subject to divisions (F) and (G)(3) of this section, 856
health care workers who are volunteers are not liable in damages 857
to any person or government entity in a tort or other civil 858
action, including an action upon a medical, dental, chiropractic, 859
optometric, or other health-related claim, for injury, death, or 860

loss to person or property that allegedly arises from an action or 861
omission of the health care worker in the provision to an indigent 862
and uninsured person of medical, dental, or other health-related 863
diagnosis, care, or treatment, unless the action or omission 864
constitutes willful or wanton misconduct. 865

(D) Subject to divisions (F) and (G)(3) of this section, a 866
nonprofit health care referral organization is not liable in 867
damages to any person or government entity in a tort or other 868
civil action, including an action on a medical, dental, 869
chiropractic, optometric, or other health-related claim, for 870
injury, death, or loss to person or property that allegedly arises 871
from an action or omission of the nonprofit health care referral 872
organization in referring indigent and uninsured persons to, or 873
arranging for the provision of, medical, dental, or other 874
health-related diagnosis, care, or treatment by a health care 875
professional described in division (B)(1) of this section or a 876
health care worker described in division (C) of this section, 877
unless the action or omission constitutes willful or wanton 878
misconduct. 879

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

the medical, dental, or other health-related diagnosis, care, or 893
treatment provided to an indigent and uninsured person on behalf 894
of or at the health care facility or location, unless the action 895
or omission constitutes willful or wanton misconduct. 896

(F)(1) Except as provided in division (F)(2) of this section, 897
the immunities provided by divisions (B), (C), (D), and (E) of 898
this section are not available to a health care professional, 899
health care worker, nonprofit health care referral organization, 900
or health care facility or location if, at the time of an alleged 901
injury, death, or loss to person or property, the health care 902
professionals or health care workers involved are providing one of 903
the following: 904

(a) Any medical, dental, or other health-related diagnosis, 905
care, or treatment pursuant to a community service work order 906
entered by a court under division (B) of section 2951.02 of the 907
Revised Code or imposed by a court as a community control 908
sanction; 909

(b) Performance of an operation to which any one of the 910
following applies: 911

(i) The operation requires the administration of deep 912
sedation or general anesthesia. 913

(ii) The operation is a procedure that is not typically 914
performed in an office. 915

(iii) The individual involved is a health care professional, 916
and the operation is beyond the scope of practice or the 917
education, training, and competence, as applicable, of the health 918
care professional. 919

(c) Delivery of a baby or any other purposeful termination of 920
a human pregnancy. 921

(2) Division (F)(1) of this section does not apply when a 922

health care professional or health care worker provides medical, 923
dental, or other health-related diagnosis, care, or treatment that 924
is necessary to preserve the life of a person in a medical 925
emergency. 926

(G)(1) This section does not create a new cause of action or 927
substantive legal right against a health care professional, health 928
care worker, nonprofit health care referral organization, or 929
health care facility or location. 930

(2) This section does not affect any immunities from civil 931
liability or defenses established by another section of the 932
Revised Code or available at common law to which a health care 933
professional, health care worker, nonprofit health care referral 934
organization, or health care facility or location may be entitled 935
in connection with the provision of emergency or other medical, 936
dental, or other health-related diagnosis, care, or treatment. 937

(3) This section does not grant an immunity from tort or 938
other civil liability to a health care professional, health care 939
worker, nonprofit health care referral organization, or health 940
care facility or location for actions that are outside the scope 941
of authority of health care professionals or health care workers. 942

(4) This section does not affect any legal responsibility of 943
a health care professional, health care worker, or nonprofit 944
health care referral organization to comply with any applicable 945
law of this state or rule of an agency of this state. 946

(5) This section does not affect any legal responsibility of 947
a health care facility or location to comply with any applicable 948
law of this state, rule of an agency of this state, or local code, 949
ordinance, or regulation that pertains to or regulates building, 950
housing, air pollution, water pollution, sanitation, health, fire, 951
zoning, or safety. 952

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| Sec. 2305.51. (A)(1) As used in this section: | 953 |
| (a) "Civil Rights" has the same meaning as in section 5122.301 of the Revised Code. | 954 955 |
| (b) "Mental health client or patient" means an individual who is receiving mental health services from a mental health professional or organization. | 956 957 958 |
| (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. | 959 960 961 |
| (d) "Mental health professional" means an individual who is licensed, certified, or registered under the Revised Code, or otherwise authorized in this state, to provide mental health services for compensation, remuneration, or other personal gain. | 962 963 964 965 |
| (e) "Mental health service" means a service provided to an individual or group of individuals involving the application of medical, psychiatric, psychological, <u>professional</u> counseling, social work, <u>marriage and family therapy</u> , or nursing principles or procedures to either of the following: | 966 967 968 969 970 |
| (i) The assessment, diagnosis, prevention, treatment, or amelioration of mental, emotional, psychiatric, psychological, or psychosocial disorders or diseases, as described in the most recent edition of the diagnostic and statistical manual of mental disorders published by the American psychiatric association; | 971 972 973 974 975 |
| (ii) The assessment or improvement of mental, emotional, psychiatric, psychological, or psychosocial adjustment or functioning, regardless of whether there is a diagnosable, pre-existing disorder or disease. | 976 977 978 979 |
| (f) "Knowledgeable person" means an individual who has reason to believe that a mental health client or patient has the intent and ability to carry out an explicit threat of inflicting imminent | 980 981 982 |

and serious physical harm to or causing the death of a clearly 983
identifiable potential victim or victims and who is either an 984
immediate family member of the client or patient or an individual 985
who otherwise personally knows the client or patient. 986

(2) For the purpose of this section, in the case of a threat 987
to a readily identifiable structure, "clearly identifiable 988
potential victim" includes any potential occupant of the 989
structure. 990

(B) A mental health professional or mental health 991
organization may be held liable in damages in a civil action, or 992
may be made subject to disciplinary action by an entity with 993
licensing or other regulatory authority over the professional or 994
organization, for serious physical harm or death resulting from 995
failing to predict, warn of, or take precautions to provide 996
protection from the violent behavior of a mental health client or 997
patient, only if the client or patient or a knowledgeable person 998
has communicated to the professional or organization an explicit 999
threat of inflicting imminent and serious physical harm to or 1000
causing the death of one or more clearly identifiable potential 1001
victims, the professional or organization has reason to believe 1002
that the client or patient has the intent and ability to carry out 1003
the threat, and the professional or organization fails to take one 1004
or more of the following actions in a timely manner: 1005

(1) Exercise any authority the professional or organization 1006
possesses to hospitalize the client or patient on an emergency 1007
basis pursuant to section 5122.10 of the Revised Code; 1008

(2) Exercise any authority the professional or organization 1009
possesses to have the client or patient involuntarily or 1010
voluntarily hospitalized under Chapter 5122. of the Revised Code; 1011

(3) Establish and undertake a documented treatment plan that 1012
is reasonably calculated, according to appropriate standards of 1013

professional practice, to eliminate the possibility that the 1014
client or patient will carry out the threat, and, concurrent with 1015
establishing and undertaking the treatment plan, initiate 1016
arrangements for a second opinion risk assessment through a 1017
management consultation about the treatment plan with, in the case 1018
of a mental health organization, the clinical director of the 1019
organization, or, in the case of a mental health professional who 1020
is not acting as part of a mental health organization, any mental 1021
health professional who is licensed to engage in independent 1022
practice; 1023

(4) Communicate to a law enforcement agency with jurisdiction 1024
in the area where each potential victim resides, where a structure 1025
threatened by a mental health client or patient is located, or 1026
where the mental health client or patient resides, and if 1027
feasible, communicate to each potential victim or a potential 1028
victim's parent or guardian if the potential victim is a minor or 1029
has been adjudicated incompetent, all of the following 1030
information: 1031

(a) The nature of the threat; 1032

(b) The identity of the mental health client or patient 1033
making the threat; 1034

(c) The identity of each potential victim of the threat. 1035

(C) All of the following apply when a mental health 1036
professional or organization takes one or more of the actions set 1037
forth in divisions (B)(1) to (4) of this section: 1038

(1) The mental health professional or organization shall 1039
consider each of the alternatives set forth and shall document the 1040
reasons for choosing or rejecting each alternative. 1041

(2) The mental health professional or organization may give 1042
special consideration to those alternatives which, consistent with 1043
public safety, would least abridge the rights of the mental health 1044

client or patient established under the Revised Code, including 1045
the rights specified in sections 5122.27 to 5122.31 of the Revised 1046
Code. 1047

(3) The mental health professional or organization is not 1048
required to take an action that, in the exercise of reasonable 1049
professional judgment, would physically endanger the professional 1050
or organization, increase the danger to a potential victim, or 1051
increase the danger to the mental health client or patient. 1052

(4) The mental health professional or organization is not 1053
liable in damages in a civil action, and shall not be made subject 1054
to disciplinary action by any entity with licensing or other 1055
regulatory authority over the professional or organization, for 1056
disclosing any confidential information about a mental health 1057
client or patient that is disclosed for the purpose of taking any 1058
of the actions. 1059

(D) The immunities from civil liability and disciplinary 1060
action conferred by this section are in addition to and not in 1061
limitation of any immunity conferred on a mental health 1062
professional or organization by any other section of the Revised 1063
Code or by judicial precedent. 1064

(E) This section does not affect the civil rights of a mental 1065
health client or patient under Ohio or federal law. 1066

Sec. 2317.02. The following persons shall not testify in 1067
certain respects: 1068

(A)(1) An attorney, concerning a communication made to the 1069
attorney by a client in that relation or concerning the attorney's 1070
advice to a client, except that the attorney may testify by 1071
express consent of the client or, if the client is deceased, by 1072
the express consent of the surviving spouse or the executor or 1073
administrator of the estate of the deceased client. However, if 1074

the client voluntarily reveals the substance of attorney-client 1075
communications in a nonprivileged context or is deemed by section 1076
2151.421 of the Revised Code to have waived any testimonial 1077
privilege under this division, the attorney may be compelled to 1078
testify on the same subject. 1079

The testimonial privilege established under this division 1080
does not apply concerning a communication between a client who has 1081
since died and the deceased client's attorney if the communication 1082
is relevant to a dispute between parties who claim through that 1083
deceased client, regardless of whether the claims are by testate 1084
or intestate succession or by inter vivos transaction, and the 1085
dispute addresses the competency of the deceased client when the 1086
deceased client executed a document that is the basis of the 1087
dispute or whether the deceased client was a victim of fraud, 1088
undue influence, or duress when the deceased client executed a 1089
document that is the basis of the dispute. 1090

(2) An attorney, concerning a communication made to the 1091
attorney by a client in that relationship or the attorney's advice 1092
to a client, except that if the client is an insurance company, 1093
the attorney may be compelled to testify, subject to an in camera 1094
inspection by a court, about communications made by the client to 1095
the attorney or by the attorney to the client that are related to 1096
the attorney's aiding or furthering an ongoing or future 1097
commission of bad faith by the client, if the party seeking 1098
disclosure of the communications has made a prima-facie showing of 1099
bad faith, fraud, or criminal misconduct by the client. 1100

(B)(1) A physician or a dentist concerning a communication 1101
made to the physician or dentist by a patient in that relation or 1102
the physician's or dentist's advice to a patient, except as 1103
otherwise provided in this division, division (B)(2), and division 1104
(B)(3) of this section, and except that, if the patient is deemed 1105
by section 2151.421 of the Revised Code to have waived any 1106

testimonial privilege under this division, the physician may be 1107
compelled to testify on the same subject. 1108

The testimonial privilege established under this division 1109
does not apply, and a physician or dentist may testify or may be 1110
compelled to testify, in any of the following circumstances: 1111

(a) In any civil action, in accordance with the discovery 1112
provisions of the Rules of Civil Procedure in connection with a 1113
civil action, or in connection with a claim under Chapter 4123. of 1114
the Revised Code, under any of the following circumstances: 1115

(i) If the patient or the guardian or other legal 1116
representative of the patient gives express consent; 1117

(ii) If the patient is deceased, the spouse of the patient or 1118
the executor or administrator of the patient's estate gives 1119
express consent; 1120

(iii) If a medical claim, dental claim, chiropractic claim, 1121
or optometric claim, as defined in section 2305.113 of the Revised 1122
Code, an action for wrongful death, any other type of civil 1123
action, or a claim under Chapter 4123. of the Revised Code is 1124
filed by the patient, the personal representative of the estate of 1125
the patient if deceased, or the patient's guardian or other legal 1126
representative. 1127

(b) In any civil action concerning court-ordered treatment or 1128
services received by a patient, if the court-ordered treatment or 1129
services were ordered as part of a case plan journalized under 1130
section 2151.412 of the Revised Code or the court-ordered 1131
treatment or services are necessary or relevant to dependency, 1132
neglect, or abuse or temporary or permanent custody proceedings 1133
under Chapter 2151. of the Revised Code. 1134

(c) In any criminal action concerning any test or the results 1135
of any test that determines the presence or concentration of 1136
alcohol, a drug of abuse, a combination of them, a controlled 1137

substance, or a metabolite of a controlled substance in the 1138
patient's whole blood, blood serum or plasma, breath, urine, or 1139
other bodily substance at any time relevant to the criminal 1140
offense in question. 1141

(d) In any criminal action against a physician or dentist. In 1142
such an action, the testimonial privilege established under this 1143
division does not prohibit the admission into evidence, in 1144
accordance with the Rules of Evidence, of a patient's medical or 1145
dental records or other communications between a patient and the 1146
physician or dentist that are related to the action and obtained 1147
by subpoena, search warrant, or other lawful means. A court that 1148
permits or compels a physician or dentist to testify in such an 1149
action or permits the introduction into evidence of patient 1150
records or other communications in such an action shall require 1151
that appropriate measures be taken to ensure that the 1152
confidentiality of any patient named or otherwise identified in 1153
the records is maintained. Measures to ensure confidentiality that 1154
may be taken by the court include sealing its records or deleting 1155
specific information from its records. 1156

(e)(i) If the communication was between a patient who has 1157
since died and the deceased patient's physician or dentist, the 1158
communication is relevant to a dispute between parties who claim 1159
through that deceased patient, regardless of whether the claims 1160
are by testate or intestate succession or by inter vivos 1161
transaction, and the dispute addresses the competency of the 1162
deceased patient when the deceased patient executed a document 1163
that is the basis of the dispute or whether the deceased patient 1164
was a victim of fraud, undue influence, or duress when the 1165
deceased patient executed a document that is the basis of the 1166
dispute. 1167

(ii) If neither the spouse of a patient nor the executor or 1168
administrator of that patient's estate gives consent under 1169

division (B)(1)(a)(ii) of this section, testimony or the 1170
disclosure of the patient's medical records by a physician, 1171
dentist, or other health care provider under division (B)(1)(e)(i) 1172
of this section is a permitted use or disclosure of protected 1173
health information, as defined in 45 C.F.R. 160.103, and an 1174
authorization or opportunity to be heard shall not be required. 1175

(iii) Division (B)(1)(e)(i) of this section does not require 1176
a mental health professional to disclose psychotherapy notes, as 1177
defined in 45 C.F.R. 164.501. 1178

(iv) An interested person who objects to testimony or 1179
disclosure under division (B)(1)(e)(i) of this section may seek a 1180
protective order pursuant to Civil Rule 26. 1181

(v) A person to whom protected health information is 1182
disclosed under division (B)(1)(e)(i) of this section shall not 1183
use or disclose the protected health information for any purpose 1184
other than the litigation or proceeding for which the information 1185
was requested and shall return the protected health information to 1186
the covered entity or destroy the protected health information, 1187
including all copies made, at the conclusion of the litigation or 1188
proceeding. 1189

(2)(a) If any law enforcement officer submits a written 1190
statement to a health care provider that states that an official 1191
criminal investigation has begun regarding a specified person or 1192
that a criminal action or proceeding has been commenced against a 1193
specified person, that requests the provider to supply to the 1194
officer copies of any records the provider possesses that pertain 1195
to any test or the results of any test administered to the 1196
specified person to determine the presence or concentration of 1197
alcohol, a drug of abuse, a combination of them, a controlled 1198
substance, or a metabolite of a controlled substance in the 1199
person's whole blood, blood serum or plasma, breath, or urine at 1200
any time relevant to the criminal offense in question, and that 1201

conforms to section 2317.022 of the Revised Code, the provider, 1202
except to the extent specifically prohibited by any law of this 1203
state or of the United States, shall supply to the officer a copy 1204
of any of the requested records the provider possesses. If the 1205
health care provider does not possess any of the requested 1206
records, the provider shall give the officer a written statement 1207
that indicates that the provider does not possess any of the 1208
requested records. 1209

(b) If a health care provider possesses any records of the 1210
type described in division (B)(2)(a) of this section regarding the 1211
person in question at any time relevant to the criminal offense in 1212
question, in lieu of personally testifying as to the results of 1213
the test in question, the custodian of the records may submit a 1214
certified copy of the records, and, upon its submission, the 1215
certified copy is qualified as authentic evidence and may be 1216
admitted as evidence in accordance with the Rules of Evidence. 1217
Division (A) of section 2317.422 of the Revised Code does not 1218
apply to any certified copy of records submitted in accordance 1219
with this division. Nothing in this division shall be construed to 1220
limit the right of any party to call as a witness the person who 1221
administered the test to which the records pertain, the person 1222
under whose supervision the test was administered, the custodian 1223
of the records, the person who made the records, or the person 1224
under whose supervision the records were made. 1225

(3)(a) If the testimonial privilege described in division 1226
(B)(1) of this section does not apply as provided in division 1227
(B)(1)(a)(iii) of this section, a physician or dentist may be 1228
compelled to testify or to submit to discovery under the Rules of 1229
Civil Procedure only as to a communication made to the physician 1230
or dentist by the patient in question in that relation, or the 1231
physician's or dentist's advice to the patient in question, that 1232
related causally or historically to physical or mental injuries 1233

that are relevant to issues in the medical claim, dental claim, 1234
chiropractic claim, or optometric claim, action for wrongful 1235
death, other civil action, or claim under Chapter 4123. of the 1236
Revised Code. 1237

(b) If the testimonial privilege described in division (B)(1) 1238
of this section does not apply to a physician or dentist as 1239
provided in division (B)(1)(c) of this section, the physician or 1240
dentist, in lieu of personally testifying as to the results of the 1241
test in question, may submit a certified copy of those results, 1242
and, upon its submission, the certified copy is qualified as 1243
authentic evidence and may be admitted as evidence in accordance 1244
with the Rules of Evidence. Division (A) of section 2317.422 of 1245
the Revised Code does not apply to any certified copy of results 1246
submitted in accordance with this division. Nothing in this 1247
division shall be construed to limit the right of any party to 1248
call as a witness the person who administered the test in 1249
question, the person under whose supervision the test was 1250
administered, the custodian of the results of the test, the person 1251
who compiled the results, or the person under whose supervision 1252
the results were compiled. 1253

(4) The testimonial privilege described in division (B)(1) of 1254
this section is not waived when a communication is made by a 1255
physician to a pharmacist or when there is communication between a 1256
patient and a pharmacist in furtherance of the physician-patient 1257
relation. 1258

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

memorandum, laboratory test and results, x-ray, photograph, 1266
financial statement, diagnosis, or prognosis. 1267

(b) As used in division (B)(2) of this section, "health care 1268
provider" means a hospital, ambulatory care facility, long-term 1269
care facility, pharmacy, emergency facility, or health care 1270
practitioner. 1271

(c) As used in division (B)(5)(b) of this section: 1272

(i) "Ambulatory care facility" means a facility that provides 1273
medical, diagnostic, or surgical treatment to patients who do not 1274
require hospitalization, including a dialysis center, ambulatory 1275
surgical facility, cardiac catheterization facility, diagnostic 1276
imaging center, extracorporeal shock wave lithotripsy center, home 1277
health agency, inpatient hospice, birthing center, radiation 1278
therapy center, emergency facility, and an urgent care center. 1279
"Ambulatory health care facility" does not include the private 1280
office of a physician or dentist, whether the office is for an 1281
individual or group practice. 1282

(ii) "Emergency facility" means a hospital emergency 1283
department or any other facility that provides emergency medical 1284
services. 1285

(iii) "Health care practitioner" has the same meaning as in 1286
section 4769.01 of the Revised Code. 1287

(iv) "Hospital" has the same meaning as in section 3727.01 of 1288
the Revised Code. 1289

(v) "Long-term care facility" means a nursing home, 1290
residential care facility, or home for the aging, as those terms 1291
are defined in section 3721.01 of the Revised Code; a residential 1292
facility licensed under section 5119.34 of the Revised Code that 1293
provides accommodations, supervision, and personal care services 1294
for three to sixteen unrelated adults; a nursing facility, as 1295
defined in section 5165.01 of the Revised Code; a skilled nursing 1296

facility, as defined in section 5165.01 of the Revised Code; and 1297
an intermediate care facility for individuals with intellectual 1298
disabilities, as defined in section 5124.01 of the Revised Code. 1299

(vi) "Pharmacy" has the same meaning as in section 4729.01 of 1300
the Revised Code. 1301

(d) As used in divisions (B)(1) and (2) of this section, 1302
"drug of abuse" has the same meaning as in section 4506.01 of the 1303
Revised Code. 1304

(6) Divisions (B)(1), (2), (3), (4), and (5) of this section 1305
apply to doctors of medicine, doctors of osteopathic medicine, 1306
doctors of podiatry, and dentists. 1307

(7) Nothing in divisions (B)(1) to (6) of this section 1308
affects, or shall be construed as affecting, the immunity from 1309
civil liability conferred by section 307.628 of the Revised Code 1310
or the immunity from civil liability conferred by section 2305.33 1311
of the Revised Code upon physicians who report an employee's use 1312
of a drug of abuse, or a condition of an employee other than one 1313
involving the use of a drug of abuse, to the employer of the 1314
employee in accordance with division (B) of that section. As used 1315
in division (B)(7) of this section, "employee," "employer," and 1316
"physician" have the same meanings as in section 2305.33 of the 1317
Revised Code. 1318

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

Code to have waived any testimonial privilege under this division, 1328
the cleric may be compelled to testify on the same subject except 1329
when disclosure of the information is in violation of a sacred 1330
trust. 1331

(2) As used in division (C) of this section: 1332

(a) "Cleric" means a member of the clergy, rabbi, priest, 1333
Christian Science practitioner, or regularly ordained, accredited, 1334
or licensed minister of an established and legally cognizable 1335
church, denomination, or sect. 1336

(b) "Sacred trust" means a confession or confidential 1337
communication made to a cleric in the cleric's ecclesiastical 1338
capacity in the course of discipline enjoined by the church to 1339
which the cleric belongs, including, but not limited to, the 1340
Catholic Church, if both of the following apply: 1341

(i) The confession or confidential communication was made 1342
directly to the cleric. 1343

(ii) The confession or confidential communication was made in 1344
the manner and context that places the cleric specifically and 1345
strictly under a level of confidentiality that is considered 1346
inviolable by canon law or church doctrine. 1347

(D) Husband or wife, concerning any communication made by one 1348
to the other, or an act done by either in the presence of the 1349
other, during coverture, unless the communication was made, or act 1350
done, in the known presence or hearing of a third person competent 1351
to be a witness; and such rule is the same if the marital relation 1352
has ceased to exist; 1353

(E) A person who assigns a claim or interest, concerning any 1354
matter in respect to which the person would not, if a party, be 1355
permitted to testify; 1356

(F) A person who, if a party, would be restricted under 1357

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

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

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

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

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

(e) The court in camera determines that the information communicated by the client is not germane to the counselor-client,

marriage and family therapist-client, or social worker-client 1389
relationship. 1390

(f) A court, in an action brought against a school, its 1391
administration, or any of its personnel by the client, rules after 1392
an in-camera inspection that the testimony of the school guidance 1393
counselor is relevant to that action. 1394

(g) The testimony is sought in a civil action and concerns 1395
court-ordered treatment or services received by a patient as part 1396
of a case plan journalized under section 2151.412 of the Revised 1397
Code or the court-ordered treatment or services are necessary or 1398
relevant to dependency, neglect, or abuse or temporary or 1399
permanent custody proceedings under Chapter 2151. of the Revised 1400
Code. 1401

(2) Nothing in division (G)(1) of this section shall relieve 1402
a school guidance counselor or a person licensed or registered 1403
under Chapter 4757. of the Revised Code from the requirement to 1404
report information concerning child abuse or neglect under section 1405
2151.421 of the Revised Code. 1406

(H) A mediator acting under a mediation order issued under 1407
division (A) of section 3109.052 of the Revised Code or otherwise 1408
issued in any proceeding for divorce, dissolution, legal 1409
separation, annulment, or the allocation of parental rights and 1410
responsibilities for the care of children, in any action or 1411
proceeding, other than a criminal, delinquency, child abuse, child 1412
neglect, or dependent child action or proceeding, that is brought 1413
by or against either parent who takes part in mediation in 1414
accordance with the order and that pertains to the mediation 1415
process, to any information discussed or presented in the 1416
mediation process, to the allocation of parental rights and 1417
responsibilities for the care of the parents' children, or to the 1418
awarding of parenting time rights in relation to their children; 1419

(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 granted under federal law or regulation.

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

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

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

(c) 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. 1451
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(2) If the testimonial privilege described in division (J)(1) of this section does not apply as provided in division (J)(1)(c) of this section, a chiropractor may be compelled to testify or to submit to discovery under the Rules of Civil Procedure only as to a communication made to the chiropractor by the patient in question in that relation, or the chiropractor's advice to the patient in question, that related causally or historically to physical or mental injuries that are relevant to issues in the medical claim, dental claim, chiropractic claim, or optometric claim, action for wrongful death, other civil action, or claim under Chapter 4123. of the Revised Code. 1453
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(3) The testimonial privilege established under this division does not apply, and a chiropractor may testify or be compelled to testify, in any criminal action or administrative proceeding. 1464
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(4) As used in this division, "communication" means acquiring, recording, or transmitting any information, in any manner, concerning any facts, opinions, or statements necessary to enable a chiropractor to diagnose, treat, or act for a patient. A communication may include, but is not limited to, any chiropractic, office, or hospital communication such as a record, chart, letter, memorandum, laboratory test and results, x-ray, photograph, financial statement, diagnosis, or prognosis. 1467
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(K)(1) Except as provided under division (K)(2) of this section, a critical incident stress management team member concerning a communication received from an individual who receives crisis response services from the team member, or the team member's advice to the individual, during a debriefing session. 1475
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(2) The testimonial privilege established under division 1481

(K)(1) of this section does not apply if any of the following are true: 1482
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(a) The communication or advice indicates clear and present danger to the individual who receives crisis response services or to other persons. For purposes of this division, cases in which there are indications of present or past child abuse or neglect of the individual constitute a clear and present danger. 1484
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(b) The individual who received crisis response services gives express consent to the testimony. 1489
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(c) If the individual who received crisis response services is deceased, the surviving spouse or the executor or administrator of the estate of the deceased individual gives express consent. 1491
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(d) The individual who received crisis response services voluntarily testifies, in which case the team member may be compelled to testify on the same subject. 1494
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(e) The court in camera determines that the information communicated by the individual who received crisis response services is not germane to the relationship between the individual and the team member. 1497
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(f) The communication or advice pertains or is related to any criminal act. 1501
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(3) As used in division (K) of this section: 1503

(a) "Crisis response services" means consultation, risk assessment, referral, and on-site crisis intervention services provided by a critical incident stress management team to individuals affected by crisis or disaster. 1504
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(b) "Critical incident stress management team member" or "team member" means an individual specially trained to provide crisis response services as a member of an organized community or local crisis response team that holds membership in the Ohio 1508
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| critical incident stress management network. | 1512 |
| (c) "Debriefing session" means a session at which crisis response services are rendered by a critical incident stress management team member during or after a crisis or disaster. | 1513 1514 1515 |
| (L)(1) Subject to division (L)(2) of this section and except as provided in division (L)(3) of this section, an employee assistance professional, concerning a communication made to the employee assistance professional by a client in the employee assistance professional's official capacity as an employee assistance professional. | 1516 1517 1518 1519 1520 1521 |
| (2) Division (L)(1) of this section applies to an employee assistance professional who meets either or both of the following requirements: | 1522 1523 1524 |
| (a) Is certified by the employee assistance certification commission to engage in the employee assistance profession; | 1525 1526 |
| (b) Has education, training, and experience in all of the following: | 1527 1528 |
| (i) Providing workplace-based services designed to address employer and employee productivity issues; | 1529 1530 |
| (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; | 1531 1532 1533 1534 |
| (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; | 1535 1536 1537 1538 |
| (iv) Selecting and evaluating available community resources; | 1539 |
| (v) Making appropriate referrals; | 1540 |
| (vi) Local and national employee assistance agreements; | 1541 |

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| (vii) Client confidentiality. | 1542 |
| (3) Division (L)(1) of this section does not apply to any of the following: | 1543 1544 |
| (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; | 1545 1546 1547 1548 |
| (b) A communication made by a client to an employee assistance professional that reveals the contemplation or commission of a crime or serious, harmful act; | 1549 1550 1551 |
| (c) A communication that is made by a client who is an unemancipated minor or an adult adjudicated to be incompetent and indicates that the client was the victim of a crime or abuse; | 1552 1553 1554 |
| (d) A civil proceeding to determine an individual's mental competency or a criminal action in which a plea of not guilty by reason of insanity is entered; | 1555 1556 1557 |
| (e) A civil or criminal malpractice action brought against the employee assistance professional; | 1558 1559 |
| (f) When the employee assistance professional has the express consent of the client or, if the client is deceased or disabled, the client's legal representative; | 1560 1561 1562 |
| (g) When the testimonial privilege otherwise provided by division (L)(1) of this section is abrogated under law. | 1563 1564 |
| Sec. 2921.22. (A)(1) Except as provided in division (A)(2) of this section, no person, knowing that a felony has been or is being committed, shall knowingly fail to report such information to law enforcement authorities. | 1565 1566 1567 1568 |
| (2) No person, knowing that a violation of division (B) of section 2913.04 of the Revised Code has been, or is being | 1569 1570 |

committed or that the person has received information derived from 1571
such a violation, shall knowingly fail to report the violation to 1572
law enforcement authorities. 1573

(B) Except for conditions that are within the scope of 1574
division (E) of this section, no physician, limited practitioner, 1575
nurse, or other person giving aid to a sick or injured person 1576
shall negligently fail to report to law enforcement authorities 1577
any gunshot or stab wound treated or observed by the physician, 1578
limited practitioner, nurse, or person, or any serious physical 1579
harm to persons that the physician, limited practitioner, nurse, 1580
or person knows or has reasonable cause to believe resulted from 1581
an offense of violence. 1582

(C) No person who discovers the body or acquires the first 1583
knowledge of the death of a person shall fail to report the death 1584
immediately to a physician whom the person knows to be treating 1585
the deceased for a condition from which death at such time would 1586
not be unexpected, or to a law enforcement officer, an ambulance 1587
service, an emergency squad, or the coroner in a political 1588
subdivision in which the body is discovered, the death is believed 1589
to have occurred, or knowledge concerning the death is obtained. 1590

(D) No person shall fail to provide upon request of the 1591
person to whom a report required by division (C) of this section 1592
was made, or to any law enforcement officer who has reasonable 1593
cause to assert the authority to investigate the circumstances 1594
surrounding the death, any facts within the person's knowledge 1595
that may have a bearing on the investigation of the death. 1596

(E)(1) As used in this division, "burn injury" means any of 1597
the following: 1598

(a) Second or third degree burns; 1599

(b) Any burns to the upper respiratory tract or laryngeal 1600
edema due to the inhalation of superheated air; 1601

(c) Any burn injury or wound that may result in death; 1602

(d) Any physical harm to persons caused by or as the result 1603
of the use of fireworks, novelties and trick noisemakers, and wire 1604
sparklers, as each is defined by section 3743.01 of the Revised 1605
Code. 1606

(2) No physician, nurse, or limited practitioner who, outside 1607
a hospital, sanitarium, or other medical facility, attends or 1608
treats a person who has sustained a burn injury that is inflicted 1609
by an explosion or other incendiary device or that shows evidence 1610
of having been inflicted in a violent, malicious, or criminal 1611
manner shall fail to report the burn injury immediately to the 1612
local arson, or fire and explosion investigation, bureau, if there 1613
is a bureau of this type in the jurisdiction in which the person 1614
is attended or treated, or otherwise to local law enforcement 1615
authorities. 1616

(3) No manager, superintendent, or other person in charge of 1617
a hospital, sanitarium, or other medical facility in which a 1618
person is attended or treated for any burn injury that is 1619
inflicted by an explosion or other incendiary device or that shows 1620
evidence of having been inflicted in a violent, malicious, or 1621
criminal manner shall fail to report the burn injury immediately 1622
to the local arson, or fire and explosion investigation, bureau, 1623
if there is a bureau of this type in the jurisdiction in which the 1624
person is attended or treated, or otherwise to local law 1625
enforcement authorities. 1626

(4) No person who is required to report any burn injury under 1627
division (E)(2) or (3) of this section shall fail to file, within 1628
three working days after attending or treating the victim, a 1629
written report of the burn injury with the office of the state 1630
fire marshal. The report shall comply with the uniform standard 1631
developed by the state fire marshal pursuant to division (A)(15) 1632
of section 3737.22 of the Revised Code. 1633

(5) Anyone participating in the making of reports under 1634
division (E) of this section or anyone participating in a judicial 1635
proceeding resulting from the reports is immune from any civil or 1636
criminal liability that otherwise might be incurred or imposed as 1637
a result of such actions. Notwithstanding section 4731.22 of the 1638
Revised Code, the physician-patient relationship is not a ground 1639
for excluding evidence regarding a person's burn injury or the 1640
cause of the burn injury in any judicial proceeding resulting from 1641
a report submitted under division (E) of this section. 1642

(F)(1) Any doctor of medicine or osteopathic medicine, 1643
hospital intern or resident, registered or licensed practical 1644
nurse, psychologist, social worker, independent social worker, 1645
social work assistant, licensed professional clinical counselor, 1646
~~or licensed~~ professional counselor, independent marriage and 1647
family therapist, or marriage and family therapist who knows or 1648
has reasonable cause to believe that a patient or client has been 1649
the victim of domestic violence, as defined in section 3113.31 of 1650
the Revised Code, shall note that knowledge or belief and the 1651
basis for it in the patient's or client's records. 1652

(2) Notwithstanding section 4731.22 of the Revised Code, the 1653
doctor-patient privilege shall not be a ground for excluding any 1654
information regarding the report containing the knowledge or 1655
belief noted under division (F)(1) of this section, and the 1656
information may be admitted as evidence in accordance with the 1657
Rules of Evidence. 1658

(G) Divisions (A) and (D) of this section do not require 1659
disclosure of information, when any of the following applies: 1660

(1) The information is privileged by reason of the 1661
relationship between attorney and client; doctor and patient; 1662
licensed psychologist or licensed school psychologist and client; 1663
licensed professional clinical counselor, licensed professional 1664
counselor, independent social worker, social worker, independent 1665

marriage and family therapist, or marriage and family therapist 1666
and client; member of the clergy, rabbi, minister, or priest and 1667
any person communicating information confidentially to the member 1668
of the clergy, rabbi, minister, or priest for a religious 1669
counseling purpose of a professional character; husband and wife; 1670
or a communications assistant and those who are a party to a 1671
telecommunications relay service call. 1672

(2) The information would tend to incriminate a member of the 1673
actor's immediate family. 1674

(3) Disclosure of the information would amount to revealing a 1675
news source, privileged under section 2739.04 or 2739.12 of the 1676
Revised Code. 1677

(4) Disclosure of the information would amount to disclosure 1678
by a member of the ordained clergy of an organized religious body 1679
of a confidential communication made to that member of the clergy 1680
in that member's capacity as a member of the clergy by a person 1681
seeking the aid or counsel of that member of the clergy. 1682

(5) Disclosure would amount to revealing information acquired 1683
by the actor in the course of the actor's duties in connection 1684
with a bona fide program of treatment or services for drug 1685
dependent persons or persons in danger of drug dependence, which 1686
program is maintained or conducted by a hospital, clinic, person, 1687
agency, or services provider certified pursuant to section 5119.36 1688
of the Revised Code. 1689

(6) Disclosure would amount to revealing information acquired 1690
by the actor in the course of the actor's duties in connection 1691
with a bona fide program for providing counseling services to 1692
victims of crimes that are violations of section 2907.02 or 1693
2907.05 of the Revised Code or to victims of felonious sexual 1694
penetration in violation of former section 2907.12 of the Revised 1695
Code. As used in this division, "counseling services" include 1696

services provided in an informal setting by a person who, by 1697
education or experience, is competent to provide those services. 1698

(H) No disclosure of information pursuant to this section 1699
gives rise to any liability or recrimination for a breach of 1700
privilege or confidence. 1701

(I) Whoever violates division (A) or (B) of this section is 1702
guilty of failure to report a crime. Violation of division (A)(1) 1703
of this section is a misdemeanor of the fourth degree. Violation 1704
of division (A)(2) or (B) of this section is a misdemeanor of the 1705
second degree. 1706

(J) Whoever violates division (C) or (D) of this section is 1707
guilty of failure to report knowledge of a death, a misdemeanor of 1708
the fourth degree. 1709

(K)(1) Whoever negligently violates division (E) of this 1710
section is guilty of a minor misdemeanor. 1711

(2) Whoever knowingly violates division (E) of this section 1712
is guilty of a misdemeanor of the second degree. 1713

Sec. 2925.01. As used in this chapter: 1714

(A) "Administer," "controlled substance," "controlled 1715
substance analog," "dispense," "distribute," "hypodermic," 1716
"manufacturer," "official written order," "person," "pharmacist," 1717
"pharmacy," "sale," "schedule I," "schedule II," "schedule III," 1718
"schedule IV," "schedule V," and "wholesaler" have the same 1719
meanings as in section 3719.01 of the Revised Code. 1720

(B) "Drug dependent person" and "drug of abuse" have the same 1721
meanings as in section 3719.011 of the Revised Code. 1722

(C) "Drug," "dangerous drug," "licensed health professional 1723
authorized to prescribe drugs," and "prescription" have the same 1724
meanings as in section 4729.01 of the Revised Code. 1725

(D) "Bulk amount" of a controlled substance means any of the following: 1726
1727

(1) For any compound, mixture, preparation, or substance 1728
included in schedule I, schedule II, or schedule III, with the 1729
exception of controlled substance analogs, marihuana, cocaine, 1730
L.S.D., heroin, and hashish and except as provided in division 1731
(D)(2) or (5) of this section, whichever of the following is 1732
applicable: 1733

(a) An amount equal to or exceeding ten grams or twenty-five 1734
unit doses of a compound, mixture, preparation, or substance that 1735
is or contains any amount of a schedule I opiate or opium 1736
derivative; 1737

(b) An amount equal to or exceeding ten grams of a compound, 1738
mixture, preparation, or substance that is or contains any amount 1739
of raw or gum opium; 1740

(c) An amount equal to or exceeding thirty grams or ten unit 1741
doses of a compound, mixture, preparation, or substance that is or 1742
contains any amount of a schedule I hallucinogen other than 1743
tetrahydrocannabinol or lysergic acid amide, or a schedule I 1744
stimulant or depressant; 1745

(d) An amount equal to or exceeding twenty grams or five 1746
times the maximum daily dose in the usual dose range specified in 1747
a standard pharmaceutical reference manual of a compound, mixture, 1748
preparation, or substance that is or contains any amount of a 1749
schedule II opiate or opium derivative; 1750

(e) An amount equal to or exceeding five grams or ten unit 1751
doses of a compound, mixture, preparation, or substance that is or 1752
contains any amount of phencyclidine; 1753

(f) An amount equal to or exceeding one hundred twenty grams 1754
or thirty times the maximum daily dose in the usual dose range 1755
specified in a standard pharmaceutical reference manual of a 1756

compound, mixture, preparation, or substance that is or contains 1757
any amount of a schedule II stimulant that is in a final dosage 1758
form manufactured by a person authorized by the "Federal Food, 1759
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as 1760
amended, and the federal drug abuse control laws, as defined in 1761
section 3719.01 of the Revised Code, that is or contains any 1762
amount of a schedule II depressant substance or a schedule II 1763
hallucinogenic substance; 1764

(g) An amount equal to or exceeding three grams of a 1765
compound, mixture, preparation, or substance that is or contains 1766
any amount of a schedule II stimulant, or any of its salts or 1767
isomers, that is not in a final dosage form manufactured by a 1768
person authorized by the Federal Food, Drug, and Cosmetic Act and 1769
the federal drug abuse control laws. 1770

(2) An amount equal to or exceeding one hundred twenty grams 1771
or thirty times the maximum daily dose in the usual dose range 1772
specified in a standard pharmaceutical reference manual of a 1773
compound, mixture, preparation, or substance that is or contains 1774
any amount of a schedule III or IV substance other than an 1775
anabolic steroid or a schedule III opiate or opium derivative; 1776

(3) An amount equal to or exceeding twenty grams or five 1777
times the maximum daily dose in the usual dose range specified in 1778
a standard pharmaceutical reference manual of a compound, mixture, 1779
preparation, or substance that is or contains any amount of a 1780
schedule III opiate or opium derivative; 1781

(4) An amount equal to or exceeding two hundred fifty 1782
milliliters or two hundred fifty grams of a compound, mixture, 1783
preparation, or substance that is or contains any amount of a 1784
schedule V substance; 1785

(5) An amount equal to or exceeding two hundred solid dosage 1786
units, sixteen grams, or sixteen milliliters of a compound, 1787

mixture, preparation, or substance that is or contains any amount 1788
of a schedule III anabolic steroid. 1789

(E) "Unit dose" means an amount or unit of a compound, 1790
mixture, or preparation containing a controlled substance that is 1791
separately identifiable and in a form that indicates that it is 1792
the amount or unit by which the controlled substance is separately 1793
administered to or taken by an individual. 1794

(F) "Cultivate" includes planting, watering, fertilizing, or 1795
tilling. 1796

(G) "Drug abuse offense" means any of the following: 1797

(1) A violation of division (A) of section 2913.02 that 1798
constitutes theft of drugs, or a violation of section 2925.02, 1799
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 1800
2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, or 1801
2925.37 of the Revised Code; 1802

(2) A violation of an existing or former law of this or any 1803
other state or of the United States that is substantially 1804
equivalent to any section listed in division (G)(1) of this 1805
section; 1806

(3) An offense under an existing or former law of this or any 1807
other state, or of the United States, of which planting, 1808
cultivating, harvesting, processing, making, manufacturing, 1809
producing, shipping, transporting, delivering, acquiring, 1810
possessing, storing, distributing, dispensing, selling, inducing 1811
another to use, administering to another, using, or otherwise 1812
dealing with a controlled substance is an element; 1813

(4) A conspiracy to commit, attempt to commit, or complicity 1814
in committing or attempting to commit any offense under division 1815
(G)(1), (2), or (3) of this section. 1816

(H) "Felony drug abuse offense" means any drug abuse offense 1817

that would constitute a felony under the laws of this state, any 1818
other state, or the United States. 1819

(I) "Harmful intoxicant" does not include beer or 1820
intoxicating liquor but means any of the following: 1821

(1) Any compound, mixture, preparation, or substance the gas, 1822
fumes, or vapor of which when inhaled can induce intoxication, 1823
excitement, giddiness, irrational behavior, depression, 1824
stupefaction, paralysis, unconsciousness, asphyxiation, or other 1825
harmful physiological effects, and includes, but is not limited 1826
to, any of the following: 1827

(a) Any volatile organic solvent, plastic cement, model 1828
cement, fingernail polish remover, lacquer thinner, cleaning 1829
fluid, gasoline, or other preparation containing a volatile 1830
organic solvent; 1831

(b) Any aerosol propellant; 1832

(c) Any fluorocarbon refrigerant; 1833

(d) Any anesthetic gas. 1834

(2) Gamma Butyrolactone; 1835

(3) 1,4 Butanediol. 1836

(J) "Manufacture" means to plant, cultivate, harvest, 1837
process, make, prepare, or otherwise engage in any part of the 1838
production of a drug, by propagation, extraction, chemical 1839
synthesis, or compounding, or any combination of the same, and 1840
includes packaging, repackaging, labeling, and other activities 1841
incident to production. 1842

(K) "Possess" or "possession" means having control over a 1843
thing or substance, but may not be inferred solely from mere 1844
access to the thing or substance through ownership or occupation 1845
of the premises upon which the thing or substance is found. 1846

(L) "Sample drug" means a drug or pharmaceutical preparation 1847

that would be hazardous to health or safety if used without the supervision of a licensed health professional authorized to prescribe drugs, or a drug of abuse, and that, at one time, had been placed in a container plainly marked as a sample by a manufacturer.

(M) "Standard pharmaceutical reference manual" means the current edition, with cumulative changes if any, of references that are approved by the state board of pharmacy.

(N) "Juvenile" means a person under eighteen years of age.

(O) "Counterfeit controlled substance" means any of the following:

(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;

(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;

(3) Any substance that is represented to be a controlled substance but is not a controlled substance or is a different controlled substance;

(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.

(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 1878
offense is being committed on school premises, in a school 1879
building, or within one thousand feet of the boundaries of any 1880
school premises. 1881

(Q) "School" means any school operated by a board of 1882
education, any community school established under Chapter 3314. of 1883
the Revised Code, or any nonpublic school for which the state 1884
board of education prescribes minimum standards under section 1885
3301.07 of the Revised Code, whether or not any instruction, 1886
extracurricular activities, or training provided by the school is 1887
being conducted at the time a criminal offense is committed. 1888

(R) "School premises" means either of the following: 1889

(1) The parcel of real property on which any school is 1890
situated, whether or not any instruction, extracurricular 1891
activities, or training provided by the school is being conducted 1892
on the premises at the time a criminal offense is committed; 1893

(2) Any other parcel of real property that is owned or leased 1894
by a board of education of a school, the governing authority of a 1895
community school established under Chapter 3314. of the Revised 1896
Code, or the governing body of a nonpublic school for which the 1897
state board of education prescribes minimum standards under 1898
section 3301.07 of the Revised Code and on which some of the 1899
instruction, extracurricular activities, or training of the school 1900
is conducted, whether or not any instruction, extracurricular 1901
activities, or training provided by the school is being conducted 1902
on the parcel of real property at the time a criminal offense is 1903
committed. 1904

(S) "School building" means any building in which any of the 1905
instruction, extracurricular activities, or training provided by a 1906
school is conducted, whether or not any instruction, 1907
extracurricular activities, or training provided by the school is 1908

being conducted in the school building at the time a criminal
offense is committed. 1909
1910

(T) "Disciplinary counsel" means the disciplinary counsel 1911
appointed by the board of commissioners on grievances and 1912
discipline of the supreme court under the Rules for the Government 1913
of the Bar of Ohio. 1914

(U) "Certified grievance committee" means a duly constituted 1915
and organized committee of the Ohio state bar association or of 1916
one or more local bar associations of the state of Ohio that 1917
complies with the criteria set forth in Rule V, section 6 of the 1918
Rules for the Government of the Bar of Ohio. 1919

(V) "Professional license" means any license, permit, 1920
certificate, registration, qualification, admission, temporary 1921
license, temporary permit, temporary certificate, or temporary 1922
registration that is described in divisions (W)(1) to (36) of this 1923
section and that qualifies a person as a professionally licensed 1924
person. 1925

(W) "Professionally licensed person" means any of the 1926
following: 1927

(1) A person who has obtained a license as a manufacturer of 1928
controlled substances or a wholesaler of controlled substances 1929
under Chapter 3719. of the Revised Code; 1930

(2) A person who has received a certificate or temporary 1931
certificate as a certified public accountant or who has registered 1932
as a public accountant under Chapter 4701. of the Revised Code and 1933
who holds an Ohio permit issued under that chapter; 1934

(3) A person who holds a certificate of qualification to 1935
practice architecture issued or renewed and registered under 1936
Chapter 4703. of the Revised Code; 1937

(4) A person who is registered as a landscape architect under 1938

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| Chapter 4703. of the Revised Code or who holds a permit as a | 1939 |
| landscape architect issued under that chapter; | 1940 |
| (5) A person licensed under Chapter 4707. of the Revised | 1941 |
| Code; | 1942 |
| (6) A person who has been issued a certificate of | 1943 |
| registration as a registered barber under Chapter 4709. of the | 1944 |
| Revised Code; | 1945 |
| (7) A person licensed and regulated to engage in the business | 1946 |
| of a debt pooling company by a legislative authority, under | 1947 |
| authority of Chapter 4710. of the Revised Code; | 1948 |
| (8) A person who has been issued a cosmetologist's license, | 1949 |
| hair designer's license, manicurist's license, esthetician's | 1950 |
| license, natural hair stylist's license, managing cosmetologist's | 1951 |
| license, managing hair designer's license, managing manicurist's | 1952 |
| license, managing esthetician's license, managing natural hair | 1953 |
| stylist's license, cosmetology instructor's license, hair design | 1954 |
| instructor's license, manicurist instructor's license, esthetics | 1955 |
| instructor's license, natural hair style instructor's license, | 1956 |
| independent contractor's license, or tanning facility permit under | 1957 |
| Chapter 4713. of the Revised Code; | 1958 |
| (9) A person who has been issued a license to practice | 1959 |
| dentistry, a general anesthesia permit, a conscious intravenous | 1960 |
| sedation permit, a limited resident's license, a limited teaching | 1961 |
| license, a dental hygienist's license, or a dental hygienist's | 1962 |
| teacher's certificate under Chapter 4715. of the Revised Code; | 1963 |
| (10) A person who has been issued an embalmer's license, a | 1964 |
| funeral director's license, a funeral home license, or a crematory | 1965 |
| license, or who has been registered for an embalmer's or funeral | 1966 |
| director's apprenticeship under Chapter 4717. of the Revised Code; | 1967 |
| (11) A person who has been licensed as a registered nurse or | 1968 |
| practical nurse, or who has been issued a certificate for the | 1969 |

| | |
|--|------------------------------|
| practice of nurse-midwifery under Chapter 4723. of the Revised Code; | 1970 1971 |
| (12) A person who has been licensed to practice optometry or to engage in optical dispensing under Chapter 4725. of the Revised Code; | 1972 1973 1974 |
| (13) A person licensed to act as a pawnbroker under Chapter 4727. of the Revised Code; | 1975 1976 |
| (14) A person licensed to act as a precious metals dealer under Chapter 4728. of the Revised Code; | 1977 1978 |
| (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; | 1979 1980 1981 1982 |
| (16) A person who is authorized to practice as a physician assistant under Chapter 4730. of the Revised Code; | 1983 1984 |
| (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; | 1985 1986 1987 1988 |
| (18) A person licensed as a psychologist or school psychologist under Chapter 4732. of the Revised Code; | 1989 1990 |
| (19) A person registered to practice the profession of engineering or surveying under Chapter 4733. of the Revised Code; | 1991 1992 |
| (20) A person who has been issued a license to practice chiropractic under Chapter 4734. of the Revised Code; | 1993 1994 |
| (21) A person licensed to act as a real estate broker or real estate salesperson under Chapter 4735. of the Revised Code; | 1995 1996 |
| (22) A person registered as a registered sanitarian under Chapter 4736. of the Revised Code; | 1997 1998 |

| | |
|---|--|
| (23) A person licensed to operate or maintain a junkyard under Chapter 4737. of the Revised Code; | 1999 2000 |
| (24) A person who has been issued a motor vehicle salvage dealer's license under Chapter 4738. of the Revised Code; | 2001 2002 |
| (25) A person who has been licensed to act as a steam engineer under Chapter 4739. of the Revised Code; | 2003 2004 |
| (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; | 2005 2006 2007 2008 |
| (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; | 2009 2010 2011 |
| (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; | 2012 2013 2014 |
| (29) A person licensed and registered to practice as a nursing home administrator under Chapter 4751. of the Revised Code; | 2015 2016 2017 |
| (30) A person licensed to practice as a speech-language pathologist or audiologist under Chapter 4753. of the Revised Code; | 2018 2019 2020 |
| (31) A person issued a license as an occupational therapist or physical therapist under Chapter 4755. of the Revised Code; | 2021 2022 |
| (32) A person who is licensed as a <u>licensed</u> professional clinical counselor or, licensed professional counselor, licensed as a social worker or, independent social worker, <u>independent marriage and family therapist, or marriage and family therapist,</u> or registered as a social work assistant under Chapter 4757. of the Revised Code; | 2023 2024 2025 2026 2027 2028 |

| | |
|--|--|
| (33) A person issued a license to practice dietetics under Chapter 4759. of the Revised Code; | 2029 2030 |
| (34) A person who has been issued a license or limited permit to practice respiratory therapy under Chapter 4761. of the Revised Code; | 2031 2032 2033 |
| (35) A person who has been issued a real estate appraiser certificate under Chapter 4763. of the Revised Code; | 2034 2035 |
| (36) A person who has been admitted to the bar by order of the supreme court in compliance with its prescribed and published rules. | 2036 2037 2038 |
| (X) "Cocaine" means any of the following: | 2039 |
| (1) A cocaine salt, isomer, or derivative, a salt of a cocaine isomer or derivative, or the base form of cocaine; | 2040 2041 |
| (2) Coca leaves or a salt, compound, derivative, or preparation of coca leaves, including ecgonine, a salt, isomer, or derivative of ecgonine, or a salt of an isomer or derivative of ecgonine; | 2042 2043 2044 2045 |
| (3) A salt, compound, derivative, or preparation of a substance identified in division (X)(1) or (2) of this section that is chemically equivalent to or identical with any of those substances, except that the substances shall not include decocainized coca leaves or extraction of coca leaves if the extractions do not contain cocaine or ecgonine. | 2046 2047 2048 2049 2050 2051 |
| (Y) "L.S.D." means lysergic acid diethylamide. | 2052 |
| (Z) "Hashish" means the resin or a preparation of the resin contained in marihuana, whether in solid form or in a liquid concentrate, liquid extract, or liquid distillate form. | 2053 2054 2055 |
| (AA) "Marihuana" has the same meaning as in section 3719.01 of the Revised Code, except that it does not include hashish. | 2056 2057 |
| (BB) An offense is "committed in the vicinity of a juvenile" | 2058 |

if the offender commits the offense within one hundred feet of a juvenile or within the view of a juvenile, regardless of whether the offender knows the age of the juvenile, whether the offender knows the offense is being committed within one hundred feet of or within view of the juvenile, or whether the juvenile actually views the commission of the offense.

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

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

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

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

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

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

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

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

(II) "Methamphetamine" means methamphetamine, any salt, isomer, or salt of an isomer of methamphetamine, or any compound,

mixture, preparation, or substance containing methamphetamine or 2089
any salt, isomer, or salt of an isomer of methamphetamine. 2090

(JJ) "Lawful prescription" means a prescription that is 2091
issued for a legitimate medical purpose by a licensed health 2092
professional authorized to prescribe drugs, that is not altered or 2093
forged, and that was not obtained by means of deception or by the 2094
commission of any theft offense. 2095

(KK) "Deception" and "theft offense" have the same meanings 2096
as in section 2913.01 of the Revised Code. 2097

Sec. 2951.041. (A)(1) If an offender is charged with a 2098
criminal offense, including but not limited to a violation of 2099
section 2913.02, 2913.03, 2913.11, 2913.21, 2913.31, or 2919.21 of 2100
the Revised Code, and the court has reason to believe that drug or 2101
alcohol usage by the offender was a factor leading to the criminal 2102
offense with which the offender is charged or that, at the time of 2103
committing that offense, the offender had a mental illness or was 2104
a person with intellectual disability and that the mental illness 2105
or status as a person with intellectual disability was a factor 2106
leading to the offender's criminal behavior, the court may accept, 2107
prior to the entry of a guilty plea, the offender's request for 2108
intervention in lieu of conviction. The request shall include a 2109
statement from the offender as to whether the offender is alleging 2110
that drug or alcohol usage by the offender was a factor leading to 2111
the criminal offense with which the offender is charged or is 2112
alleging that, at the time of committing that offense, the 2113
offender had a mental illness or was a person with intellectual 2114
disability and that the mental illness or status as a person with 2115
intellectual disability was a factor leading to the criminal 2116
offense with which the offender is charged. The request also shall 2117
include a waiver of the defendant's right to a speedy trial, the 2118
preliminary hearing, the time period within which the grand jury 2119

may consider an indictment against the offender, and arraignment, 2120
unless the hearing, indictment, or arraignment has already 2121
occurred. The court may reject an offender's request without a 2122
hearing. If the court elects to consider an offender's request, 2123
the court shall conduct a hearing to determine whether the 2124
offender is eligible under this section for intervention in lieu 2125
of conviction and shall stay all criminal proceedings pending the 2126
outcome of the hearing. If the court schedules a hearing, the 2127
court shall order an assessment of the offender for the purpose of 2128
determining the offender's eligibility for intervention in lieu of 2129
conviction and recommending an appropriate intervention plan. 2130

If the offender alleges that drug or alcohol usage by the 2131
offender was a factor leading to the criminal offense with which 2132
the offender is charged, the court may order that the offender be 2133
assessed by an addiction services provider certified pursuant to 2134
section 5119.36 of the Revised Code or a properly credentialed 2135
professional for the purpose of determining the offender's 2136
eligibility for intervention in lieu of conviction and 2137
recommending an appropriate intervention plan. The addiction 2138
services provider or the properly credentialed professional shall 2139
provide a written assessment of the offender to the court. 2140

(2) The victim notification provisions of division (C) of 2141
section 2930.08 of the Revised Code apply in relation to any 2142
hearing held under division (A)(1) of this section. 2143

(B) An offender is eligible for intervention in lieu of 2144
conviction if the court finds all of the following: 2145

(1) The offender previously has not been convicted of or 2146
pleaded guilty to a felony offense of violence or previously has 2147
been convicted of or pleaded guilty to any felony that is not an 2148
offense of violence and the prosecuting attorney recommends that 2149
the offender be found eligible for participation in intervention 2150
in lieu of treatment under this section, previously has not been 2151

through intervention in lieu of conviction under this section or 2152
any similar regimen, and is charged with a felony for which the 2153
court, upon conviction, would impose a community control sanction 2154
on the offender under division (B)(2) of section 2929.13 of the 2155
Revised Code or with a misdemeanor. 2156

(2) The offense is not a felony of the first, second, or 2157
third degree, is not an offense of violence, is not a violation of 2158
division (A)(1) or (2) of section 2903.06 of the Revised Code, is 2159
not a violation of division (A)(1) of section 2903.08 of the 2160
Revised Code, is not a violation of division (A) of section 2161
4511.19 of the Revised Code or a municipal ordinance that is 2162
substantially similar to that division, and is not an offense for 2163
which a sentencing court is required to impose a mandatory prison 2164
term, a mandatory term of local incarceration, or a mandatory term 2165
of imprisonment in a jail. 2166

(3) The offender is not charged with a violation of section 2167
2925.02, 2925.04, or 2925.06 of the Revised Code, is not charged 2168
with a violation of section 2925.03 of the Revised Code that is a 2169
felony of the first, second, third, or fourth degree, and is not 2170
charged with a violation of section 2925.11 of the Revised Code 2171
that is a felony of the first, second, or third degree. 2172

(4) If an offender alleges that drug or alcohol usage by the 2173
offender was a factor leading to the criminal offense with which 2174
the offender is charged, the court has ordered that the offender 2175
be assessed by an addiction services provider certified pursuant 2176
to section 5119.36 of the Revised Code or a properly credentialed 2177
professional for the purpose of determining the offender's 2178
eligibility for intervention in lieu of conviction and 2179
recommending an appropriate intervention plan, the offender has 2180
been assessed by an addiction services provider of that nature or 2181
a properly credentialed professional in accordance with the 2182
court's order, and the addiction services provider or properly 2183

credentialed professional has filed the written assessment of the 2184
offender with the court. 2185

(5) If an offender alleges that, at the time of committing 2186
the criminal offense with which the offender is charged, the 2187
offender had a mental illness or was a person with intellectual 2188
disability and that the mental illness or status as a person with 2189
intellectual disability was a factor leading to that offense, the 2190
offender has been assessed by a psychiatrist, psychologist, 2191
independent social worker, ~~or~~ licensed professional clinical 2192
counselor, or independent marriage and family therapist for the 2193
purpose of determining the offender's eligibility for intervention 2194
in lieu of conviction and recommending an appropriate intervention 2195
plan. 2196

(6) The offender's drug usage, alcohol usage, mental illness, 2197
or intellectual disability, whichever is applicable, was a factor 2198
leading to the criminal offense with which the offender is 2199
charged, intervention in lieu of conviction would not demean the 2200
seriousness of the offense, and intervention would substantially 2201
reduce the likelihood of any future criminal activity. 2202

(7) The alleged victim of the offense was not sixty-five 2203
years of age or older, permanently and totally disabled, under 2204
thirteen years of age, or a peace officer engaged in the officer's 2205
official duties at the time of the alleged offense. 2206

(8) If the offender is charged with a violation of section 2207
2925.24 of the Revised Code, the alleged violation did not result 2208
in physical harm to any person, and the offender previously has 2209
not been treated for drug abuse. 2210

(9) The offender is willing to comply with all terms and 2211
conditions imposed by the court pursuant to division (D) of this 2212
section. 2213

(10) The offender is not charged with an offense that would 2214

result in the offender being disqualified under Chapter 4506. of 2215
the Revised Code from operating a commercial motor vehicle or 2216
would subject the offender to any other sanction under that 2217
chapter. 2218

(C) At the conclusion of a hearing held pursuant to division 2219
(A) of this section, the court shall enter its determination as to 2220
whether the offender is eligible for intervention in lieu of 2221
conviction and as to whether to grant the offender's request. If 2222
the court finds under division (B) of this section that the 2223
offender is eligible for intervention in lieu of conviction and 2224
grants the offender's request, the court shall accept the 2225
offender's plea of guilty and waiver of the defendant's right to a 2226
speedy trial, the preliminary hearing, the time period within 2227
which the grand jury may consider an indictment against the 2228
offender, and arraignment, unless the hearing, indictment, or 2229
arraignment has already occurred. In addition, the court then may 2230
stay all criminal proceedings and order the offender to comply 2231
with all terms and conditions imposed by the court pursuant to 2232
division (D) of this section. If the court finds that the offender 2233
is not eligible or does not grant the offender's request, the 2234
criminal proceedings against the offender shall proceed as if the 2235
offender's request for intervention in lieu of conviction had not 2236
been made. 2237

(D) If the court grants an offender's request for 2238
intervention in lieu of conviction, the court shall place the 2239
offender under the general control and supervision of the county 2240
probation department, the adult parole authority, or another 2241
appropriate local probation or court services agency, if one 2242
exists, as if the offender was subject to a community control 2243
sanction imposed under section 2929.15, 2929.18, or 2929.25 of the 2244
Revised Code. The court shall establish an intervention plan for 2245
the offender. The terms and conditions of the intervention plan 2246

shall require the offender, for at least one year from the date on 2247
which the court grants the order of intervention in lieu of 2248
conviction, to abstain from the use of illegal drugs and alcohol, 2249
to participate in treatment and recovery support services, and to 2250
submit to regular random testing for drug and alcohol use and may 2251
include any other treatment terms and conditions, or terms and 2252
conditions similar to community control sanctions, which may 2253
include community service or restitution, that are ordered by the 2254
court. 2255

(E) If the court grants an offender's request for 2256
intervention in lieu of conviction and the court finds that the 2257
offender has successfully completed the intervention plan for the 2258
offender, including the requirement that the offender abstain from 2259
using illegal drugs and alcohol for a period of at least one year 2260
from the date on which the court granted the order of intervention 2261
in lieu of conviction, the requirement that the offender 2262
participate in treatment and recovery support services, and all 2263
other terms and conditions ordered by the court, the court shall 2264
dismiss the proceedings against the offender. Successful 2265
completion of the intervention plan and period of abstinence under 2266
this section shall be without adjudication of guilt and is not a 2267
criminal conviction for purposes of any disqualification or 2268
disability imposed by law and upon conviction of a crime, and the 2269
court may order the sealing of records related to the offense in 2270
question in the manner provided in sections 2953.31 to 2953.36 of 2271
the Revised Code. 2272

(F) If the court grants an offender's request for 2273
intervention in lieu of conviction and the offender fails to 2274
comply with any term or condition imposed as part of the 2275
intervention plan for the offender, the supervising authority for 2276
the offender promptly shall advise the court of this failure, and 2277
the court shall hold a hearing to determine whether the offender 2278

failed to comply with any term or condition imposed as part of the 2279
plan. If the court determines that the offender has failed to 2280
comply with any of those terms and conditions, it shall enter a 2281
finding of guilty and shall impose an appropriate sanction under 2282
Chapter 2929. of the Revised Code. If the court sentences the 2283
offender to a prison term, the court, after consulting with the 2284
department of rehabilitation and correction regarding the 2285
availability of services, may order continued court-supervised 2286
activity and treatment of the offender during the prison term and, 2287
upon consideration of reports received from the department 2288
concerning the offender's progress in the program of activity and 2289
treatment, may consider judicial release under section 2929.20 of 2290
the Revised Code. 2291

(G) As used in this section: 2292

(1) "Community control sanction" has the same meaning as in 2293
section 2929.01 of the Revised Code. 2294

(2) "Intervention in lieu of conviction" means any 2295
court-supervised activity that complies with this section. 2296

(3) "Peace officer" has the same meaning as in section 2297
2935.01 of the Revised Code. 2298

(4) "Mental illness" and "psychiatrist" have the same 2299
meanings as in section 5122.01 of the Revised Code. 2300

(5) "Person with intellectual disability" means a person 2301
having significantly subaverage general intellectual functioning 2302
existing concurrently with deficiencies in adaptive behavior, 2303
manifested during the developmental period. 2304

(6) "Psychologist" has the same meaning as in section 4732.01 2305
of the Revised Code. 2306

(H) Whenever the term "mentally retarded person" is used in 2307
any statute, rule, contract, grant, or other document, the 2308

reference shall be deemed to include a "person with intellectual 2309
disability," as defined in this section. 2310

Sec. 3107.014. (A) Except as provided in division (B) of this 2311
section, only an individual who meets all of the following 2312
requirements may perform the duties of an assessor under sections 2313
3107.031, 3107.032, 3107.082, 3107.09, 3107.101, 3107.12, 2314
5103.0324, and 5103.152 of the Revised Code: 2315

(1) The individual must be in the employ of, appointed by, or 2316
under contract with a court, public children services agency, 2317
private child placing agency, or private noncustodial agency; 2318

(2) The individual must be one of the following: 2319

(a) A licensed professional clinical counselor, licensed 2320
professional counselor, independent social worker, social worker, 2321
independent marriage and family therapist, or marriage and family 2322
therapist licensed under Chapter 4757. of the Revised Code; 2323

(b) A psychologist licensed under Chapter 4732. of the 2324
Revised Code; 2325

(c) A student working to earn a four-year, post-secondary 2326
degree, or higher, in a social or behavior science, or both, who 2327
conducts assessor's duties under the supervision of a licensed 2328
professional clinical counselor, licensed professional counselor, 2329
independent social worker, social worker, independent marriage and 2330
family therapist, or marriage and family therapist licensed under 2331
Chapter 4757. of the Revised Code or a psychologist licensed under 2332
Chapter 4732. of the Revised Code. Beginning July 1, 2009, a 2333
student is eligible under this division only if the supervising 2334
licensed professional clinical counselor, licensed professional 2335
counselor, independent social worker, social worker, independent 2336
marriage and family therapist, marriage and family therapist, or 2337
psychologist has completed training in accordance with rules 2338

adopted under section 3107.015 of the Revised Code. 2339

(d) A civil service employee engaging in social work without 2340
a license under Chapter 4757. of the Revised Code, as permitted by 2341
division (A)(5) of section 4757.41 of the Revised Code; 2342

(e) A former employee of a public children services agency 2343
who, while so employed, conducted the duties of an assessor; 2344

(f) An employee of a court or public children services agency 2345
who is employed to conduct the duties of an assessor. 2346

(3) The individual must complete training in accordance with 2347
rules adopted under section 3107.015 of the Revised Code. 2348

(B) An individual in the employ of, appointed by, or under 2349
contract with a court prior to September 18, 1996, to conduct 2350
adoption investigations of prospective adoptive parents may 2351
perform the duties of an assessor under sections 3107.031, 2352
3107.032, 3107.082, 3107.09, 3107.101, 3107.12, 5103.0324, and 2353
5103.152 of the Revised Code if the individual complies with 2354
division (A)(3) of this section regardless of whether the 2355
individual meets the requirement of division (A)(2) of this 2356
section. 2357

(C) A court, public children services agency, private child 2358
placing agency, or private noncustodial agency may employ, 2359
appoint, or contract with an assessor in the county in which a 2360
petition for adoption is filed and in any other county or location 2361
outside this state where information needed to complete or 2362
supplement the assessor's duties may be obtained. More than one 2363
assessor may be utilized for an adoption. 2364

(D) Not later than January 1, 2008, the department of job and 2365
family services shall develop and maintain an assessor registry. 2366
The registry shall list all individuals who are employed, 2367
appointed by, or under contract with a court, public children 2368
services agency, private child placing agency, or private 2369

noncustodial agency and meet the requirements of an assessor as 2370
described in this section. A public children services agency, 2371
private child placing agency, private noncustodial agency, court, 2372
or any other person may contact the department to determine if an 2373
individual is listed in the assessor registry. An individual 2374
listed in the assessor registry shall immediately inform the 2375
department when that individual is no longer employed, appointed 2376
by, or under contract with a court, public children services 2377
agency, private child placing agency, or private noncustodial 2378
agency to perform the duties of an assessor as described in this 2379
section. The director of job and family services shall adopt rules 2380
in accordance with Chapter 119. of the Revised Code necessary for 2381
the implementation, contents, and maintenance of the registry, and 2382
any sanctions related to the provision of information, or the 2383
failure to provide information, that is needed for the proper 2384
operation of the assessor registry. 2385

Sec. 3701.046. The director of health is authorized to make 2386
grants for women's health services from funds appropriated for 2387
that purpose by the general assembly. 2388

None of the funds received through grants for women's health 2389
services shall be used to provide abortion services. None of the 2390
funds received through these grants shall be used for counseling 2391
for or referrals for abortion, except in the case of a medical 2392
emergency. These funds shall be distributed by the director to 2393
programs that the department of health determines will provide 2394
services that are physically and financially separate from 2395
abortion-providing and abortion-promoting activities, and that do 2396
not include counseling for or referrals for abortion, other than 2397
in the case of medical emergency. 2398

These women's health services include and are limited to the 2399
following: pelvic examinations and laboratory testing; breast 2400

examinations and patient education on breast cancer; screening for 2401
cervical cancer; screening and treatment for sexually transmitted 2402
diseases and HIV screening; voluntary choice of contraception, 2403
including abstinence and natural family planning; patient 2404
education and pre-pregnancy counseling on the dangers of smoking, 2405
alcohol, and drug use during pregnancy; education on sexual 2406
coercion and violence in relationships; and prenatal care or 2407
referral for prenatal care. These health care services shall be 2408
provided in a medical clinic setting by persons authorized under 2409
Chapter ~~4731~~ of the Revised Code to practice medicine and 2410
surgery or osteopathic medicine and surgery; authorized under 2411
Chapter 4730. of the Revised Code to practice as a physician 2412
assistant; licensed under Chapter 4723. of the Revised Code as a 2413
registered nurse or licensed practical nurse; or licensed under 2414
Chapter 4757. of the Revised Code as a social worker, independent 2415
social worker, licensed professional clinical counselor, or 2416
licensed professional counselor. 2417

The director shall adopt rules under Chapter 119. of the 2418
Revised Code specifying reasonable eligibility standards that must 2419
be met to receive the state funding and provide reasonable methods 2420
by which a grantee wishing to be eligible for federal funding may 2421
comply with these requirements for state funding without losing 2422
its eligibility for federal funding. 2423

Each applicant for these funds shall provide sufficient 2424
assurance to the director of all of the following: 2425

(A) The program shall not discriminate in the provision of 2426
services based on an individual's religion, race, national origin, 2427
handicapping condition, age, sex, number of pregnancies, or 2428
marital status; 2429

(B) The program shall provide services without subjecting 2430
individuals to any coercion to accept services or to employ any 2431
particular methods of family planning; 2432

(C) Acceptance of services shall be solely on a voluntary 2433
basis and may not be made a prerequisite to eligibility for, or 2434
receipt of, any other service, assistance from, or participation 2435
in, any other program of the service provider; 2436

(D) Any charges for services provided by the program shall be 2437
based on the patient's ability to pay and priority in the 2438
provision of services shall be given to persons from low-income 2439
families. 2440

In distributing these grant funds, the director shall give 2441
priority to grant requests from local departments of health for 2442
women's health services to be provided directly by personnel of 2443
the local department of health. The director shall issue a single 2444
request for proposals for all grants for women's health services. 2445
The director shall send a notification of this request for 2446
proposals to every local department of health in this state and 2447
shall place a notification on the department's web site. The 2448
director shall allow at least thirty days after issuing this 2449
notification before closing the period to receive applications. 2450

After the closing date for receiving grant applications, the 2451
director shall first consider grant applications from local 2452
departments of health that apply for grants for women's health 2453
services to be provided directly by personnel of the local 2454
department of health. Local departments of health that apply for 2455
grants for women's health services to be provided directly by 2456
personnel of the local department of health need not provide all 2457
the listed women's health services in order to qualify for a 2458
grant. However, in prioritizing awards among local departments of 2459
health that qualify for funding under this paragraph, the director 2460
may consider, among other reasonable factors, the 2461
comprehensiveness of the women's health services to be offered, 2462
provided that no local department of health shall be discriminated 2463
against in the process of awarding these grant funds because the 2464

applicant does not provide contraception. 2465

If funds remain after awarding grants to all local 2466
departments of health that qualify for the priority, the director 2467
may make grants to other applicants. Awards to other applicants 2468
may be made to those applicants that will offer all eight of the 2469
listed women's health services or that will offer all of the 2470
services except contraception. No applicant shall be discriminated 2471
against in the process of awarding these grant funds because the 2472
applicant does not provide contraception. 2473

Sec. 3701.74. (A) As used in this section and section 2474
3701.741 of the Revised Code: 2475

(1) "Ambulatory care facility" means a facility that provides 2476
medical, diagnostic, or surgical treatment to patients who do not 2477
require hospitalization, including a dialysis center, ambulatory 2478
surgical facility, cardiac catheterization facility, diagnostic 2479
imaging center, extracorporeal shock wave lithotripsy center, home 2480
health agency, inpatient hospice, birthing center, radiation 2481
therapy center, emergency facility, and an urgent care center. 2482
"Ambulatory care facility" does not include the private office of 2483
a physician or dentist, whether the office is for an individual or 2484
group practice. 2485

(2) "Chiropractor" means an individual licensed under Chapter 2486
4734. of the Revised Code to practice chiropractic. 2487

(3) "Emergency facility" means a hospital emergency 2488
department or any other facility that provides emergency medical 2489
services. 2490

(4) "Health care practitioner" means all of the following: 2491

(a) A dentist or dental hygienist licensed under Chapter 2492
4715. of the Revised Code; 2493

(b) A registered or licensed practical nurse licensed under 2494

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| Chapter 4723. of the Revised Code; | 2495 |
| (c) An optometrist licensed under Chapter 4725. of the Revised Code; | 2496 2497 |
| (d) A dispensing optician, spectacle dispensing optician, contact lens dispensing optician, or spectacle-contact lens dispensing optician licensed under Chapter 4725. of the Revised Code; | 2498 2499 2500 2501 |
| (e) A pharmacist licensed under Chapter 4729. of the Revised Code; | 2502 2503 |
| (f) A physician; | 2504 |
| (g) A physician assistant authorized under Chapter 4730. of the Revised Code to practice as a physician assistant; | 2505 2506 |
| (h) A practitioner of a limited branch of medicine issued a certificate under Chapter 4731. of the Revised Code; | 2507 2508 |
| (i) A psychologist licensed under Chapter 4732. of the Revised Code; | 2509 2510 |
| (j) A chiropractor; | 2511 |
| (k) A hearing aid dealer or fitter licensed under Chapter 4747. of the Revised Code; | 2512 2513 |
| (l) A speech-language pathologist or audiologist licensed under Chapter 4753. of the Revised Code; | 2514 2515 |
| (m) An occupational therapist or occupational therapy assistant licensed under Chapter 4755. of the Revised Code; | 2516 2517 |
| (n) A physical therapist or physical therapy assistant licensed under Chapter 4755. of the Revised Code; | 2518 2519 |
| (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, | 2520 2521 2522 2523 |

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| under Chapter 4757. of the Revised Code; | 2524 |
| (p) A dietitian licensed under Chapter 4759. of the Revised Code; | 2525 2526 |
| (q) A respiratory care professional licensed under Chapter 4761. of the Revised Code; | 2527 2528 |
| (r) An emergency medical technician-basic, emergency medical technician-intermediate, or emergency medical technician-paramedic certified under Chapter 4765. of the Revised Code. | 2529 2530 2531 |
| (5) "Health care provider" means a hospital, ambulatory care facility, long-term care facility, pharmacy, emergency facility, or health care practitioner. | 2532 2533 2534 |
| (6) "Hospital" has the same meaning as in section 3727.01 of the Revised Code. | 2535 2536 |
| (7) "Long-term care facility" means a nursing home, residential care facility, or home for the aging, as those terms are defined in section 3721.01 of the Revised Code; a residential facility licensed under section 5119.34 of the Revised Code that provides accommodations, supervision, and personal care services for three to sixteen unrelated adults; a nursing facility, as defined in section 5165.01 of the Revised Code; a skilled nursing facility, as defined in section 5165.01 of the Revised Code; and an intermediate care facility for individuals with intellectual disabilities, as defined in section 5124.01 of the Revised Code. | 2537 2538 2539 2540 2541 2542 2543 2544 2545 2546 |
| (8) "Medical record" means data in any form that pertains to a patient's medical history, diagnosis, prognosis, or medical condition and that is generated and maintained by a health care provider in the process of the patient's health care treatment. | 2547 2548 2549 2550 |
| (9) "Medical records company" means a person who stores, locates, or copies medical records for a health care provider, or is compensated for doing so by a health care provider, and charges | 2551 2552 2553 |

a fee for providing medical records to a patient or patient's
representative. 2554
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(10) "Patient" means either of the following: 2556

(a) An individual who received health care treatment from a
health care provider; 2557
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(b) A guardian, as defined in section 1337.11 of the Revised
Code, of an individual described in division (A)(10)(a) of this
section. 2559
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(11) "Patient's personal representative" means a minor
patient's parent or other person acting in loco parentis, a
court-appointed guardian, or a person with durable power of
attorney for health care for a patient, the executor or
administrator of the patient's estate, or the person responsible
for the patient's estate if it is not to be probated. "Patient's
personal representative" does not include an insurer authorized
under Title XXXIX of the Revised Code to do the business of
sickness and accident insurance in this state, a health insuring
corporation holding a certificate of authority under Chapter 1751.
of the Revised Code, or any other person not named in this
division. 2562
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(12) "Pharmacy" has the same meaning as in section 4729.01 of
the Revised Code. 2574
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(13) "Physician" means a person authorized under Chapter
4731. of the Revised Code to practice medicine and surgery,
osteopathic medicine and surgery, or podiatric medicine and
surgery. 2576
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(14) "Authorized person" means a person to whom a patient has
given written authorization to act on the patient's behalf
regarding the patient's medical record. 2580
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(B) A patient, a patient's personal representative, or an 2583

authorized person who wishes to examine or obtain a copy of part 2584
or all of a medical record shall submit to the health care 2585
provider a written request signed by the patient, personal 2586
representative, or authorized person dated not more than one year 2587
before the date on which it is submitted. The request shall 2588
indicate whether the copy is to be sent to the requestor, 2589
physician or chiropractor, or held for the requestor at the office 2590
of the health care provider. Within a reasonable time after 2591
receiving a request that meets the requirements of this division 2592
and includes sufficient information to identify the record 2593
requested, a health care provider that has the patient's medical 2594
records shall permit the patient to examine the record during 2595
regular business hours without charge or, on request, shall 2596
provide a copy of the record in accordance with section 3701.741 2597
of the Revised Code, except that if a physician, psychologist, 2598
licensed professional clinical counselor, licensed professional 2599
counselor, independent social worker, social worker, independent 2600
marriage and family therapist, marriage and family therapist, or 2601
chiropractor who has treated the patient determines for clearly 2602
stated treatment reasons that disclosure of the requested record 2603
is likely to have an adverse effect on the patient, the health 2604
care provider shall provide the record to a physician, 2605
psychologist, licensed professional clinical counselor, licensed 2606
professional counselor, independent social worker, social worker, 2607
independent marriage and family therapist, marriage and family 2608
therapist, or chiropractor designated by the patient. The health 2609
care provider shall take reasonable steps to establish the 2610
identity of the person making the request to examine or obtain a 2611
copy of the patient's record. 2612

(C) If a health care provider fails to furnish a medical 2613
record as required by division (B) of this section, the patient, 2614
personal representative, or authorized person who requested the 2615
record may bring a civil action to enforce the patient's right of 2616

access to the record. 2617

(D)(1) This section does not apply to medical records whose 2618
release is covered by section 173.20 or 3721.13 of the Revised 2619
Code, by Chapter 1347. or 5122. of the Revised Code, by 42 C.F.R. 2620
part 2, "Confidentiality of Alcohol and Drug Abuse Patient 2621
Records," or by 42 C.F.R. 483.10. 2622

(2) Nothing in this section is intended to supersede the 2623
confidentiality provisions of sections 2305.24, 2305.25, 2305.251, 2624
and 2305.252 of the Revised Code. 2625

Sec. 3709.161. (A) The board of health of a city or general 2626
health district may procure a policy or policies of insurance 2627
insuring the members of the board, the health commissioner, and 2628
the employees of the board against liability on account of damage 2629
or injury to persons and property resulting from any act or 2630
omission that occurs in the individual's official capacity as a 2631
member or employee of the board or resulting solely out of such 2632
membership or employment. 2633

(B)(1) As used in this division, "health care professional" 2634
means all of the following: 2635

(a) A dentist or dental hygienist licensed under Chapter 2636
4715. of the Revised Code; 2637

(b) A registered nurse or licensed practical nurse licensed 2638
under Chapter 4723. of the Revised Code; 2639

(c) A person licensed under Chapter 4729. of the Revised Code 2640
to practice as a pharmacist; 2641

(d) A person authorized under Chapter 4730. of the Revised 2642
Code to practice as a physician assistant; 2643

(e) A person authorized under Chapter 4731. of the Revised 2644
Code to practice medicine and surgery, osteopathic medicine and 2645
surgery, or podiatry; 2646

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| (f) A psychologist licensed under Chapter 4732. of the Revised Code; | 2647 2648 |
| (g) A veterinarian licensed under Chapter 4741. of the Revised Code; | 2649 2650 |
| (h) A speech-language pathologist or audiologist licensed under Chapter 4753. of the Revised Code; | 2651 2652 |
| (i) An occupational therapist, physical therapist, physical therapist assistant, or athletic trainer licensed under Chapter 4755. of the Revised Code; | 2653 2654 2655 |
| (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; | 2656 2657 2658 |
| (k) A dietician <u>dietitian</u> licensed under Chapter 4759. of the Revised Code. | 2659 2660 |
| (2) The board of health of a city or general health district may purchase liability insurance for a health care professional with whom the board contracts for the provision of health care services against liability on account of damage or injury to persons and property arising from the health care professional's performance of services under the contract. The policy shall be purchased from an insurance company licensed to do business in this state, if such a policy is available from such a company. The board of health of a city or general health district shall report the cost of the liability insurance policy and subsequent increases in the cost to the director of health on a form prescribed by the director. | 2661 2662 2663 2664 2665 2666 2667 2668 2669 2670 2671 2672 |
| Sec. 3721.21. As used in sections 3721.21 to 3721.34 of the Revised Code: | 2673 2674 |
| (A) "Long-term care facility" means either of the following: | 2675 |
| (1) A nursing home as defined in section 3721.01 of the | 2676 |

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| Revised Code; | 2677 |
| (2) A facility or part of a facility that is certified as a skilled nursing facility or a nursing facility under Title XVIII or XIX of the "Social Security Act." | 2678 2679 2680 |
| (B) "Residential care facility" has the same meaning as in section 3721.01 of the Revised Code. | 2681 2682 |
| (C) "Abuse" means knowingly causing physical harm or recklessly causing serious physical harm to a resident by physical contact with the resident or by use of physical or chemical restraint, medication, or isolation as punishment, for staff convenience, excessively, as a substitute for treatment, or in amounts that preclude habilitation and treatment. | 2683 2684 2685 2686 2687 2688 |
| (D) "Neglect" means recklessly failing to provide a resident with any treatment, care, goods, or service necessary to maintain the health or safety of the resident when the failure results in serious physical harm to the resident. "Neglect" does not include allowing a resident, at the resident's option, to receive only treatment by spiritual means through prayer in accordance with the tenets of a recognized religious denomination. | 2689 2690 2691 2692 2693 2694 2695 |
| (E) "Misappropriation" means depriving, defrauding, or otherwise obtaining the real or personal property of a resident by any means prohibited by the Revised Code, including violations of Chapter 2911. or 2913. of the Revised Code. | 2696 2697 2698 2699 |
| (F) "Resident" includes a resident, patient, former resident or patient, or deceased resident or patient of a long-term care facility or a residential care facility. | 2700 2701 2702 |
| (G) "Physical restraint" has the same meaning as in section 3721.10 of the Revised Code. | 2703 2704 |
| (H) "Chemical restraint" has the same meaning as in section 3721.10 of the Revised Code. | 2705 2706 |

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

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

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

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

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

(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.

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

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

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

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

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| (4) A physician assistant authorized under Chapter 4730. of the Revised Code to practice as a physician assistant; | 2737 2738 |
| (5) A registered nurse or licensed practical nurse licensed under Chapter 4723. of the Revised Code; | 2739 2740 |
| (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; | 2741 2742 2743 |
| (7) A speech-language pathologist or audiologist licensed under Chapter 4753. of the Revised Code; | 2744 2745 |
| (8) A dentist or dental hygienist licensed under Chapter 4715. of the Revised Code; | 2746 2747 |
| (9) An optometrist licensed under Chapter 4725. of the Revised Code; | 2748 2749 |
| (10) A pharmacist licensed under Chapter 4729. of the Revised Code; | 2750 2751 |
| (11) A psychologist licensed under Chapter 4732. of the Revised Code; | 2752 2753 |
| (12) A chiropractor licensed under Chapter 4734. of the Revised Code; | 2754 2755 |
| (13) A nursing home administrator licensed or temporarily licensed under Chapter 4751. of the Revised Code; | 2756 2757 |
| (14) A <u>licensed</u> professional counselor or <u>licensed</u> professional clinical counselor licensed under Chapter 4757. of the Revised Code; | 2758 2759 2760 |
| <u>(15) A marriage and family therapist or independent marriage and family therapist licensed under Chapter 4757. of the Revised Code.</u> | 2761 2762 2763 |
| (M) "Religious nonmedical health care institution" means an institution that meets or exceeds the conditions to receive | 2764 2765 |

payment under the medicare program established under Title XVIII 2766
of the "Social Security Act" for inpatient hospital services or 2767
post-hospital extended care services furnished to an individual in 2768
a religious nonmedical health care institution, as defined in 2769
section 1861(ss)(1) of the "Social Security Act," 79 Stat. 286 2770
(1965), 42 U.S.C. 1395x(ss)(1), as amended. 2771

(N) "Competency evaluation program" means a program through 2772
which the competency of a nurse aide to provide nursing and 2773
nursing-related services is evaluated. 2774

(O) "Training and competency evaluation program" means a 2775
program of nurse aide training and evaluation of competency to 2776
provide nursing and nursing-related services. 2777

Sec. 3923.28. (A) Every policy of group sickness and accident 2778
insurance providing hospital, surgical, or medical expense 2779
coverage for other than specific diseases or accidents only, and 2780
delivered, issued for delivery, or renewed in this state on or 2781
after January 1, 1979, and that provides coverage for mental or 2782
emotional disorders, shall provide benefits for services on an 2783
outpatient basis for each eligible person under the policy who 2784
resides in this state for mental or emotional disorders, or for 2785
evaluations, that are at least equal to five hundred fifty dollars 2786
in any calendar year or twelve-month period. ~~The~~ 2787

(1) The services shall be legally performed by or under the 2788
clinical supervision of ~~a~~ any of the following: 2789

(a) A physician authorized under Chapter 4731. of the Revised 2790
Code to practice medicine and surgery or osteopathic medicine and 2791
surgery; ~~a~~ 2792

(b) A psychologist licensed under Chapter 4732. of the 2793
Revised Code; ~~a~~ 2794

(c) A licensed professional clinical counselor, licensed 2795

professional counselor, ~~or~~ independent social worker, or 2796
independent marriage and family therapist licensed under Chapter 2797
4757. of the Revised Code; ~~or a~~ 2798

(d) A clinical nurse specialist or certified nurse 2799
practitioner licensed under Chapter 4723. of the Revised Code 2800
whose nursing specialty is mental health, ~~whether.~~ 2801

(2) The services may be performed in an office, in a 2802
hospital, or in a community mental health facility so long as the 2803
hospital or community mental health facility is approved by the 2804
joint commission ~~on accreditation of healthcare organizations~~, the 2805
council on accreditation ~~for children and family services~~, or the 2806
commission on accreditation of rehabilitation accreditation 2807
~~commission~~ facilities. 2808

(B) Outpatient benefits offered under division (A) of this 2809
section shall be subject to reasonable contract limitations and 2810
may be subject to reasonable deductibles and co-insurance costs. 2811
Persons entitled to such benefit under more than one service or 2812
insurance contract may be limited to a single 2813
five-hundred-fifty-dollar outpatient benefit for services under 2814
all contracts. 2815

(C) In order to qualify for participation under division (A) 2816
of this section, every facility specified in such division shall 2817
have in effect a plan for utilization review and a plan for peer 2818
review and every person specified in such division shall have in 2819
effect a plan for peer review. Such plans shall have the purpose 2820
of ensuring high quality patient care and effective and efficient 2821
utilization of available health facilities and services. 2822

(D) Nothing in this section shall be construed to require an 2823
insurer to pay benefits which are greater than usual, customary, 2824
and reasonable. 2825

(E)(1) Services performed under the clinical supervision of a 2826

health care professional identified in division (A)(1) of this 2827
section, in order to be reimbursable under the coverage required 2828
in division (A) of this section, shall meet both of the following 2829
requirements: 2830

(a) The services shall be performed in accordance with a 2831
treatment plan that describes the expected duration, frequency, 2832
and type of services to be performed; 2833

(b) The plan shall be reviewed and approved by the health 2834
care professional every three months. 2835

(2) Payment of benefits for services reimbursable under 2836
division (E)(1) of this section shall not be restricted to 2837
services described in the treatment plan or conditioned upon 2838
standards of clinical supervision that are more restrictive than 2839
standards of a health care professional described in division 2840
(A)(1) of this section, which at least equal the requirements of 2841
division (E)(1) of this section. 2842

(F) The benefits provided by this section for mental and 2843
emotional disorders shall not be reduced by the cost of benefits 2844
provided pursuant to section 3923.281 of the Revised Code for 2845
diagnostic and treatment services for biologically based mental 2846
illnesses. This section does not apply to benefits for diagnostic 2847
and treatment services for biologically based mental illnesses. 2848

Sec. 3923.281. (A) As used in this section: 2849

(1) "Biologically based mental illness" means schizophrenia, 2850
schizoaffective disorder, major depressive disorder, bipolar 2851
disorder, paranoia and other psychotic disorders, 2852
obsessive-compulsive disorder, and panic disorder, as these terms 2853
are defined in the most recent edition of the diagnostic and 2854
statistical manual of mental disorders published by the American 2855
psychiatric association. 2856

(2) "Policy of sickness and accident insurance" has the same meaning as in section 3923.01 of the Revised Code, but excludes any hospital indemnity, medicare supplement, long-term care, disability income, one-time-limited-duration policy of not longer than six months, supplemental benefit, or other policy that provides coverage for specific diseases or accidents only; any policy that provides coverage for workers' compensation claims compensable pursuant to Chapters 4121. and 4123. of the Revised Code; and any policy that provides coverage to medicaid recipients.

(B) Notwithstanding section 3901.71 of the Revised Code, and subject to division (E) of this section, every policy of sickness and accident insurance shall provide benefits for the diagnosis and treatment of biologically based mental illnesses on the same terms and conditions as, and shall provide benefits no less extensive than, those provided under the policy of sickness and accident insurance for the treatment and diagnosis of all other physical diseases and disorders, if both of the following apply:

(1) The biologically based mental illness is clinically diagnosed by a physician 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; a licensed professional clinical counselor, licensed professional counselor, ~~or independent social worker,~~ or independent marriage and family therapist licensed under Chapter 4757. of the Revised Code; or a clinical nurse specialist or certified nurse practitioner licensed under Chapter 4723. of the Revised Code whose nursing specialty is mental health.

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

(C) Division (B) of this section applies to all coverages and

terms and conditions of the policy of sickness and accident 2889
insurance, including, but not limited to, coverage of inpatient 2890
hospital services, outpatient services, and medication; maximum 2891
lifetime benefits; copayments; and individual and family 2892
deductibles. 2893

(D) Nothing in this section shall be construed as prohibiting 2894
a sickness and accident insurance company from taking any of the 2895
following actions: 2896

(1) Negotiating separately with mental health care providers 2897
with regard to reimbursement rates and the delivery of health care 2898
services; 2899

(2) Offering policies that provide benefits solely for the 2900
diagnosis and treatment of biologically based mental illnesses; 2901

(3) Managing the provision of benefits for the diagnosis or 2902
treatment of biologically based mental illnesses through the use 2903
of pre-admission screening, by requiring beneficiaries to obtain 2904
authorization prior to treatment, or through the use of any other 2905
mechanism designed to limit coverage to that treatment determined 2906
to be necessary; 2907

(4) Enforcing the terms and conditions of a policy of 2908
sickness and accident insurance. 2909

(E) An insurer that offers any policy of sickness and 2910
accident insurance is not required to provide benefits for the 2911
diagnosis and treatment of biologically based mental illnesses 2912
pursuant to division (B) of this section if all of the following 2913
apply: 2914

(1) The insurer submits documentation certified by an 2915
independent member of the American academy of actuaries to the 2916
superintendent of insurance showing that incurred claims for 2917
diagnostic and treatment services for biologically based mental 2918
illnesses for a period of at least six months independently caused 2919

the insurer's costs for claims and administrative expenses for the 2920
coverage of all other physical diseases and disorders to increase 2921
by more than one per cent per year. 2922

(2) The insurer submits a signed letter from an independent 2923
member of the American academy of actuaries to the superintendent 2924
of insurance opining that the increase described in division 2925
(E)(1) of this section could reasonably justify an increase of 2926
more than one per cent in the annual premiums or rates charged by 2927
the insurer for the coverage of all other physical diseases and 2928
disorders. 2929

(3) The superintendent of insurance makes the following 2930
determinations from the documentation and opinion submitted 2931
pursuant to divisions (E)(1) and (2) of this section: 2932

(a) Incurred claims for diagnostic and treatment services for 2933
biologically based mental illnesses for a period of at least six 2934
months independently caused the insurer's costs for claims and 2935
administrative expenses for the coverage of all other physical 2936
diseases and disorders to increase by more than one per cent per 2937
year. 2938

(b) The increase in costs reasonably justifies an increase of 2939
more than one per cent in the annual premiums or rates charged by 2940
the insurer for the coverage of all other physical diseases and 2941
disorders. 2942

Any determination made by the superintendent under this 2943
division is subject to Chapter 119. of the Revised Code. 2944

Sec. 3923.282. (A) As used in this section: 2945

(1) "Biologically based mental illness" means schizophrenia, 2946
schizoaffective disorder, major depressive disorder, bipolar 2947
disorder, paranoia and other psychotic disorders, 2948
obsessive-compulsive disorder, and panic disorder, as these terms 2949

are defined in the most recent edition of the diagnostic and 2950
statistical manual of mental disorders published by the American 2951
psychiatric association. 2952

(2) "Plan of health coverage" includes any private or public 2953
employer group self-insurance plan that provides payment for 2954
health care benefits for other than specific diseases or accidents 2955
only, which benefits are not provided by contract with a sickness 2956
and accident insurer or health insuring corporation. 2957

(B) Notwithstanding section 3901.71 of the Revised Code, and 2958
subject to division (F) of this section, each plan of health 2959
coverage shall provide benefits for the diagnosis and treatment of 2960
biologically based mental illnesses on the same terms and 2961
conditions as, and shall provide benefits no less extensive than, 2962
those provided under the plan of health coverage for the treatment 2963
and diagnosis of all other physical diseases and disorders, if 2964
both of the following apply: 2965

(1) The biologically based mental illness is clinically 2966
diagnosed by a physician authorized under Chapter 4731. of the 2967
Revised Code to practice medicine and surgery or osteopathic 2968
medicine and surgery; a psychologist licensed under Chapter 4732. 2969
of the Revised Code; a licensed professional clinical counselor, 2970
licensed professional counselor, ~~or~~ independent social worker, or 2971
independent marriage and family therapist licensed under Chapter 2972
4757. of the Revised Code; or a clinical nurse specialist or 2973
certified nurse practitioner licensed under Chapter 4723. of the 2974
Revised Code whose nursing specialty is mental health. 2975

(2) The prescribed treatment is not experimental or 2976
investigational, having proven its clinical effectiveness in 2977
accordance with generally accepted medical standards. 2978

(C) Division (B) of this section applies to all coverages and 2979
terms and conditions of the plan of health coverage, including, 2980

but not limited to, coverage of inpatient hospital services, 2981
outpatient services, and medication; maximum lifetime benefits; 2982
copayments; and individual and family deductibles. 2983

(D) This section does not apply to a plan of health coverage 2984
if federal law supersedes, preempts, prohibits, or otherwise 2985
precludes its application to such plans. This section does not 2986
apply to long-term care, hospital indemnity, disability income, or 2987
medicare supplement plans of health coverage, or to any other 2988
supplemental benefit plans of health coverage. 2989

(E) Nothing in this section shall be construed as prohibiting 2990
an employer from taking any of the following actions in connection 2991
with a plan of health coverage: 2992

(1) Negotiating separately with mental health care providers 2993
with regard to reimbursement rates and the delivery of health care 2994
services; 2995

(2) Managing the provision of benefits for the diagnosis or 2996
treatment of biologically based mental illnesses through the use 2997
of pre-admission screening, by requiring beneficiaries to obtain 2998
authorization prior to treatment, or through the use of any other 2999
mechanism designed to limit coverage to that treatment determined 3000
to be necessary; 3001

(3) Enforcing the terms and conditions of a plan of health 3002
coverage. 3003

(F) An employer that offers a plan of health coverage is not 3004
required to provide benefits for the diagnosis and treatment of 3005
biologically based mental illnesses in combination with benefits 3006
for the treatment and diagnosis of all other physical diseases and 3007
disorders as described in division (B) of this section if both of 3008
the following apply: 3009

(1) The employer submits documentation certified by an 3010
independent member of the American academy of actuaries to the 3011

superintendent of insurance showing that incurred claims for 3012
diagnostic and treatment services for biologically based mental 3013
illnesses for a period of at least six months independently caused 3014
the employer's costs for claims and administrative expenses for 3015
the coverage of all other physical diseases and disorders to 3016
increase by more than one per cent per year. 3017

(2) The superintendent of insurance determines from the 3018
documentation and opinion submitted pursuant to division (F) of 3019
this section, that incurred claims for diagnostic and treatment 3020
services for biologically based mental illnesses for a period of 3021
at least six months independently caused the employer's costs for 3022
claims and administrative expenses for the coverage of all other 3023
physical diseases and disorders to increase by more than one per 3024
cent per year. 3025

Any determination made by the superintendent under this 3026
division is subject to Chapter 119. of the Revised Code. 3027

Sec. 3923.29. (A)(1) Every policy of group sickness and 3028
accident insurance providing hospital, surgical, or medical 3029
expense coverage for other than specific diseases or accidents 3030
only, and delivered, issued for delivery, or renewed in this state 3031
on or after January 1, 1979, shall provide for each eligible 3032
person under the policy who resides in this state, outpatient, 3033
inpatient, and intermediate primary care benefits for alcoholism 3034
that are at least equal to five hundred fifty dollars in any 3035
calendar year or twelve-month period. ~~The~~ 3036

(2) The services shall be legally performed by or under the 3037
clinical supervision of a ~~licensed physician or a licensed~~ 3038
~~psychologist, whether~~ any of the following: 3039

(a) A physician authorized under Chapter 4731. of the Revised 3040
Code to practice medicine and surgery or osteopathic medicine and 3041
surgery; 3042

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| <u>(b) A psychologist licensed under Chapter 4732. of the</u> | 3043 |
| <u>Revised Code;</u> | 3044 |
| <u>(c) A licensed professional clinical counselor, licensed</u> | 3045 |
| <u>professional counselor, independent social worker, or independent</u> | 3046 |
| <u>marriage and family therapist licensed under Chapter 4757. of the</u> | 3047 |
| <u>Revised Code whose practice includes chemical dependency</u> | 3048 |
| <u>counseling;</u> | 3049 |
| <u>(d) An independent chemical dependency counselor licensed</u> | 3050 |
| <u>under Chapter 4758. of the Revised Code;</u> | 3051 |
| <u>(e) A clinical nurse specialist or certified nurse</u> | 3052 |
| <u>practitioner licensed under Chapter 4723. of the Revised Code</u> | 3053 |
| <u>whose nursing specialty is mental health.</u> | 3054 |
| <u>(3) The services may be performed in an office, in a</u> | 3055 |
| <u>hospital, in a community mental health facility, or in an</u> | 3056 |
| <u>alcoholism treatment facility so long as the hospital, community</u> | 3057 |
| <u>mental health facility, or alcoholism treatment facility is</u> | 3058 |
| <u>approved by the joint commission on accreditation of hospitals,</u> | 3059 |
| <u>the council on accreditation, or the commission on accreditation</u> | 3060 |
| <u>of rehabilitation facilities or certified by the department of</u> | 3061 |
| <u>mental health and addiction services.</u> | 3062 |
| (B) The benefits mandated by division (A) of this section | 3063 |
| shall be subject to reasonable contract limitations and may be | 3064 |
| subject to reasonable deductibles and co-insurance costs. Persons | 3065 |
| entitled to such benefit under more than one service or insurance | 3066 |
| contract may be limited to a single five hundred fifty dollar | 3067 |
| benefit for services under all contracts. | 3068 |
| (C) For an eligible person, who receives treatment for | 3069 |
| alcoholism from an approved or certified alcoholism treatment | 3070 |
| facility, to remain entitled to the benefits mandated by division | 3071 |
| (A) of this section, a licensed physician or a licensed | 3072 |
| psychologist <u>health care professional identified in division</u> | 3073 |

(A)(2) of this section shall every three months certify that such 3074
person needs to continue utilizing such treatment. 3075

(D) In order to qualify for participation under division (A) 3076
of this section, every facility specified in such division shall 3077
have in effect a plan for utilization review and a plan for peer 3078
review and every person specified in such division shall have in 3079
effect a plan for peer review. Such plans shall have the purpose 3080
of ensuring high quality patient care and effective and efficient 3081
utilization of available health facilities and services. Such 3082
person or facility shall also have in effect a program of 3083
rehabilitation or a program of rehabilitation and detoxification. 3084

(E) Nothing in this section shall be construed to require an 3085
insurer to pay benefits which are greater than usual, customary, 3086
and reasonable. 3087

Sec. 3923.30. Every person, the state and any of its 3088
instrumentalities, any county, township, school district, or other 3089
political subdivisions and any of its instrumentalities, and any 3090
municipal corporation and any of its instrumentalities, which 3091
provides payment for health care benefits for any of its employees 3092
resident in this state, which benefits are not provided by 3093
contract with an insurer qualified to provide sickness and 3094
accident insurance, or a health insuring corporation, shall 3095
include the following benefits in its plan of health care benefits 3096
commencing on or after January 1, 1979: 3097

(A) If such plan of health care benefits provides payment for 3098
the treatment of mental or nervous disorders, then such plan shall 3099
provide benefits for services on an outpatient basis for each 3100
eligible employee and dependent for mental or emotional disorders, 3101
or for evaluations, that are at least equal to the following: 3102

(1) Payments not less than five hundred fifty dollars in a 3103
twelve-month period, for services legally performed by or under 3104

the clinical supervision of ~~a~~ any of the following: 3105

(a) A physician authorized under Chapter 4731. of the Revised 3106
Code to practice medicine and surgery or osteopathic medicine and 3107
surgery; ~~a~~ 3108

(b) A psychologist licensed under Chapter 4732. of the 3109
Revised Code; ~~a~~ 3110

(c) A licensed professional clinical counselor, licensed 3111
professional counselor, ~~or~~ independent social worker, or 3112
independent marriage and family therapist licensed under Chapter 3113
4757. of the Revised Code; ~~or a~~ 3114

(d) An independent chemical dependency counselor licensed 3115
under Chapter 4758. of the Revised Code; 3116

(e) A clinical nurse specialist or certified nurse 3117
practitioner licensed under Chapter 4723. of the Revised Code 3118
whose nursing specialty is mental health, ~~whether.~~ 3119

The services may be performed in an office, in a hospital, ~~or~~ 3120
in a community mental health facility, or in an alcoholism 3121
treatment facility so long as the hospital ~~or,~~ community mental 3122
health facility, or alcoholism treatment facility is approved by 3123
the joint commission ~~on accreditation of healthcare organizations,~~ 3124
the council on accreditation ~~for children and family services,~~ 3125
the commission on accreditation of rehabilitation accreditation 3126
~~commission~~ facilities or certified by the department of mental 3127
health and addiction services; 3128

(2) Such benefit shall be subject to reasonable limitations, 3129
and may be subject to reasonable deductibles and co-insurance 3130
costs. 3131

(3) In order to qualify for participation under this 3132
division, every facility specified in this division shall have in 3133
effect a plan for utilization review and a plan for peer review 3134

and every person specified in this division shall have in effect a 3135
plan for peer review. Such plans shall have the purpose of 3136
ensuring high quality patient care and effective and efficient 3137
utilization of available health facilities and services. 3138

(4) Such payment for benefits shall not be greater than 3139
usual, customary, and reasonable. 3140

(5)(a) Services performed by or under the clinical 3141
supervision of a health care professional identified in division 3142
(A)(1) of this section, in order to be reimbursable under the 3143
coverage required in division (A) of this section, shall meet both 3144
of the following requirements: 3145

(i) The services shall be performed in accordance with a 3146
treatment plan that describes the expected duration, frequency, 3147
and type of services to be performed; 3148

(ii) The plan shall be reviewed and approved by the health 3149
care professional every three months. 3150

(b) Payment of benefits for services reimbursable under 3151
division (A)(5)(a) of the section shall not be restricted to 3152
services described in the treatment plan or conditioned upon 3153
standards of a licensed physician or licensed psychologist, which 3154
at least equal the requirements of division (A)(5)(a) of this 3155
section. 3156

(B) Payment for benefits for alcoholism treatment for 3157
outpatient, inpatient, and intermediate primary care for each 3158
eligible employee and dependent that are at least equal to the 3159
following: 3160

(1) Payments not less than five hundred fifty dollars in a 3161
twelve-month period for services legally performed by or under the 3162
clinical supervision of a health care professional identified in 3163
division (A)(1) of this section, whether performed in an office, 3164
~~or~~ in a hospital ~~or~~, in a community mental health facility, or in 3165

an alcoholism treatment facility so long as the hospital, 3166
community mental health facility, or alcoholism treatment facility 3167
is approved by the joint commission ~~on accreditation of hospitals,~~ 3168
the council on accreditation, or the commission on accreditation 3169
of rehabilitation facilities or certified by the department of 3170
mental health and addiction services; 3171

(2) The benefits provided under this division shall be 3172
subject to reasonable limitations and may be subject to reasonable 3173
deductibles and co-insurance costs. 3174

(3) A health care professional shall every three months 3175
certify a patient's need for continued services performed by such 3176
facilities. 3177

(4) In order to qualify for participation under this 3178
division, every facility specified in this division shall have in 3179
effect a plan for utilization review and a plan for peer review 3180
and every person specified in this division shall have in effect a 3181
plan for peer review. Such plans shall have the purpose of 3182
ensuring high quality patient care and efficient utilization of 3183
available health facilities and services. Such person or 3184
facilities shall also have in effect a program of rehabilitation 3185
or a program of rehabilitation and detoxification. 3186

(5) Nothing in this section shall be construed to require 3187
reimbursement for benefits which is greater than usual, customary, 3188
and reasonable. 3189

(C) The benefits provided by division (A) of this section for 3190
mental and emotional disorders shall not be reduced by the cost of 3191
benefits provided pursuant to section 3923.282 of the Revised Code 3192
for diagnostic and treatment services for biologically based 3193
mental illness. This section does not apply to benefits for 3194
diagnostic and treatment services for biologically based mental 3195
illnesses. 3196

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| Sec. 3963.01. As used in this chapter: | 3197 |
| (A) "Affiliate" means any person or entity that has ownership or control of a contracting entity, is owned or controlled by a contracting entity, or is under common ownership or control with a contracting entity. | 3198 3199 3200 3201 |
| (B) "Basic health care services" has the same meaning as in division (A) of section 1751.01 of the Revised Code, except that it does not include any services listed in that division that are provided by a pharmacist or nursing home. | 3202 3203 3204 3205 |
| (C) "Contracting entity" means any person that has a primary business purpose of contracting with participating providers for the delivery of health care services. | 3206 3207 3208 |
| (D) "Credentialing" means the process of assessing and validating the qualifications of a provider applying to be approved by a contracting entity to provide basic health care services, specialty health care services, or supplemental health care services to enrollees. | 3209 3210 3211 3212 3213 |
| (E) "Edit" means adjusting one or more procedure codes billed by a participating provider on a claim for payment or a practice that results in any of the following: | 3214 3215 3216 |
| (1) Payment for some, but not all of the procedure codes originally billed by a participating provider; | 3217 3218 |
| (2) Payment for a different procedure code than the procedure code originally billed by a participating provider; | 3219 3220 |
| (3) A reduced payment as a result of services provided to an enrollee that are claimed under more than one procedure code on the same service date. | 3221 3222 3223 |
| (F) "Electronic claims transport" means to accept and digitize claims or to accept claims already digitized, to place those claims into a format that complies with the electronic | 3224 3225 3226 |

transaction standards issued by the United States department of 3227
health and human services pursuant to the "Health Insurance 3228
Portability and Accountability Act of 1996," 110 Stat. 1955, 42 3229
U.S.C. 1320d, et seq., as those electronic standards are 3230
applicable to the parties and as those electronic standards are 3231
updated from time to time, and to electronically transmit those 3232
claims to the appropriate contracting entity, payer, or 3233
third-party administrator. 3234

(G) "Enrollee" means any person eligible for health care 3235
benefits under a health benefit plan, including an eligible 3236
recipient of medicaid, and includes all of the following terms: 3237

(1) "Enrollee" and "subscriber" as defined by section 1751.01 3238
of the Revised Code; 3239

(2) "Member" as defined by section 1739.01 of the Revised 3240
Code; 3241

(3) "Insured" and "plan member" pursuant to Chapter 3923. of 3242
the Revised Code; 3243

(4) "Beneficiary" as defined by section 3901.38 of the 3244
Revised Code. 3245

(H) "Health care contract" means a contract entered into, 3246
materially amended, or renewed between a contracting entity and a 3247
participating provider for the delivery of basic health care 3248
services, specialty health care services, or supplemental health 3249
care services to enrollees. 3250

(I) "Health care services" means basic health care services, 3251
specialty health care services, and supplemental health care 3252
services. 3253

(J) "Material amendment" means an amendment to a health care 3254
contract that decreases the participating provider's payment or 3255
compensation, changes the administrative procedures in a way that 3256

may reasonably be expected to significantly increase the 3257
provider's administrative expenses, or adds a new product. A 3258
material amendment does not include any of the following: 3259

(1) A decrease in payment or compensation resulting solely 3260
from a change in a published fee schedule upon which the payment 3261
or compensation is based and the date of applicability is clearly 3262
identified in the contract; 3263

(2) A decrease in payment or compensation that was 3264
anticipated under the terms of the contract, if the amount and 3265
date of applicability of the decrease is clearly identified in the 3266
contract; 3267

(3) An administrative change that may significantly increase 3268
the provider's administrative expense, the specific applicability 3269
of which is clearly identified in the contract; 3270

(4) Changes to an existing prior authorization, 3271
precertification, notification, or referral program that do not 3272
substantially increase the provider's administrative expense; 3273

(5) Changes to an edit program or to specific edits if the 3274
participating provider is provided notice of the changes pursuant 3275
to division (A)(1) of section 3963.04 of the Revised Code and the 3276
notice includes information sufficient for the provider to 3277
determine the effect of the change; 3278

(6) Changes to a health care contract described in division 3279
(B) of section 3963.04 of the Revised Code. 3280

(K) "Participating provider" means a provider that has a 3281
health care contract with a contracting entity and is entitled to 3282
reimbursement for health care services rendered to an enrollee 3283
under the health care contract. 3284

(L) "Payer" means any person that assumes the financial risk 3285
for the payment of claims under a health care contract or the 3286

reimbursement for health care services provided to enrollees by 3287
participating providers pursuant to a health care contract. 3288

(M) "Primary enrollee" means a person who is responsible for 3289
making payments for participation in a health care plan or an 3290
enrollee whose employment or other status is the basis of 3291
eligibility for enrollment in a health care plan. 3292

(N) "Procedure codes" includes the American medical 3293
association's current procedural terminology code, the American 3294
dental association's current dental terminology, and the centers 3295
for medicare and medicaid services health care common procedure 3296
coding system. 3297

(O) "Product" means one of the following types of categories 3298
of coverage for which a participating provider may be obligated to 3299
provide health care services pursuant to a health care contract: 3300

(1) A health maintenance organization or other product 3301
provided by a health insuring corporation; 3302

(2) A preferred provider organization; 3303

(3) Medicare; 3304

(4) Medicaid; 3305

(5) Workers' compensation. 3306

(P) "Provider" means a physician, podiatrist, dentist, 3307
chiropractor, optometrist, psychologist, physician assistant, 3308
advanced practice registered nurse, occupational therapist, 3309
massage therapist, physical therapist, licensed professional 3310
counselor, licensed professional clinical counselor, hearing aid 3311
dealer, orthotist, prosthetist, home health agency, hospice care 3312
program, pediatric respite care program, or hospital, or a 3313
provider organization or physician-hospital organization that is 3314
acting exclusively as an administrator on behalf of a provider to 3315
facilitate the provider's participation in health care contracts. 3316

"Provider" does not mean a pharmacist, pharmacy, nursing home, or 3317
a provider organization or physician-hospital organization that 3318
leases the provider organization's or physician-hospital 3319
organization's network to a third party or contracts directly with 3320
employers or health and welfare funds. 3321

(Q) "Specialty health care services" has the same meaning as 3322
in section 1751.01 of the Revised Code, except that it does not 3323
include any services listed in division (B) of section 1751.01 of 3324
the Revised Code that are provided by a pharmacist or a nursing 3325
home. 3326

(R) "Supplemental health care services" has the same meaning 3327
as in division (B) of section 1751.01 of the Revised Code, except 3328
that it does not include any services listed in that division that 3329
are provided by a pharmacist or nursing home. 3330

Sec. 4723.16. (A) An individual whom the board of nursing 3331
licenses, certificates, or otherwise legally authorizes to engage 3332
in the practice of nursing as a registered nurse or as a licensed 3333
practical nurse may render the professional services of a 3334
registered or licensed practical nurse within this state through a 3335
corporation formed under division (B) of section 1701.03 of the 3336
Revised Code, a limited liability company formed under Chapter 3337
1705. of the Revised Code, a partnership, or a professional 3338
association formed under Chapter 1785. of the Revised Code. This 3339
division does not preclude an individual of that nature from 3340
rendering professional services as a registered or licensed 3341
practical nurse through another form of business entity, 3342
including, but not limited to, a nonprofit corporation or 3343
foundation, or in another manner that is authorized by or in 3344
accordance with this chapter, another chapter of the Revised Code, 3345
or rules of the board of nursing adopted pursuant to this chapter. 3346

(B) A corporation, limited liability company, partnership, or 3347

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| professional association described in division (A) of this section | 3348 |
| may be formed for the purpose of providing a combination of the | 3349 |
| professional services of the following individuals who are | 3350 |
| licensed, certificated, or otherwise legally authorized to | 3351 |
| practice their respective professions: | 3352 |
| (1) Optometrists who are authorized to practice optometry | 3353 |
| under Chapter 4725. of the Revised Code; | 3354 |
| (2) Chiropractors who are authorized to practice chiropractic | 3355 |
| or acupuncture under Chapter 4734. of the Revised Code; | 3356 |
| (3) Psychologists who are authorized to practice psychology | 3357 |
| under Chapter 4732. of the Revised Code; | 3358 |
| (4) Registered or licensed practical nurses who are | 3359 |
| authorized to practice nursing as registered nurses or as licensed | 3360 |
| practical nurses under this chapter; | 3361 |
| (5) Pharmacists who are authorized to practice pharmacy under | 3362 |
| Chapter 4729. of the Revised Code; | 3363 |
| (6) Physical therapists who are authorized to practice | 3364 |
| physical therapy under sections 4755.40 to 4755.56 of the Revised | 3365 |
| Code; | 3366 |
| (7) Occupational therapists who are licensed to practice | 3367 |
| occupational therapy under sections 4755.04 to 4755.13 of the | 3368 |
| Revised Code; | 3369 |
| (8) Mechanotherapists who are authorized to practice | 3370 |
| mechanotherapy under section 4731.151 of the Revised Code; | 3371 |
| (9) Doctors of medicine and surgery, osteopathic medicine and | 3372 |
| surgery, or podiatric medicine and surgery who are licensed, | 3373 |
| certificated, or otherwise legally authorized for their respective | 3374 |
| practices under Chapter 4731. of the Revised Code; | 3375 |
| <u>(10) Licensed professional clinical counselors, licensed</u> | 3376 |
| <u>professional counselors, independent social workers, social</u> | 3377 |

workers, independent marriage and family therapists, or marriage 3378
and family therapists who are authorized for their respective 3379
practices under Chapter 4757. of the Revised Code. 3380

This division shall apply notwithstanding a provision of a 3381
code of ethics applicable to a nurse that prohibits a registered 3382
or licensed practical nurse from engaging in the practice of 3383
nursing as a registered nurse or as a licensed practical nurse in 3384
combination with a person who is licensed, certificated, or 3385
otherwise legally authorized to practice optometry, chiropractic, 3386
acupuncture through the state chiropractic board, psychology, 3387
pharmacy, physical therapy, occupational therapy, mechanotherapy, 3388
medicine and surgery, osteopathic medicine and surgery, ~~or~~ 3389
podiatric medicine and surgery, professional counseling, social 3390
work, or marriage and family therapy, but who is not also 3391
licensed, certificated, or otherwise legally authorized to engage 3392
in the practice of nursing as a registered nurse or as a licensed 3393
practical nurse. 3394

Sec. 4725.33. (A) An individual whom the state board of 3395
optometry licenses to engage in the practice of optometry may 3396
render the professional services of an optometrist within this 3397
state through a corporation formed under division (B) of section 3398
1701.03 of the Revised Code, a limited liability company formed 3399
under Chapter 1705. of the Revised Code, a partnership, or a 3400
professional association formed under Chapter 1785. of the Revised 3401
Code. This division does not preclude an optometrist from 3402
rendering professional services as an optometrist through another 3403
form of business entity, including, but not limited to, a 3404
nonprofit corporation or foundation, or in another manner that is 3405
authorized by or in accordance with this chapter, another chapter 3406
of the Revised Code, or rules of the state board of optometry 3407
adopted pursuant to this chapter. 3408

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

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

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

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

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

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

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

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

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

~~(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;

(10) Licensed professional clinical counselors, licensed

professional counselors, independent social workers, social 3439
workers, independent marriage and family therapists, or marriage 3440
and family therapists who are authorized for their respective 3441
practices under Chapter 4757. of the Revised Code. 3442

This division shall apply notwithstanding a provision of a 3443
code of ethics applicable to an optometrist that prohibits an 3444
optometrist from engaging in the practice of optometry in 3445
combination with a person who is licensed, certificated, or 3446
otherwise legally authorized to practice chiropractic, acupuncture 3447
through the state chiropractic board, psychology, nursing, 3448
pharmacy, physical therapy, occupational therapy, mechanotherapy, 3449
medicine and surgery, osteopathic medicine and surgery, ~~or~~ 3450
podiatric medicine and surgery, professional counseling, social 3451
work, or marriage and family therapy, but who is not also 3452
licensed, certificated, or otherwise legally authorized to engage 3453
in the practice of optometry. 3454

Sec. 4729.161. (A) An individual registered with the state 3455
board of pharmacy to engage in the practice of pharmacy may render 3456
the professional services of a pharmacist within this state 3457
through a corporation formed under division (B) of section 1701.03 3458
of the Revised Code, a limited liability company formed under 3459
Chapter 1705. of the Revised Code, a partnership, or a 3460
professional association formed under Chapter 1785. of the Revised 3461
Code. This division does not preclude an individual of that nature 3462
from rendering professional services as a pharmacist through 3463
another form of business entity, including, but not limited to, a 3464
nonprofit corporation or foundation, or in another manner that is 3465
authorized by or in accordance with this chapter, another chapter 3466
of the Revised Code, or rules of the state board of pharmacy 3467
adopted pursuant to this chapter. 3468

(B) A corporation, limited liability company, partnership, or 3469

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| professional association described in division (A) of this section | 3470 |
| may be formed for the purpose of providing a combination of the | 3471 |
| professional services of the following individuals who are | 3472 |
| licensed, certificated, or otherwise legally authorized to | 3473 |
| practice their respective professions: | 3474 |
| (1) Optometrists who are authorized to practice optometry | 3475 |
| under Chapter 4725. of the Revised Code; | 3476 |
| (2) Chiropractors who are authorized to practice chiropractic | 3477 |
| or acupuncture under Chapter 4734. of the Revised Code; | 3478 |
| (3) Psychologists who are authorized to practice psychology | 3479 |
| under Chapter 4732. of the Revised Code; | 3480 |
| (4) Registered or licensed practical nurses who are | 3481 |
| authorized to practice nursing as registered nurses or as licensed | 3482 |
| practical nurses under Chapter 4723. of the Revised Code; | 3483 |
| (5) Pharmacists who are authorized to practice pharmacy under | 3484 |
| Chapter 4729. of the Revised Code; | 3485 |
| (6) Physical therapists who are authorized to practice | 3486 |
| physical therapy under sections 4755.40 to 4755.56 of the Revised | 3487 |
| Code; | 3488 |
| (7) Occupational therapists who are authorized to practice | 3489 |
| occupational therapy under sections 4755.04 to 4755.13 of the | 3490 |
| Revised Code; | 3491 |
| (8) Mechanotherapists who are authorized to practice | 3492 |
| mechanotherapy under section 4731.151 of the Revised Code; | 3493 |
| (9) Doctors of medicine and surgery, osteopathic medicine and | 3494 |
| surgery, or podiatric medicine and surgery who are authorized for | 3495 |
| their respective practices under Chapter 4731. of the Revised | 3496 |
| Code; | 3497 |
| <u>(10) Licensed professional clinical counselors, licensed</u> | 3498 |
| <u>professional counselors, independent social workers, social</u> | 3499 |

workers, independent marriage and family therapists, or marriage 3500
and family therapists who are authorized for their respective 3501
practices under Chapter 4757. of the Revised Code. 3502

This division shall apply notwithstanding a provision of a 3503
code of ethics applicable to a pharmacist that prohibits a 3504
pharmacist from engaging in the practice of pharmacy in 3505
combination with a person who is licensed, certificated, or 3506
otherwise legally authorized to practice optometry, chiropractic, 3507
acupuncture through the state chiropractic board, psychology, 3508
nursing, physical therapy, occupational therapy, mechanotherapy, 3509
medicine and surgery, osteopathic medicine and surgery, ~~or~~ 3510
podiatric medicine and surgery, professional counseling, social 3511
work, or marriage and family therapy, but who is not also 3512
licensed, certificated, or otherwise legally authorized to engage 3513
in the practice of pharmacy. 3514

Sec. 4731.226. (A)(1) An individual whom the state medical 3515
board licenses, certificates, or otherwise legally authorizes to 3516
engage in the practice of medicine and surgery, osteopathic 3517
medicine and surgery, or podiatric medicine and surgery may render 3518
the professional services of a doctor of medicine and surgery, 3519
osteopathic medicine and surgery, or podiatric medicine and 3520
surgery within this state through a corporation formed under 3521
division (B) of section 1701.03 of the Revised Code, a limited 3522
liability company formed under Chapter 1705. of the Revised Code, 3523
a partnership, or a professional association formed under Chapter 3524
1785. of the Revised Code. Division (A)(1) of this section does 3525
not preclude an individual of that nature from rendering 3526
professional services as a doctor of medicine and surgery, 3527
osteopathic medicine and surgery, or podiatric medicine and 3528
surgery through another form of business entity, including, but 3529
not limited to, a nonprofit corporation or foundation, or in 3530
another manner that is authorized by or in accordance with this 3531

chapter, another chapter of the Revised Code, or rules of the 3532
state medical board adopted pursuant to this chapter. 3533

(2) An individual whom the state medical board authorizes to 3534
engage in the practice of mechanotherapy may render the 3535
professional services of a mechanotherapist within this state 3536
through a corporation formed under division (B) of section 1701.03 3537
of the Revised Code, a limited liability company formed under 3538
Chapter 1705. of the Revised Code, a partnership, or a 3539
professional association formed under Chapter 1785. of the Revised 3540
Code. Division (A)(2) of this section does not preclude an 3541
individual of that nature from rendering professional services as 3542
a mechanotherapist through another form of business entity, 3543
including, but not limited to, a nonprofit corporation or 3544
foundation, or in another manner that is authorized by or in 3545
accordance with this chapter, another chapter of the Revised Code, 3546
or rules of the state medical board adopted pursuant to this 3547
chapter. 3548

(B) A corporation, limited liability company, partnership, or 3549
professional association described in division (A) of this section 3550
may be formed for the purpose of providing a combination of the 3551
professional services of the following individuals who are 3552
licensed, certificated, or otherwise legally authorized to 3553
practice their respective professions: 3554

(1) Optometrists who are authorized to practice optometry 3555
under Chapter 4725. of the Revised Code; 3556

(2) Chiropractors who are authorized to practice chiropractic 3557
or acupuncture under Chapter 4734. of the Revised Code; 3558

(3) Psychologists who are authorized to practice psychology 3559
under Chapter 4732. of the Revised Code; 3560

(4) Registered or licensed practical nurses who are 3561
authorized to practice nursing as registered nurses or as licensed 3562

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| practical nurses under Chapter 4723. of the Revised Code; | 3563 |
| (5) Pharmacists who are authorized to practice pharmacy under Chapter 4729. of the Revised Code; | 3564 3565 |
| (6) Physical therapists who are authorized to practice physical therapy under sections 4755.40 to 4755.56 of the Revised Code; | 3566 3567 3568 |
| (7) Occupational therapists who are authorized to practice occupational therapy under sections 4755.04 to 4755.13 of the Revised Code; | 3569 3570 3571 |
| (8) Mechanotherapists who are authorized to practice mechanotherapy under section 4731.151 of the Revised Code; | 3572 3573 |
| (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; | 3574 3575 3576 |
| <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> | 3577 3578 3579 3580 3581 |
| (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: | 3582 3583 3584 3585 |
| (1) A doctor of medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery from engaging in the doctor's authorized practice in combination with a person who is licensed, certificated, or otherwise legally authorized to engage in the practice of optometry, chiropractic, acupuncture through the state chiropractic board, psychology, nursing, pharmacy, physical therapy, occupational therapy, or | 3586 3587 3588 3589 3590 3591 3592 |

mechanotherapy, professional counseling, social work, or marriage 3593
and family therapy, but who is not also licensed, certificated, or 3594
otherwise legally authorized to practice medicine and surgery, 3595
osteopathic medicine and surgery, or podiatric medicine and 3596
surgery. 3597

(2) A mechanotherapist from engaging in the practice of 3598
mechanotherapy in combination with a person who is licensed, 3599
certificated, or otherwise legally authorized to engage in the 3600
practice of optometry, chiropractic, acupuncture through the state 3601
chiropractic board, psychology, nursing, pharmacy, physical 3602
therapy, occupational therapy, medicine and surgery, osteopathic 3603
medicine and surgery, ~~or~~ podiatric medicine and surgery, 3604
professional counseling, social work, or marriage and family 3605
therapy, but who is not also licensed, certificated, or otherwise 3606
legally authorized to engage in the practice of mechanotherapy. 3607

Sec. 4731.65. As used in sections 4731.65 to 4731.71 of the 3608
Revised Code: 3609

(A)(1) "Clinical laboratory services" means either of the 3610
following: 3611

(a) Any examination of materials derived from the human body 3612
for the purpose of providing information for the diagnosis, 3613
prevention, or treatment of any disease or impairment or for the 3614
assessment of health; 3615

(b) Procedures to determine, measure, or otherwise describe 3616
the presence or absence of various substances or organisms in the 3617
body. 3618

(2) "Clinical laboratory services" does not include the mere 3619
collection or preparation of specimens. 3620

(B) "Designated health services" means any of the following: 3621

(1) Clinical laboratory services; 3622

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| (2) Home health care services; | 3623 |
| (3) Outpatient prescription drugs. | 3624 |
| (C) "Fair market value" means the value in arms-length transactions, consistent with general market value and: | 3625 3626 |
| (1) With respect to rentals or leases, the value of rental property for general commercial purposes, not taking into account its intended use; | 3627 3628 3629 |
| (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. | 3630 3631 3632 3633 |
| (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, health care coverage for public employees, health care benefits administered by the bureau of workers' compensation, and the medicaid program. | 3634 3635 3636 3637 3638 3639 |
| (E)(1) "Group practice" means a group of two or more holders of certificates under this chapter legally organized as a partnership, professional corporation or association, limited liability company, foundation, nonprofit corporation, faculty practice plan, or similar group practice entity, including an organization comprised of a nonprofit medical clinic that contracts with a professional corporation or association of physicians to provide medical services exclusively to patients of the clinic in order to comply with section 1701.03 of the Revised Code and including a corporation, limited liability company, partnership, or professional association described in division (B) of section 4731.226 of the Revised Code formed for the purpose of providing a combination of the professional services of optometrists who are licensed, certificated, or otherwise legally | 3640 3641 3642 3643 3644 3645 3646 3647 3648 3649 3650 3651 3652 3653 |

authorized to practice optometry under Chapter 4725. of the 3654
Revised Code, chiropractors who are licensed, certificated, or 3655
otherwise legally authorized to practice chiropractic or 3656
acupuncture under Chapter 4734. of the Revised Code, psychologists 3657
who are licensed, certificated, or otherwise legally authorized to 3658
practice psychology under Chapter 4732. of the Revised Code, 3659
registered or licensed practical nurses who are licensed, 3660
certificated, or otherwise legally authorized to practice nursing 3661
under Chapter 4723. of the Revised Code, pharmacists who are 3662
licensed, certificated, or otherwise legally authorized to 3663
practice pharmacy under Chapter 4729. of the Revised Code, 3664
physical therapists who are licensed, certificated, or otherwise 3665
legally authorized to practice physical therapy under sections 3666
4755.40 to 4755.56 of the Revised Code, occupational therapists 3667
who are licensed, certificated, or otherwise legally authorized to 3668
practice occupational therapy under sections 4755.04 to 4755.13 of 3669
the Revised Code, mechanotherapists who are licensed, 3670
certificated, or otherwise legally authorized to practice 3671
mechanotherapy under section 4731.151 of the Revised Code, and 3672
doctors of medicine and surgery, osteopathic medicine and surgery, 3673
or podiatric medicine and surgery who are licensed, certificated, 3674
or otherwise legally authorized for their respective practices 3675
under this chapter, and licensed professional clinical counselors, 3676
licensed professional counselors, independent social workers, 3677
social workers, independent marriage and family therapists, or 3678
marriage and family therapists who are licensed, certificated, or 3679
otherwise legally authorized for their respective practices under 3680
Chapter 4757. of the Revised Code to which all of the following 3681
apply: 3682

(a) Each physician who is a member of the group practice 3683
provides substantially the full range of services that the 3684
physician routinely provides, including medical care, 3685
consultation, diagnosis, or treatment, through the joint use of 3686

shared office space, facilities, equipment, and personnel. 3687

(b) Substantially all of the services of the members of the 3688
group are provided through the group and are billed in the name of 3689
the group and amounts so received are treated as receipts of the 3690
group. 3691

(c) The overhead expenses of and the income from the practice 3692
are distributed in accordance with methods previously determined 3693
by members of the group. 3694

(d) The group practice meets any other requirements that the 3695
state medical board applies in rules adopted under section 4731.70 3696
of the Revised Code. 3697

(2) In the case of a faculty practice plan associated with a 3698
hospital with a medical residency training program in which 3699
physician members may provide a variety of specialty services and 3700
provide professional services both within and outside the group, 3701
as well as perform other tasks such as research, the criteria in 3702
division (E)(1) of this section apply only with respect to 3703
services rendered within the faculty practice plan. 3704

(F) "Home health care services" and "immediate family" have 3705
the same meanings as in the rules adopted under section 4731.70 of 3706
the Revised Code. 3707

(G) "Hospital" has the same meaning as in section 3727.01 of 3708
the Revised Code. 3709

(H) A "referral" includes both of the following: 3710

(1) A request by a holder of a certificate under this chapter 3711
for an item or service, including a request for a consultation 3712
with another physician and any test or procedure ordered by or to 3713
be performed by or under the supervision of the other physician; 3714

(2) A request for or establishment of a plan of care by a 3715
certificate holder that includes the provision of designated 3716

health services. 3717

(I) "Third-party payer" has the same meaning as in section 3718
3901.38 of the Revised Code. 3719

Sec. 4732.28. (A) An individual whom the state board of 3720
psychology licenses, certificates, or otherwise legally authorizes 3721
to engage in the practice of psychology may render the 3722
professional services of a psychologist within this state through 3723
a corporation formed under division (B) of section 1701.03 of the 3724
Revised Code, a limited liability company formed under Chapter 3725
1705. of the Revised Code, a partnership, or a professional 3726
association formed under Chapter 1785. of the Revised Code. This 3727
division does not preclude an individual of that nature from 3728
rendering professional services as a psychologist through another 3729
form of business entity, including, but not limited to, a 3730
nonprofit corporation or foundation, or in another manner that is 3731
authorized by or in accordance with this chapter, another chapter 3732
of the Revised Code, or rules of the state board of psychology 3733
adopted pursuant to this chapter. 3734

(B) A corporation, limited liability company, partnership, or 3735
professional association described in division (A) of this section 3736
may be formed for the purpose of providing a combination of the 3737
professional services of the following individuals who are 3738
licensed, certificated, or otherwise legally authorized to 3739
practice their respective professions: 3740

(1) Optometrists who are authorized to practice optometry 3741
under Chapter 4725. of the Revised Code; 3742

(2) Chiropractors who are authorized to practice chiropractic 3743
or acupuncture under Chapter 4734. of the Revised Code; 3744

(3) Psychologists who are authorized to practice psychology 3745
under this chapter; 3746

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| (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; | 3747 3748 3749 |
| (5) Pharmacists who are authorized to practice pharmacy under Chapter 4729. of the Revised Code; | 3750 3751 |
| (6) Physical therapists who are authorized to practice physical therapy under sections 4755.40 to 4755.56 of the Revised Code; | 3752 3753 3754 |
| (7) Occupational therapists who are authorized to practice occupational therapy under sections 4755.04 to 4755.13 of the Revised Code; | 3755 3756 3757 |
| (8) Mechanotherapists who are authorized to practice mechanotherapy under section 4731.151 of the Revised Code; | 3758 3759 |
| (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; | 3760 3761 3762 3763 |
| <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> | 3764 3765 3766 3767 3768 |
| This division shall apply notwithstanding a provision of a code of ethics applicable to a psychologist that prohibits a psychologist from engaging in the practice of psychology in combination with a person who is licensed, certificated, or otherwise legally authorized to practice optometry, chiropractic, acupuncture through the state chiropractic board, nursing, pharmacy, physical therapy, occupational therapy, mechanotherapy, medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery, <u>professional counseling, social</u> | 3769 3770 3771 3772 3773 3774 3775 3776 3777 |

work, or marriage and family therapy, but who is not also 3778
licensed, certificated, or otherwise legally authorized to engage 3779
in the practice of psychology. 3780

Sec. 4734.17. (A) An individual whom the state chiropractic 3781
board licenses to engage in the practice of chiropractic or 3782
certifies to practice acupuncture may render the professional 3783
services of a chiropractor or chiropractor certified to practice 3784
acupuncture within this state through a corporation formed under 3785
division (B) of section 1701.03 of the Revised Code, a limited 3786
liability company formed under Chapter 1705. of the Revised Code, 3787
a partnership, or a professional association formed under Chapter 3788
1785. of the Revised Code. This division does not preclude a 3789
chiropractor from rendering professional services as a 3790
chiropractor or chiropractor certified to practice acupuncture 3791
through another form of business entity, including, but not 3792
limited to, a nonprofit corporation or foundation, or in another 3793
manner that is authorized by or in accordance with this chapter, 3794
another chapter of the Revised Code, or rules of the state 3795
chiropractic board adopted pursuant to this chapter. 3796

(B) A corporation, limited liability company, partnership, or 3797
professional association described in division (A) of this section 3798
may be formed for the purpose of providing a combination of the 3799
professional services of the following individuals who are 3800
licensed, certificated, or otherwise legally authorized to 3801
practice their respective professions: 3802

(1) Optometrists who are authorized to practice optometry, 3803
under Chapter 4725. of the Revised Code; 3804

(2) Chiropractors who are authorized to practice chiropractic 3805
or acupuncture under this chapter; 3806

(3) Psychologists who are authorized to practice psychology 3807
under Chapter 4732. of the Revised Code; 3808

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| (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; | 3809 3810 3811 |
| (5) Pharmacists who are authorized to practice pharmacy under Chapter 4729. of the Revised Code; | 3812 3813 |
| (6) Physical therapists who are authorized to practice physical therapy under sections 4755.40 to 4755.56 of the Revised Code; | 3814 3815 3816 |
| (7) Occupational therapists who are authorized to practice occupational therapy under sections 4755.04 to 4755.13 of the Revised Code; | 3817 3818 3819 |
| (8) Mechanotherapists who are authorized to practice mechanotherapy under section 4731.151 of the Revised Code; | 3820 3821 |
| (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; | 3822 3823 3824 3825 |
| <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> | 3826 3827 3828 3829 3830 |
| This division shall apply notwithstanding a provision of any code of ethics established or adopted under section 4734.16 of the Revised Code that prohibits an individual from engaging in the practice of chiropractic or acupuncture in combination with an individual who is licensed, certificated, or otherwise authorized for the practice of optometry, psychology, nursing, pharmacy, physical therapy, occupational therapy, mechanotherapy, medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery, <u>professional counseling, social work, or</u> | 3831 3832 3833 3834 3835 3836 3837 3838 3839 |

marriage and family therapy, but who is not also licensed under 3840
this chapter to engage in the practice of chiropractic. 3841

Sec. 4734.41. (A) As used in this section: 3842

(1) "Chemical dependency" means either of the following: 3843

(a) The chronic and habitual use of alcoholic beverages to 3844
the extent that the user no longer can control the use of alcohol 3845
or endangers the user's health, safety, or welfare or that of 3846
others; 3847

(b) The use of a controlled substance as defined in section 3848
3719.01 of the Revised Code, a harmful intoxicant as defined in 3849
section 2925.01 of the Revised Code, or a dangerous drug as 3850
defined in section 4729.01 of the Revised Code, to the extent that 3851
the user becomes physically or psychologically dependent on the 3852
substance, intoxicant, or drug or endangers the user's health, 3853
safety, or welfare or that of others. 3854

(2) "Mental illness" means a recognized psychiatric or 3855
psychological condition, disorder, or syndrome that has been 3856
diagnosed by a psychiatrist, psychologist, licensed professional 3857
clinical counselor, or independent social worker as a condition, 3858
disorder, or syndrome that may pose a danger to the person 3859
diagnosed or others or may prevent the person from practicing the 3860
person's profession according to acceptable and prevailing 3861
standards of care. 3862

(B) The state chiropractic board shall establish a chemical 3863
dependency and mental illness monitoring program. The program 3864
shall be made available to any individual under the board's 3865
jurisdiction who has a chemical dependency or mental illness and 3866
meets the board's eligibility requirements for admission to and 3867
continued participation in the program. The board shall develop 3868
the program and may designate a coordinator to administer it or 3869

enter into a contract for the program to be administered by 3870
another entity through a coordinator. The board shall adopt rules 3871
in accordance with Chapter 119. of the Revised Code that establish 3872
standards and procedure for operating the program. 3873

(C) Except as provided in division (D) of this section, all 3874
records of an individual's participation in the monitoring 3875
program, including medical records, chemical dependency records, 3876
and mental health records, shall be confidential, are not public 3877
records for the purposes of section 149.43 of the Revised Code, 3878
and are not subject to discovery by subpoena or admissible as 3879
evidence in any judicial proceeding. The program coordinator shall 3880
maintain all records as directed by the board. 3881

(D) The monitoring program's coordinator may disclose records 3882
or information regarding an individual's progress and status of 3883
participation in the program to the disciplinary section of the 3884
board and to any person or government entity that the program 3885
participant authorizes in writing to be given the records or 3886
information. 3887

In disclosing records or information under this division, the 3888
coordinator shall not include any record or information that is 3889
protected under section 5119.27 of the Revised Code or any federal 3890
statute or regulation that provides for the confidentiality of 3891
mental health or substance abuse records. 3892

(E) In the absence of fraud or bad faith, the monitoring 3893
program's coordinator, the board and the board's employees and 3894
representatives are not liable for damages in any civil action as 3895
a result of disclosing records or information in accordance with 3896
division (D) of this section. In the absence of fraud or bad 3897
faith, any person reporting to the program an individual's 3898
chemical dependency or mental illness, or the progress or lack of 3899
progress of that individual with regard to treatment, is not 3900
liable for damages in any civil action as a result of the report. 3901

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

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

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

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

Sec. 4755.111. (A) An individual whom the occupational therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers board licenses, certificates, or otherwise legally authorizes to engage in the practice of occupational therapy may render the professional services of an occupational therapist within this state through a corporation formed under division (B) of section 1701.03 of the Revised Code, a limited liability company formed under Chapter 1705. of the Revised Code, a partnership, or a professional association formed under Chapter 1785. of the Revised Code. This division does not preclude an individual of that nature from rendering professional services as an occupational therapist through another form of business entity, including, but not limited to, a nonprofit corporation or foundation, or in another manner that is authorized by or in accordance with sections 4755.04 to 4755.13 of the

Revised Code, another chapter of the Revised Code, or rules of the 3933
Ohio occupational therapy, physical therapy, and athletic trainers 3934
board adopted pursuant to sections 4755.04 to 4755.13 of the 3935
Revised Code. 3936

(B) A corporation, limited liability company, partnership, or 3937
professional association described in division (A) of this section 3938
may be formed for the purpose of providing a combination of the 3939
professional services of the following individuals who are 3940
licensed, certificated, or otherwise legally authorized to 3941
practice their respective professions: 3942

(1) Optometrists who are authorized to practice optometry 3943
under Chapter 4725. of the Revised Code; 3944

(2) Chiropractors who are authorized to practice chiropractic 3945
or acupuncture under Chapter 4734. of the Revised Code; 3946

(3) Psychologists who are authorized to practice psychology 3947
under Chapter 4732. of the Revised Code; 3948

(4) Registered or licensed practical nurses who are 3949
authorized to practice nursing as registered nurses or as licensed 3950
practical nurses under Chapter 4723. of the Revised Code; 3951

(5) Pharmacists who are authorized to practice pharmacy under 3952
Chapter 4729. of the Revised Code; 3953

(6) Physical therapists who are authorized to practice 3954
physical therapy under sections 4755.40 to 4755.56 of the Revised 3955
Code; 3956

(7) Occupational therapists who are authorized to practice 3957
occupational therapy under sections 4755.04 to 4755.13 of the 3958
Revised Code; 3959

(8) Mechanotherapists who are authorized to practice 3960
mechanotherapy under section 4731.151 of the Revised Code; 3961

(9) Doctors of medicine and surgery, osteopathic medicine and 3962

surgery, or podiatric medicine and surgery who are authorized for 3963
their respective practices under Chapter 4731. of the Revised 3964
Code; 3965

(10) Licensed professional clinical counselors, licensed 3966
professional counselors, independent social workers, social 3967
workers, independent marriage and family therapists, or marriage 3968
and family therapists who are authorized for their respective 3969
practices under Chapter 4757. of the Revised Code. 3970

This division shall apply notwithstanding a provision of a 3971
code of ethics applicable to an occupational therapist that 3972
prohibits an occupational therapist from engaging in the practice 3973
of occupational therapy in combination with a person who is 3974
licensed, certificated, or otherwise legally authorized to 3975
practice optometry, chiropractic, acupuncture through the state 3976
chiropractic board, psychology, nursing, pharmacy, physical 3977
therapy, mechanotherapy, medicine and surgery, osteopathic 3978
medicine and surgery, podiatric medicine and surgery, professional 3979
counseling, social work, or marriage and family therapy but who is 3980
not also licensed, certificated, or otherwise legally authorized 3981
to engage in the practice of occupational therapy. 3982

Sec. 4755.471. (A) An individual whom the physical therapy 3983
section of the Ohio occupational therapy, physical therapy, and 3984
athletic trainers board licenses, certificates, or otherwise 3985
legally authorizes to engage in the practice of physical therapy 3986
may render the professional services of a physical therapist 3987
within this state through a corporation formed under division (B) 3988
of section 1701.03 of the Revised Code, a limited liability 3989
company formed under Chapter 1705. of the Revised Code, a 3990
partnership, or a professional association formed under Chapter 3991
1785. of the Revised Code. This division does not preclude an 3992
individual of that nature from rendering professional services as 3993

a physical therapist through another form of business entity, 3994
including, but not limited to, a nonprofit corporation or 3995
foundation, or in another manner that is authorized by or in 3996
accordance with sections 4755.40 to 4755.53 of the Revised Code, 3997
another chapter of the Revised Code, or rules of the Ohio 3998
occupational therapy, physical therapy, and athletic trainers 3999
board adopted pursuant to sections 4755.40 to 4755.53 of the 4000
Revised Code. 4001

(B) A corporation, limited liability company, partnership, or 4002
professional association described in division (A) of this section 4003
may be formed for the purpose of providing a combination of the 4004
professional services of the following individuals who are 4005
licensed, certificated, or otherwise legally authorized to 4006
practice their respective professions: 4007

(1) Optometrists who are authorized to practice optometry 4008
under Chapter 4725. of the Revised Code; 4009

(2) Chiropractors who are authorized to practice chiropractic 4010
or acupuncture under Chapter 4734. of the Revised Code; 4011

(3) Psychologists who are authorized to practice psychology 4012
under Chapter 4732. of the Revised Code; 4013

(4) Registered or licensed practical nurses who are 4014
authorized to practice nursing as registered nurses or as licensed 4015
practical nurses under Chapter 4723. of the Revised Code; 4016

(5) Pharmacists who are authorized to practice pharmacy under 4017
Chapter 4729. of the Revised Code; 4018

(6) Physical therapists who are authorized to practice 4019
physical therapy under sections 4755.40 to 4755.56 of the Revised 4020
Code; 4021

(7) Occupational therapists who are authorized to practice 4022
occupational therapy under sections 4755.04 to 4755.13 of the 4023

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| <u>Revised Code;</u> | 4024 |
| (8) Mechanotherapists who are authorized to practice | 4025 |
| mechanotherapy under section 4731.151 of the Revised Code; | 4026 |
| (8) (9) Doctors of medicine and surgery, osteopathic medicine | 4027 |
| and surgery, or podiatric medicine and surgery who are authorized | 4028 |
| for their respective practices under Chapter 4731. of the Revised | 4029 |
| Code; | 4030 |
| (10) <u>Licensed professional clinical counselors, licensed</u> | 4031 |
| <u>professional counselors, independent social workers, social</u> | 4032 |
| <u>workers, independent marriage and family therapists, or marriage</u> | 4033 |
| <u>and family therapists who are authorized for their respective</u> | 4034 |
| <u>practices under Chapter 4757. of the Revised Code.</u> | 4035 |
| This division shall apply notwithstanding a provision of a | 4036 |
| code of ethics applicable to a physical therapist that prohibits a | 4037 |
| physical therapist from engaging in the practice of physical | 4038 |
| therapy in combination with a person who is licensed, | 4039 |
| certificated, or otherwise legally authorized to practice | 4040 |
| optometry, chiropractic, acupuncture through the state | 4041 |
| chiropractic board, psychology, nursing, pharmacy, <u>occupational</u> | 4042 |
| <u>therapy</u> , mechanotherapy, medicine and surgery, osteopathic | 4043 |
| medicine and surgery, or podiatric medicine and surgery, | 4044 |
| <u>professional counseling, social work, or marriage and family</u> | 4045 |
| <u>therapy</u> , but who is not also licensed, certificated, or otherwise | 4046 |
| legally authorized to engage in the practice of physical therapy. | 4047 |
| Sec. 4757.01. As used in this chapter: | 4048 |
| (A) "Practice of professional counseling" means rendering or | 4049 |
| offering to render to individuals, groups, organizations, or the | 4050 |
| general public a counseling service involving the application of | 4051 |
| clinical counseling principles, methods, or procedures to assist | 4052 |
| individuals in achieving more effective personal, social, | 4053 |

educational, or career development and adjustment, including the 4054
diagnosis and treatment of mental and emotional disorders. 4055

(B) "Clinical counseling principles, methods, or procedures" 4056
means an approach to counseling that emphasizes the counselor's 4057
role in systematically assisting clients through all of the 4058
following: assessing and analyzing background and current 4059
information, diagnosing mental and emotional disorders, exploring 4060
possible solutions, and developing and providing a treatment plan 4061
for mental and emotional adjustment or development. "Clinical 4062
counseling principles, methods, or procedures" includes at least 4063
counseling, appraisal, consulting, and referral. 4064

(C) "Practice of social work" means the application of social 4065
work theory and specialized knowledge of human development and 4066
behavior and social, economic, and cultural systems in directly 4067
assisting individuals, families, and groups in a clinical setting 4068
to improve or restore their capacity for social functioning, 4069
including counseling, the use of psychosocial interventions, and 4070
the use of social psychotherapy, which includes the diagnosis and 4071
treatment of mental and emotional disorders. 4072

(D) "Accredited educational institution" means an institution 4073
accredited by a national or regional accrediting agency accepted 4074
by the board of regents. 4075

(E) "Scope of practice" means the services, methods, and 4076
techniques in which and the areas for which a person licensed or 4077
registered under this chapter is trained and qualified. 4078

(F) "Mental and emotional disorders" means those disorders 4079
that are classified in accepted nosologies such as the 4080
international classification of diseases and the diagnostic and 4081
statistical manual of mental disorders and in future editions of 4082
those nosologies. 4083

(G) "Marriage and family therapy" means the diagnosis, 4084

evaluation, assessment, counseling, management and treatment of 4085
mental and emotional disorders, whether cognitive, affective, or 4086
behavioral, within the context of marriage and family systems, 4087
through the professional application of marriage and family 4088
therapies and techniques. 4089

(H) "Practice of marriage and family therapy" means the 4090
diagnosis, treatment, evaluation, assessment, counseling, and 4091
management, of mental and emotional disorders, whether cognitive, 4092
affective or behavioral, within the context of marriage and family 4093
systems, to individuals, couples, and families, singly or in 4094
groups, whether those services are offered directly to the general 4095
public or through public or private organizations, for a fee, 4096
salary or other consideration through the professional application 4097
of marriage and family theories, therapies, and techniques, 4098
including, but not limited to psychotherapeutic theories, 4099
therapies and techniques that marriage and family therapists are 4100
educated and trained to perform. 4101

(I) "Social functioning" means living up to the expectations 4102
that are made of an individual by the individual's own self, the 4103
immediate social environment, and by society at large. "Social 4104
functioning" includes meeting basic needs of the individual and 4105
the individual's dependents, including physical aspects, personal 4106
fulfillment, emotional needs, and an adequate self-concept. 4107

Sec. 4757.02. (A) Except as provided in division (C) of this 4108
section and section 4757.41 of the Revised Code: 4109

(1) No person shall engage in or claim to the public to be 4110
engaging in the practice of professional counseling for a fee, 4111
salary, or other consideration unless the person is currently 4112
licensed under this chapter as a licensed professional clinical 4113
counselor or licensed professional counselor. 4114

(2) No person shall practice or claim to the public to be 4115

practicing social work for a fee, salary, or other consideration 4116
unless the person is currently licensed under this chapter as an 4117
independent social worker or a social worker. 4118

(3) No person shall claim to the public to be a social work 4119
assistant unless the person is currently registered under this 4120
chapter as a social work assistant. 4121

(4) No person shall engage in the practice of marriage and 4122
family therapy or claim to the public to be engaging in the 4123
practice of marriage and family therapy unless the person is 4124
currently licensed under this chapter as a marriage and family 4125
therapist. 4126

(B)(1) No person shall use the title "licensed professional 4127
clinical counselor," "licensed professional counselor," or any 4128
other title or description incorporating the word "counselor" or 4129
any initials used to identify persons acting in those capacities 4130
unless currently authorized under this chapter by licensure to act 4131
in the capacity indicated by the title or initials. 4132

(2) No person shall use the title "social worker," 4133
"independent social worker," "social work assistant," or any other 4134
title or description incorporating the words "social worker" or 4135
any initials used to identify persons acting in those capacities 4136
unless the person is currently authorized by licensure or 4137
registration under this chapter to act in the capacity indicated 4138
by the title or initials. 4139

(3) No person shall use the title "marriage and family 4140
therapist" or any initials used to identify persons acting in that 4141
capacity unless the person is currently authorized by licensure 4142
under this chapter to act in the capacity indicated by the title 4143
or initials. 4144

(C)(1) Divisions (A)(1) to (3) of this section do not apply 4145
to the practice of marriage and family therapy by a person holding 4146

a valid license or temporary license as a marriage and family 4147
therapist or independent marriage and family therapist under this 4148
chapter. 4149

(2) Division (A)(4) of this section does not apply to the 4150
following persons licensed or registered under this chapter: 4151
licensed professional clinical counselors, licensed professional 4152
counselors, independent social workers, social workers, and social 4153
work assistants. 4154

Sec. 4757.03. (A) There is hereby created the counselor, 4155
social worker, and marriage and family therapist board, consisting 4156
of fifteen members. The governor shall appoint the members with 4157
the advice and consent of the senate. 4158

(1) ~~Four of the~~ members shall be individuals licensed under 4159
this chapter as licensed professional clinical counselors or 4160
licensed professional counselors. At all times, the counselor 4161
membership shall include at least ~~two licensed professional~~ 4162
~~clinical counselors, at least~~ one individual who has received a 4163
doctoral degree in counseling from an accredited educational 4164
institution recognized by the board and holds a graduate level 4165
teaching position in a counselor education program, ~~and at least~~ 4166
~~two individuals who have received at least a master's degree in~~ 4167
~~counseling from an accredited educational institution recognized~~ 4168
~~by the board.~~ 4169

~~Two of the~~ (2) Four members shall be individuals licensed 4170
under this chapter as independent marriage and family therapists 4171
~~and two shall be individuals licensed under this chapter as or~~ 4172
~~marriage and family therapists or, if the board has not yet~~ 4173
~~licensed independent marriage and family therapists or marriage~~ 4174
~~and family therapists, eligible for licensure as independent~~ 4175
~~marriage and family therapists or marriage and family therapists.~~ 4176
~~They shall have, during the five years preceding appointment,~~ 4177

~~actively engaged in the practice of marriage and family therapy, 4178
in educating and training master's, doctoral, or postdoctoral 4179
students of marriage and family therapy, or in marriage and family 4180
therapy research and, during the two years immediately preceding 4181
appointment, shall have devoted the majority of their professional 4182
time to the activity while residing in this state. At all times, 4183
the marriage and family therapist membership shall include one 4184
educator who holds a teaching position in a master's degree 4185
marriage and family therapy program at an accredited educational 4186
institution recognized by the board. 4187~~

(3) Two members shall be individuals licensed under this 4188
chapter as independent social workers. Two members shall be 4189
individuals licensed under this chapter as social workers, at 4190
least one of whom must hold a bachelor's or master's degree in 4191
social work from an accredited educational institution recognized 4192
by the board. At all times, the social worker membership shall 4193
include one educator who holds a teaching position in a 4194
baccalaureate or master's degree social work program at an 4195
accredited educational institution recognized by the board. 4196

(4) Three members shall be representatives of the general 4197
public who have not practiced professional counseling, marriage 4198
and family therapy, or social work and have not been involved in 4199
the delivery of professional counseling, marriage and family 4200
therapy, or social work services. At least one of the members 4201
representing the general public shall be at least sixty years of 4202
age. During their terms the public members shall not practice 4203
professional counseling, marriage and family therapy, or social 4204
work or be involved in the delivery of professional counseling, 4205
marriage and family therapy, or social work services. 4206

(B) Both of the following apply to each member specified in 4207
divisions (A)(1), (2), and (3) of this section: 4208

(1) During the five years preceding appointment to the board, 4209

the member shall have actively engaged in the practice of the 4210
member's profession. A member holding a teaching position shall 4211
have actively engaged in the practice of the member's profession 4212
by conducting research in the member's profession or by educating 4213
and training master's, doctoral, or postdoctoral students in the 4214
member's profession, as applicable. 4215

(2) During the two years immediately preceding appointment, 4216
the member shall have devoted the majority of their professional 4217
time to the activity described in division (B)(1) of this section 4218
while residing in this state. 4219

(C) At least three members, one from each of the board's 4220
professional standards committees, during the five years preceding 4221
appointment, shall have practiced at a public agency or at an 4222
organization that is certified or licensed by the department of 4223
developmental disabilities, the department of alcohol and drug 4224
addiction services, the department of job and family services, or 4225
the department of mental health. 4226

(D) Not more than eight members of the board may be members 4227
of the same political party or sex. At 4228

(E) At least one member of the board shall be of African, 4229
Native American, Hispanic, or Asian descent. 4230

~~Of the initial appointees, three shall be appointed for terms~~ 4231
~~ending October 10, 1985, four shall be appointed for terms ending~~ 4232
~~October 10, 1986, and four shall be appointed for terms ending~~ 4233
~~October 10, 1987. Of the two initial independent marriage and~~ 4234
~~family therapists appointed to the board, one shall be appointed~~ 4235
~~for a term ending two years after the effective date of this~~ 4236
~~amendment and one for a term ending three years after that date.~~ 4237
~~Of the two initial marriage and family therapists appointed to the~~ 4238
~~board, one shall be appointed for a term ending two years after~~ 4239
~~the effective date of this amendment and one for a term ending~~ 4240

~~three years after that date. After the initial appointments, terms~~ 4241

(F) Terms of office shall be three years, each term ending on 4242
the same day of the same month of the year as did the term that it 4243
succeeds. As a result of the dates of initial appointment, the 4244
number of terms expiring each year are four, five, or six. 4245

(G) A member shall hold office from the date of appointment 4246
until the end of the term for which the member was appointed. A 4247
member appointed to fill a vacancy occurring prior to the 4248
expiration of the term for which the member's predecessor was 4249
appointed shall hold office for the remainder of that term. A 4250
member shall continue in office after the expiration date of the 4251
member's term until a successor takes office ~~or until a period of~~ 4252
~~sixty days has elapsed, whichever occurs first.~~ Members may be 4253
reappointed, except that if a person has held office for two 4254
consecutive full terms, the person shall not be reappointed to the 4255
board sooner than one year after the expiration of the second full 4256
term as a member of the board. 4257

Sec. 4757.04. Within the counselor, social worker, and 4258
marriage and family therapist board, there is hereby created the 4259
counselors professional standards committee, the social workers 4260
professional standards committee, and the marriage and family 4261
therapist professional standards committee. 4262

The counselors professional standards committee consists of 4263
the board's licensed professional clinical counselor and licensed 4264
professional counselor members and one of the members representing 4265
the public who is not the member representing the public on the 4266
marriage and family therapist professional standards committee or 4267
the social workers professional standards committee. The committee 4268
has full authority to act on behalf of the board on all matters 4269
concerning professional clinical counselors and professional 4270
counselors. 4271

The social workers professional standards committee consists 4272
of the board's independent social worker and social worker members 4273
and one of the members representing the public who is not the 4274
member representing the public on the counselors professional 4275
standards committee or the marriage and family therapist 4276
professional standards committee. The committee has full authority 4277
to act on behalf of the board on all matters concerning 4278
independent social workers, social workers, and social work 4279
assistants. 4280

The marriage and family therapist professional standards 4281
committee consists of the board's marriage and family therapists 4282
and one of the members representing the public who is not the 4283
member representing the public on the counselors professional 4284
standards committee or the social workers professional standards 4285
committee. The committee has full authority to act on behalf of 4286
the board on all matters concerning independent marriage and 4287
family therapists and marriage and family therapists. 4288

Sec. 4757.10. The counselor, social worker, and marriage and 4289
family therapist board may adopt any rules necessary to carry out 4290
this chapter. 4291

The board shall adopt rules that do all of the following: 4292

(A) Concern intervention for and treatment of any impaired 4293
person holding a license or certificate of registration issued 4294
under this chapter; 4295

(B) Establish standards for training and experience of 4296
supervisors described in division (C) of section 4757.30 of the 4297
Revised Code; 4298

(C) Define the requirement that an applicant be of good moral 4299
character in order to be licensed or registered under this 4300
chapter; 4301

(D) Establish requirements for criminal records checks of applicants under section 4776.03 of the Revised Code; 4302
4303

(E) Establish a graduated system of fines based on the scope and severity of violations and the history of compliance, not to exceed five hundred dollars per incident, that any professional standards committee of the board may charge for a disciplinary violation described in section 4757.36 of the Revised Code; 4304
4305
4306
4307
4308

(F) Establish the amount and content of corrective action courses required by the board under section 4755.36 of the Revised Code; 4309
4310
4311

(G) Provide for voluntary registration of all of the following: 4312
4313

(1) Master's level counselor trainees enrolled in practice and internships; 4314
4315

(2) Master's level social worker trainees enrolled in fieldwork, practice, and internships; 4316
4317

(3) Master's level marriage and family therapist trainees enrolled in practice and internships. 4318
4319

Rules adopted under division (G) of this section shall not require a trainee to register with the board, and if a trainee has not registered, shall prohibit any adverse effect with respect to a trainee's application for licensure by the board. 4320
4321
4322
4323

All rules adopted under this section shall be adopted in accordance with Chapter 119. of the Revised Code. When it adopts rules under this section or any other section of this chapter, the board may consider standards established by any national association or other organization representing the interests of those involved in professional counseling, social work, or marriage and family therapy. 4324
4325
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Sec. 4757.11. The counselor, social worker, and marriage and 4331

family therapist board shall establish a code of ethical practice 4332
for persons licensed under this chapter as licensed professional 4333
clinical counselors or licensed professional counselors. The board 4334
shall establish a code of ethical practice for persons licensed 4335
under this chapter as independent social workers or social 4336
workers, persons registered under this chapter as social work 4337
assistants, and persons licensed as independent marriage and 4338
family therapists or marriage and family therapists. The codes of 4339
ethical practice shall be established by adopting rules in 4340
accordance with Chapter 119. of the Revised Code. The codes of 4341
ethical practice shall define unprofessional conduct, which shall 4342
include engaging in a dual relationship with a client or former 4343
client, committing an act of sexual abuse, misconduct, or 4344
exploitation of a client or former client, and, except as 4345
permitted by law, violating client confidentiality. The codes of 4346
ethical practice may be based on any codes of ethical practice 4347
developed by national organizations representing the interests of 4348
those involved in professional counseling, social work, or 4349
marriage and family therapy. The board may establish standards in 4350
its codes of ethical practice that are more stringent than those 4351
established by national organizations. 4352

Sec. 4757.13. (A) Each individual who engages in the practice 4353
of professional counseling, social work, or marriage and family 4354
therapy shall prominently display, in a conspicuous place in the 4355
office or place where a major portion of the individual's practice 4356
is conducted, and in such a manner as to be easily seen and read, 4357
the license granted to the individual by the state counselor, 4358
social worker, and marriage and family therapist board. 4359

(B) A license holder engaged in a private individual 4360
practice, partnership, or group practice shall prominently display 4361
the license holder's fee schedule in the office or place where a 4362

major portion of the license holder's practice is conducted. The 4363
bottom of the first page of the fee schedule shall include the 4364
following statement, which shall be followed by the name, address, 4365
and telephone number of the board: 4366

"This information is required by the Counselor, Social 4367
Worker, and Marriage and Family Therapist Board, which regulates 4368
the practices of professional counseling, social work, and 4369
marriage and family therapy in this state." 4370

Sec. 4757.16. (A) A person seeking to be licensed under this 4371
chapter as a licensed professional clinical counselor or licensed 4372
professional counselor shall file with the counselors professional 4373
standards committee of the counselor, social worker, and marriage 4374
and family therapist board a written application on a form 4375
prescribed by the board. A person seeking to be licensed under 4376
this chapter as an independent social worker or social worker or 4377
registered under this chapter as a social work assistant shall 4378
file with the social workers professional standards committee of 4379
the board a written application on a form prescribed by the board. 4380
A person seeking to be licensed under this chapter as an 4381
independent marriage and family therapist or a marriage and family 4382
therapist shall file with the marriage and family therapist 4383
professional standards committee of the board a written 4384
application on a form prescribed by the board. 4385

Each form prescribed by the board shall contain a statement 4386
informing the applicant that a person who knowingly makes a false 4387
statement on the form is guilty of falsification under section 4388
2921.13 of the Revised Code, a misdemeanor of the first degree. 4389

(B) The professional standards committees shall adopt rules 4390
under Chapter 119. of the Revised Code concerning the process for 4391
review of each application received ~~and shall~~ to determine whether 4392
the applicant meets the requirements to receive the license or 4393

certificate of registration for which application has been made. 4394

Sec. 4757.21. A person licensed under this chapter to 4395
practice as a licensed professional clinical counselor or a 4396
licensed professional counselor may diagnose and treat mental and 4397
emotional disorders, except that a licensed professional counselor 4398
may do so only under the supervision of a psychologist, 4399
psychiatrist, licensed professional clinical counselor, 4400
independent marriage and family therapist, or independent social 4401
worker. A licensed professional clinical counselor or licensed 4402
professional counselor may engage in the private practice of 4403
professional counseling as an individual practitioner or as a 4404
member of a partnership or group practice. 4405

Sec. 4757.22. (A) The counselors professional standards 4406
committee of the counselor, social worker, and marriage and family 4407
therapist board shall issue a license to practice as a licensed 4408
professional clinical counselor to each applicant who submits a 4409
properly completed application, pays the fee established under 4410
section 4757.31 of the Revised Code, and meets the requirements 4411
specified in division (B) of this section. 4412

(B)(1) To be eligible for a licensed professional clinical 4413
counselor license, an individual must meet the following 4414
requirements: 4415

~~(1)(a)~~ The individual must be of good moral character. 4416

~~(2)(b)~~ The individual must hold from an accredited 4417
educational institution a graduate degree in counseling. 4418

~~(3)(c)~~ The individual must complete a minimum of ninety 4419
quarter hours or sixty semester hours of graduate credit in 4420
counselor training acceptable to the committee, including a 4421
~~minimum of thirty quarter hours of~~ instruction in the following 4422
areas: 4423

| | |
|--|--|
| (a) (i) Clinical psychopathology, personality, and abnormal behavior; | 4424 4425 |
| (b) (ii) Evaluation of mental and emotional disorders; | 4426 |
| (c) (iii) Diagnosis of mental and emotional disorders; | 4427 |
| (d) (iv) Methods of prevention, intervention, and treatment of mental and emotional disorders. | 4428 4429 |
| (4) (d) The individual must complete, in either a private or clinical counseling setting, supervised experience in counseling that is of a type approved by the committee, is supervised by a <u>licensed</u> professional clinical counselor or other qualified professional approved by the committee, and is in the following amounts: | 4430 4431 4432 4433 4434 4435 |
| (a) (i) In the case of an individual holding only a master's degree, not less than two years of experience, which must be completed after the award of the master's degree; | 4436 4437 4438 |
| (b) (ii) In the case of an individual holding a doctorate, not less than one year of experience, which must be completed after the award of the doctorate. | 4439 4440 4441 |
| (5) (e) The individual must pass a field evaluation that meets the following requirements: | 4442 4443 |
| (a) (i) Has been completed by the applicant's instructors, employers, supervisors, or other persons determined by the committee to be competent to evaluate an individual's professional competence; | 4444 4445 4446 4447 |
| (b) (ii) Includes documented evidence of the quality, scope, and nature of the applicant's experience and competence in diagnosing and treating mental and emotional disorders. | 4448 4449 4450 |
| (6) (f) The individual must pass an examination administered by the board for the purpose of determining ability to practice as a <u>licensed</u> professional clinical counselor. | 4451 4452 4453 |

(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 a clinical mental health counseling program, a clinical rehabilitation counseling program, or an addiction counseling program accredited by the council for accreditation of counseling and related educational programs.

(3) All of the following meet the educational requirements of division (B)(1)(c) of this section:

(a) A clinical mental health counseling program accredited by the council for accreditation of counseling and related educational programs;

(b) Until January 1, 2018, a mental health counseling program accredited by the council for accreditation of counseling and related educational programs;

(c) A graduate degree in counseling issued by another state from a clinical mental health counseling program, a clinical rehabilitation counseling program, or an addiction counseling program that is accredited by the council for accreditation of counseling and related educational programs;

(d) Any other accredited counseling programs accepted by the board in accordance with rules adopted under division (F)(3) of this section.

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

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

(2) Participation in a supervised practicum and internship in counseling. 4485
4486

(D) The committee may issue a ~~provisional~~ temporary license 4487
to an applicant who meets all of the requirements to be licensed 4488
under this section, pending the receipt of transcripts or action 4489
by the committee to issue a license to practice as a licensed 4490
professional clinical counselor. 4491

(E) An individual may not sit for the licensing examination 4492
unless the individual meets the educational requirements to be 4493
licensed under this section. An individual who is denied admission 4494
to the licensing examination may appeal the denial in accordance 4495
with Chapter 119. of the Revised Code. 4496

(F) The board shall adopt any rules necessary for the 4497
committee to implement this section, ~~including~~. The rules shall do 4498
all of the following: 4499

(1) Establish criteria for the committee to use in 4500
determining whether an applicant's training should be accepted and 4501
supervised experience approved; 4502

(2) Establish course content requirements for qualifying 4503
counseling degrees issued by institutions in other states from 4504
clinical mental health counseling programs, clinical 4505
rehabilitation counseling programs, and addiction counseling 4506
programs that are not accredited by the council for accreditation 4507
of counseling and related educational programs and for graduate 4508
degrees from other accredited counseling programs approved by the 4509
board in accordance with rules adopted under division (F)(3) of 4510
this section; 4511

(3) For purposes of divisions (B)(2)(b) and (3) of this 4512
section, establish requirements for acceptance by the committee of 4513
accredited counseling programs. 4514

Rules adopted under this division shall be adopted in 4515

accordance with Chapter 119. of the Revised Code. 4516

Sec. 4757.23. (A) The counselors professional standards 4517
committee of the counselor, social worker, and marriage and family 4518
therapist board shall issue a license as a licensed professional 4519
counselor to each applicant who submits a properly completed 4520
application, pays the fee established under section 4757.31 of the 4521
Revised Code, and meets the requirements established under 4522
division (B) of this section. 4523

(B)~~(1)~~ To be eligible for a license as a licensed 4524
professional counselor, an individual must meet the following 4525
requirements: 4526

~~(1)~~(a) The individual must be of good moral character. 4527

~~(2)~~(b) The individual must hold from an accredited 4528
educational institution a graduate degree in counseling. 4529

~~(3)~~(c) The individual must complete a minimum of ninety 4530
quarter hours or sixty semester hours of graduate credit in 4531
counselor training acceptable to the committee, which the 4532
individual may complete while working toward receiving a graduate 4533
degree in counseling, or subsequent to receiving the degree, and 4534
which shall include training in the following areas: 4535

(i) Clinical psychopathology, personality, and abnormal 4536
behavior; 4537

(ii) Evaluation of mental and emotional disorders; 4538

(iii) Diagnosis of mental and emotional disorders; 4539

(iv) Methods of prevention, intervention, and treatment of 4540
mental and emotional disorders. 4541

~~(4)~~(d) The individual must pass an examination administered 4542
by the board for the purpose of determining ability to practice as 4543
a licensed professional counselor. 4544

(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 a clinical mental health counseling program, clinical rehabilitation counseling program, or addiction counseling program accredited by the council for accreditation of counseling and related educational programs.

(3) All of the following meet the educational requirements of division (B)(1)(c) of this section:

(a) A clinical mental health counseling program accredited by the council for accreditation of counseling and related educational programs;

(b) Until January 1, 2018, a mental health counseling program accredited by the council for accreditation of counseling and related educational programs;

(c) A graduate degree in counseling issued by an institution in another state from a clinical mental health counseling program, a clinical rehabilitation counseling program, or an addiction counseling program that is accredited by the council for accreditation of counseling and related educational programs;

(d) Any other accredited counseling programs accepted by the board in accordance with rules adopted under division (F)(3) of this section.

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

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

(2) Participation in a supervised practicum and internship in 4576
counseling. 4577

(D) The committee may issue a ~~provisional~~ temporary license 4578
to practice as a licensed professional counselor to an applicant 4579
who meets all of the requirements to be licensed under this 4580
section, ~~pending~~ as follows: 4581

(1) Pending the receipt of transcripts or action by the 4582
committee to issue a license as a licensed professional counselor; 4583

(2) For a period not to exceed ninety days, to an applicant 4584
who provides the board with a statement from the applicant's 4585
academic institution indicating that the applicant has met the 4586
academic requirements for the applicant's degree and the projected 4587
date the applicant will receive the applicant's transcript showing 4588
a conferred degree. 4589

On application to the committee, a temporary license issued 4590
under division (D)(2) of this section may be renewed for good 4591
cause shown. 4592

(E) An individual may not sit for the licensing examination 4593
unless the individual meets the educational requirements to be 4594
licensed under this section. An individual who is denied admission 4595
to the licensing examination may appeal the denial in accordance 4596
with Chapter 119. of the Revised Code. 4597

(F) The board shall adopt any rules necessary for the 4598
committee to implement this section, ~~including~~. The rules shall do 4599
all of the following: 4600

(1) Establish criteria for the committee to use in 4601
determining whether an applicant's training should be accepted and 4602
supervised experience approved; 4603

(2) Establish course content requirements for qualifying 4604
counseling degrees issued by institutions in other states from 4605

clinical mental health counseling programs, clinical 4606
rehabilitation counseling programs, and addiction counseling 4607
programs that are not accredited by the council for accreditation 4608
of counseling and related educational programs and for graduate 4609
degrees from other accredited counseling programs accepted by the 4610
board in accordance with rules adopted under division (F)(3) of 4611
this section; 4612

(3) For purposes of divisions (B)(2)(b) and (3) of this 4613
section, establish requirements for acceptance by the committee of 4614
accredited counseling programs. 4615

Rules adopted under this division shall be adopted in 4616
accordance with Chapter 119. of the Revised Code. 4617

Sec. 4757.26. (A) A person licensed under this chapter to 4618
practice as an independent social worker or a social worker may 4619
diagnose and treat mental and emotional disorders, except that a 4620
social worker may do so only under the supervision of a 4621
psychologist, psychiatrist, licensed professional clinical 4622
counselor, independent marriage and family therapist, independent 4623
social worker, or registered nurse who holds a master's degree in 4624
psychiatric nursing. 4625

(B) A person licensed under this chapter to practice as an 4626
independent social worker may engage in the private practice of 4627
social work as an individual practitioner or as a member of a 4628
partnership or group practice. 4629

(C) A person licensed under this chapter to practice as a 4630
social worker shall not engage in the private practice of social 4631
work as an individual practitioner or as a member of a partnership 4632
or group practice. A social worker shall not engage in the 4633
practice of social work as an employee of a private individual, 4634
partnership, or group practitioner of social work unless the 4635
social worker is supervised by a psychologist, psychiatrist, 4636

licensed professional clinical counselor, independent marriage and 4637
family therapist, independent social worker, or registered nurse 4638
who holds a master's degree in psychiatric nursing. 4639

(D) A person who receives a certificate of registration to 4640
practice as a social work assistant is not authorized to engage in 4641
the practice of social work. A social work assistant, under the 4642
direct supervision of a psychologist, psychiatrist, licensed 4643
professional clinical counselor, licensed professional counselor, 4644
independent marriage and family therapist, independent social 4645
worker, social worker, or registered nurse who holds a master's 4646
degree in psychiatric nursing, may provide human, social, and 4647
community services that include intake assessment and referral, 4648
screening, crisis intervention and resolution, community support, 4649
case management and outreach, record keeping, social assessment, 4650
visual observation of an individual in the individual's 4651
environment, assistance in facilitation with groups and families, 4652
advocacy, and orientation, education, and prevention services. 4653

Sec. 4757.27. (A) The social workers professional standards 4654
committee of the counselor, social worker, and marriage and family 4655
therapist board shall issue a license as an independent social 4656
worker to each applicant who submits a properly completed 4657
application, pays the fee established under section 4757.31 of the 4658
Revised Code, and meets the requirements specified in division (B) 4659
of this section. An independent social worker license shall 4660
clearly indicate each academic degree earned by the person to whom 4661
it has been issued. 4662

(B) To be eligible for a license as an independent social 4663
worker, an individual must meet the following requirements: 4664

(1) The individual must be of good moral character. 4665

(2) The individual must hold ~~from an accredited educational~~ 4666
~~institution~~ a master's degree ~~or a doctorate~~ in social work from 4667

an educational institution accredited by the council on social 4668
work education or an educational institution in candidacy for 4669
accreditation by the council. 4670

(3) The individual must complete at least two years of 4671
post-master's degree social work experience supervised by an 4672
independent social worker. 4673

(4) The individual must pass an examination administered by 4674
the board for the purpose of determining ability to practice as an 4675
independent social worker. 4676

(C) The committee may issue a temporary license to an 4677
applicant who meets all of the requirements to be licensed under 4678
this section, pending the receipt of transcripts or action by the 4679
committee to issue a license as an independent social worker. 4680

(D) The board shall adopt any rules necessary for the 4681
committee to implement this section, including criteria for the 4682
committee to use in determining whether an applicant's training 4683
should be accepted and supervised experience approved. Rules 4684
adopted under this division shall be adopted in accordance with 4685
Chapter 119. of the Revised Code. 4686

Sec. 4757.28. (A) The social workers professional standards 4687
committee of the counselor, social worker, and marriage and family 4688
therapist board shall issue a license as a social worker to each 4689
applicant who submits a properly completed application, pays the 4690
fee established under section 4757.31 of the Revised Code, and 4691
meets the requirements specified in division (B) of this section. 4692
A social worker license shall clearly indicate each academic 4693
degree earned by the person to whom it is issued. 4694

(B) To be eligible for a license as a social worker, an 4695
individual must meet the following requirements: 4696

(1) The individual must be of good moral character. 4697

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

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

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

(c) A doctorate in social work.

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

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

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

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

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

(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 4728
Chapter 119. of the Revised Code. 4729

Sec. 4757.29. ~~(A)~~ The social workers professional standards 4730
committee of the counselor, social worker, and marriage and family 4731
therapist board shall issue a certificate of registration as a 4732
social work assistant to each applicant who submits a properly 4733
completed application, pays the fee established under section 4734
4757.31 of the Revised Code, is of good moral character, and holds 4735
from an accredited educational institution an associate degree in 4736
social service technology or a bachelor's degree that is 4737
equivalent to an associate degree in social service technology or 4738
a related bachelor's or higher degree that is approved by the 4739
committee. 4740

~~(B) On and after March 18, 1997, a counselor assistant 4741
certificate of registration issued under former section 4757.08 of 4742
the Revised Code shall be considered a certificate of registration 4743
as a social work assistant. The holder of the certificate is 4744
subject to the supervision requirements specified in section 4745
4757.26 of the Revised Code, the continuing education requirements 4746
specified in section 4757.33 of the Revised Code, and regulation 4747
by the social workers professional standards committee. On the 4748
first renewal occurring after March 18, 1997, the committee shall 4749
issue a certificate of registration as a social work assistant to 4750
each former counselor assistant who qualifies for renewal. 4751~~

~~(C) The social workers professional standards committee shall 4752
issue a certificate of registration as a social work assistant to 4753
any person who, on or before March 18, 1998, meets the 4754
requirements for a certificate of registration as a counselor 4755
assistant pursuant to division (A)(3) of former section 4757.08 of 4756
the Revised Code, submits a properly completed application, pays 4757
the fee established under section 4757.31 of the Revised Code, and 4758~~

~~is of good moral character.~~ 4759

Sec. 4757.30. (A) The marriage and family therapist 4760
professional standards committee of the counselor, social worker, 4761
and marriage and family therapist board shall issue a license to 4762
practice as a marriage and family therapist to a person who has 4763
done all of the following: 4764

(1) Properly completed an application for the license; 4765

(2) Paid the required fee established by the board under 4766
section 4757.31 of the Revised Code; 4767

(3) Achieved one of the following: 4768

(a) Received from an educational institution accredited at 4769
the time the degree was granted by a regional accrediting 4770
organization recognized by the board a master's degree or a 4771
doctorate in marriage and family therapy; 4772

(b) Completed a graduate degree that includes a minimum of 4773
ninety quarter hours of graduate level course work in marriage and 4774
family therapy training that is acceptable to the committee; 4775

(4) Passed an examination administered by the board for the 4776
purpose of determining the person's ability to be a marriage and 4777
family therapist; 4778

(5) Completed a practicum that includes at least three 4779
hundred hours of client contact. 4780

(B) To be accepted by the committee for purposes of division 4781
(A)(3)(b) of this section, marriage and family therapist training 4782
must include instruction in at least the following: 4783

(1) Research and evaluation; 4784

(2) Professional, legal, and ethical responsibilities; 4785

(3) Marriage and family studies; 4786

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| (4) Marriage and family therapy, including therapeutic theory | 4787 |
| and techniques for individuals, groups, and families; | 4788 |
| (5) Human development; | 4789 |
| (6) Appraisal of individuals and families; | 4790 |
| (7) Diagnosis of mental and emotional disorders; | 4791 |
| (8) Systems theory. | 4792 |
| (C) The marriage and family therapist professional standards | 4793 |
| committee shall issue a license to practice as an independent | 4794 |
| marriage and family therapist to a person who does both of the | 4795 |
| following: | 4796 |
| (1) Meets all of the requirements of division (A) of this | 4797 |
| section; | 4798 |
| (2) After meeting the requirements of division (A)(3) of this | 4799 |
| section, completes at least two calendar years of work experience | 4800 |
| <u>supervised training while engaged in the practice of</u> marriage and | 4801 |
| family therapy. | 4802 |
| The two calendar years of work experience <u>supervised training</u> | 4803 |
| must include <u>two hundred hours of face-to-face supervision while</u> | 4804 |
| <u>completing a minimum of</u> one thousand hours of documented client | 4805 |
| contact in marriage and family therapy. Two <u>Of the required two</u> | 4806 |
| hundred hours of the one thousand hours must include face to face | 4807 |
| supervision, a minimum of one hundred hours must be individual | 4808 |
| <u>supervision. Supervision shall be performed</u> by a supervisor whose | 4809 |
| training and experience meets standards established by the board | 4810 |
| in rules adopted under section 4757.10 of the Revised Code and one | 4811 |
| hundred hours of the two hundred hours of supervision must be | 4812 |
| individual supervision. | 4813 |
| (D) An independent marriage and family therapist or a | 4814 |
| marriage and family therapist may engage in the private practice | 4815 |
| of marriage and family therapy as an individual practitioner or as | 4816 |

a member of a partnership or group practice. 4817

(E) A marriage and family therapist may diagnose and treat 4818
mental and emotional disorders only under the supervision of a 4819
psychologist, psychiatrist, licensed professional clinical 4820
counselor, independent social worker, or independent marriage and 4821
family therapist. An independent marriage and family therapist may 4822
diagnose and treat mental and emotional disorders without 4823
supervision. 4824

(F) Nothing in this chapter or rules adopted under it 4825
authorizes an independent marriage and family therapist or a 4826
marriage and family therapist to admit a patient to a hospital or 4827
requires a hospital to allow a marriage and family therapist to 4828
admit a patient. 4829

(G) An independent marriage and family therapist or a 4830
marriage and family therapist may not diagnose, treat, or advise 4831
on conditions outside the recognized boundaries of the marriage 4832
and family therapist's competency. An independent marriage and 4833
family therapist or a marriage and family therapist shall make 4834
appropriate and timely referrals when a client's needs exceed the 4835
marriage and family therapist's competence level. 4836

Sec. 4757.31. (A) Subject to division (B) of this section, 4837
the counselor, social worker, and marriage and family therapist 4838
board shall establish, and may from time to time adjust, fees to 4839
be charged for the following: 4840

(1) Examination for licensure as a licensed professional 4841
clinical counselor, licensed professional counselor, marriage and 4842
family therapist, independent marriage and family therapist, 4843
social worker, or independent social worker; 4844

(2) Initial licenses of licensed professional clinical 4845
counselors, licensed professional counselors, marriage and family 4846

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| therapists, independent marriage and family therapists, social | 4847 |
| workers, and independent social workers, except that the board | 4848 |
| shall charge only one fee to a person who fulfills all | 4849 |
| requirements for more than one of the following initial licenses: | 4850 |
| an initial license as a social worker or independent social | 4851 |
| worker, an initial license as a <u>licensed</u> professional counselor or | 4852 |
| <u>licensed</u> professional clinical counselor, and an initial license | 4853 |
| as a marriage and family therapist or independent marriage and | 4854 |
| family therapist; | 4855 |
| (3) Initial certificates of registration of social work | 4856 |
| assistants; | 4857 |
| (4) Renewal and late renewal of licenses of <u>licensed</u> | 4858 |
| professional clinical counselors, <u>licensed</u> professional | 4859 |
| counselors, marriage and family therapists, independent marriage | 4860 |
| and family therapists, social workers, and independent social | 4861 |
| workers and renewal and late renewal of certificates of | 4862 |
| registration of social work assistants; | 4863 |
| (5) Verification, to another jurisdiction, of a license or | 4864 |
| registration issued by the board; | 4865 |
| (6) Continuing education programs offered by the board to | 4866 |
| licensees or registrants; | 4867 |
| (7) Approval of continuing education programs; | 4868 |
| (8) Approval of continuing education providers to be | 4869 |
| authorized to offer continuing education programs without prior | 4870 |
| approval from the board for each program offered; | 4871 |
| (9) Issuance of a replacement copy of any wall certificate | 4872 |
| issued by the board; | 4873 |
| <u>(10) Late completion of continuing counselor, social worker,</u> | 4874 |
| <u>or marriage and family therapy education required under section</u> | 4875 |
| <u>4757.33 of the Revised Code and the rules adopted under it.</u> | 4876 |

(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.

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

Sec. 4757.321. (A) A person licensed or registered under this chapter may apply to the counselor, social worker, and marriage and family therapist board to have the person's license or registration classified as inactive. If a fee is charged under division (B) of this section, the person shall include the fee with the application. If the person's license or registration is in good standing and the person meets any other requirements established by the board in rules adopted under this section, the board shall classify the license or registration as inactive. The

inactive classification shall become effective on the date 4909
immediately following the date that the person's license or 4910
registration is scheduled to expire. 4911

(B) The board may charge a fee for classifying a license or 4912
registration as inactive. 4913

(C) During the period that a license or registration is 4914
classified as inactive, the person may not engage in the practice 4915
of professional counseling, social work, or marriage and family 4916
therapy, as applicable, in this state or make any representation 4917
to the public indicating that the person is actively licensed or 4918
registered under this chapter. 4919

(D) A person whose license or registration has been 4920
classified as inactive may apply to the board to have the license 4921
or registration reactivated. The board shall reactivate the 4922
license or registration if the person meets the requirements 4923
established by the board in rules adopted under this section. 4924

(E) The board's jurisdiction to take disciplinary action 4925
under this chapter is not removed or limited when a license or 4926
registration is classified as inactive under this section. 4927

(F) The board shall adopt rules as necessary for classifying 4928
a license or registration as inactive and reactivating an inactive 4929
license or registration. The rules shall be adopted in accordance 4930
with Chapter 119. of the Revised Code. 4931

(G) This section does not apply to registration of master's 4932
level counselor trainees, social worker trainees, marriage and 4933
family therapist trainees, or continuing education providers. 4934

Sec. 4757.33. (A) Except as provided in division (B) of this 4935
section, each person who holds a license or certificate of 4936
registration issued under this chapter shall complete during the 4937
period that the license or certificate is in effect not less than 4938

thirty clock hours of continuing professional education as a 4939
condition of receiving a renewed license or certificate. To have a 4940
lapsed license or certificate of registration restored, a person 4941
shall complete the number of hours of continuing education 4942
specified by the counselor, social worker, and marriage and family 4943
therapist board in rules it shall adopt in accordance with Chapter 4944
119. of the Revised Code. 4945

The professional standards committees of the counselor, 4946
social worker, and marriage and family therapist board shall adopt 4947
rules in accordance with Chapter 119. of the Revised Code 4948
establishing standards and procedures to be followed by the 4949
committees in conducting the continuing education approval 4950
process, which shall include registering individuals and entities 4951
to provide continuing education programs approved by the board. 4952

(B) The board may waive the continuing education requirements 4953
established under this section for persons who are unable to 4954
fulfill them because of military service, illness, residence 4955
abroad, or any other reason the committee considers acceptable. 4956

~~In the case of a social worker licensed by virtue of 4957
receiving, prior to October 10, 1992, a baccalaureate degree in a 4958
program closely related to social work, as a condition of the 4959
first renewal of the license, the social worker must complete at 4960
an accredited educational institution a minimum of five semester 4961
hours of social work graduate or undergraduate credit, or their 4962
equivalent, that is acceptable to the committee and includes a 4963
course in social work theory and a course in social work methods.~~ 4964

Sec. 4757.34. ~~Not later than ninety days after December 9,~~ 4965
~~1994,~~ The counselor, social worker, and marriage and family 4966
therapist board shall approve one or more continuing education 4967
courses of study that assist social workers, independent social 4968

workers, social work assistants, independent marriage and family 4969
therapists, marriage and family therapists, licensed professional 4970
clinical counselors, and licensed professional counselors in 4971
recognizing the signs of domestic violence and its relationship to 4972
child abuse. Social workers, independent social workers, social 4973
work assistants, independent marriage and family therapists, 4974
marriage and family therapists, licensed professional clinical 4975
counselors, and licensed professional counselors are not required 4976
to take the courses. 4977

Sec. 4757.36. (A) The appropriate professional standards 4978
committee of the counselor, social worker, and marriage and family 4979
therapist board may, in accordance with Chapter 119. of the 4980
Revised Code, take any action specified in division (B) of this 4981
section for any reason described in division (C) of this section 4982
against an individual who has applied for or holds a license ~~to~~ 4983
~~practice as a professional clinical counselor, professional~~ 4984
~~counselor, independent marriage and family therapist, marriage and~~ 4985
~~family therapist, social worker, or independent social worker, or~~ 4986
~~a certificate of registration to practice as a social work~~ 4987
~~assistant, for any reason described in division (C) of this~~ 4988
~~section~~ issued under this chapter; a master's level counselor 4989
trainee, social worker trainee, or marriage and family therapist 4990
trainee; or an individual or entity that is registered, or has 4991
applied for registration, in accordance with rules adopted under 4992
section 4757.33 of the Revised Code to provide continuing 4993
education programs approved by the board. 4994

(B) In its imposition of sanctions against an individual or 4995
entity specified in division (A) of this section, the board may do 4996
any of the following: 4997

(1) Refuse to issue or refuse to renew a license or 4998
certificate of registration; 4999

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| (2) Suspend, revoke, or otherwise restrict a license or certificate of registration; | 5000 5001 |
| (3) Reprimand an individual holding a license or certificate of registration; | 5002 5003 |
| (4) Impose a fine in accordance with the graduated system of fines established by the board in rules adopted under section 4757.10 of the Revised Code; | 5004 5005 5006 |
| (5) Require an individual holding a license or certificate of registration to take corrective action courses. | 5007 5008 |
| (C) The appropriate professional standards committee of the board may take an action specified in division (B) of this section for any of the following reasons: | 5009 5010 5011 |
| (1) Commission of an act that violates any provision of this chapter or rules adopted under it; | 5012 5013 |
| (2) Knowingly making a false statement on an application for licensure or registration, or for renewal of a license or certificate of registration; | 5014 5015 5016 |
| (3) Accepting a commission or rebate for referring persons to any professionals licensed, certified, or registered by any court or board, commission, department, division, or other agency of the state, including, but not limited to, individuals practicing counseling, social work, or marriage and family therapy or practicing in fields related to counseling, social work, or marriage and family therapy; | 5017 5018 5019 5020 5021 5022 5023 |
| (4) A failure to comply with section 4757.12 <u>4757.13</u> of the Revised Code; | 5024 5025 |
| (5) A conviction in this or any other state of a crime that is a felony in this state; | 5026 5027 |
| (6) A failure to perform properly as a <u>licensed</u> professional clinical counselor, <u>licensed</u> professional counselor, independent | 5028 5029 |

marriage and family therapist, marriage and family therapist, 5030
social work assistant, social worker, or independent social worker 5031
due to the use of alcohol or other drugs or any other physical or 5032
mental condition; 5033

(7) A conviction in this state or in any other state of a 5034
misdemeanor committed in the course of practice as a licensed 5035
professional clinical counselor, licensed professional counselor, 5036
independent marriage and family therapist, marriage and family 5037
therapist, social work assistant, social worker, or independent 5038
social worker; 5039

(8) Practicing outside the scope of practice applicable to 5040
that person; 5041

(9) Practicing in violation of the supervision requirements 5042
specified under sections 4757.21 and 4757.26, and division (E) of 5043
section 4757.30, of the Revised Code; 5044

(10) A violation of the person's code of ethical practice 5045
adopted by rule of the board pursuant to section 4757.11 of the 5046
Revised Code; 5047

(11) Revocation or suspension of a license or certificate of 5048
registration, other disciplinary action against a license holder 5049
or registration, or the voluntary surrender of a license or 5050
certificate of registration in another state or jurisdiction for 5051
an offense that would be a violation of this chapter. 5052

(D) A disciplinary action under division (B) of this section 5053
shall be taken pursuant to an adjudication under Chapter 119. of 5054
the Revised Code, except that in lieu of an adjudication, the 5055
appropriate professional standards committee may enter into a 5056
consent agreement with an individual or entity specified in 5057
division (A) of this section to resolve an allegation of a 5058
violation of this chapter or any rule adopted under it. A consent 5059
agreement, when ratified by the appropriate professional standards 5060

committee, constitutes the findings and order of the board with 5061
respect to the matter addressed in the agreement. If a committee 5062
refuses to ratify a consent agreement, the admissions and findings 5063
contained in the consent agreement are of no force or effect. 5064

(E) In any instance in which a professional standards 5065
committee of the board is required by Chapter 119. of the Revised 5066
Code to give notice of the opportunity for a hearing and the 5067
individual or entity subject to the notice does not timely request 5068
a hearing in accordance with section 119.07 of the Revised Code, 5069
the committee may adopt a final order that contains the board's 5070
findings. In that final order, the committee may order any of the 5071
sanctions identified in division (B) of this section. 5072

(F) One year or more after the date of suspension or 5073
revocation of a license or certificate of registration under this 5074
section, application may be made to the appropriate professional 5075
standards committee for reinstatement. The committee may ~~accept~~ 5076
~~approve~~ or ~~refuse~~ deny an application for reinstatement. If a 5077
license has been suspended or revoked, the committee may require 5078
an examination for reinstatement. 5079

~~(E)~~(G) On request of the board, the attorney general shall 5080
bring and prosecute to judgment a civil action to collect any fine 5081
imposed under division (B)(4) of this section that remains unpaid. 5082

~~(F)~~(H) All fines collected under division (B)(4) of this 5083
section shall be deposited into the state treasury to the credit 5084
of the occupational licensing and regulatory fund. 5085

Sec. 4757.37. (A) An individual whom the counselor, social 5086
worker, and marriage and family therapist board licenses, 5087
certificates, or otherwise legally authorizes to engage in the 5088
practice of professional counseling, social work, or marriage and 5089
family therapy may render the professional services of a licensed 5090
professional clinical counselor, licensed professional counselor, 5091

independent social worker, social worker, independent marriage and family therapist, or marriage and family therapist within this state through a corporation formed under division (B) of section 1701.03 of the Revised Code, a limited liability company formed under Chapter 1705. of the Revised Code, a partnership, or a professional association formed under Chapter 1785. of the Revised Code. This division does not preclude such an individual from rendering professional services as a licensed professional clinical counselor, licensed professional counselor, independent social worker, social worker, independent marriage and family therapist, or marriage and family therapist through another form of business entity, including, but not limited to, a nonprofit corporation or foundation, or in another manner that is authorized by or in accordance with this chapter, another chapter of the Revised Code, or rules of the counselor, social worker, and marriage and family therapist board adopted pursuant to this chapter.

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

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

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

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

(4) Registered or licensed practical nurses who are authorized to practice nursing as registered nurses or as licensed

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| <u>practical nurses under Chapter 4723. of the Revised Code;</u> | 5123 |
| <u>(5) Pharmacists who are authorized to practice pharmacy under Chapter 4729. of the Revised Code;</u> | 5124 |
| <u>(6) Physical therapists who are authorized to practice physical therapy under sections 4755.40 to 4755.56 of the Revised Code;</u> | 5126 |
| <u>(7) Occupational therapists who are authorized to practice occupational therapy under sections 4755.04 to 4755.13 of the Revised Code;</u> | 5127 |
| <u>(8) Mechanotherapists who are authorized to practice mechanotherapy under section 4731.151 of the Revised Code;</u> | 5128 |
| <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> | 5129 |
| <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> | 5130 |
| <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</u> | 5131 |
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surgery, or podiatric medicine and surgery, but who is not also 5154
licensed, certificated, or otherwise legally authorized to engage 5155
in the practice of professional counseling, social work, or 5156
marriage and family therapy. 5157

Sec. 4757.38. (A) The counselor, social worker, and marriage 5158
and family therapist board shall investigate alleged violations of 5159
this chapter or the rules adopted under it and alleged 5160
irregularities in the delivery of services related to professional 5161
counseling, social work, or marriage and family therapy by persons 5162
licensed or registered under this chapter. As part of its conduct 5163
of an investigation, the board may issue subpoenas, examine 5164
witnesses, and administer oaths. 5165

(B) All of the following apply under this chapter with 5166
respect to the confidentiality of information: 5167

(1) Information received by the board pursuant to a complaint 5168
or an investigation is confidential and not subject to discovery 5169
in any civil action, except that the board may disclose 5170
information to law enforcement officers and government entities 5171
for purposes of an investigation of either an individual who holds 5172
a license or certificate of registration issued under this chapter 5173
or an individual or entity that may have engaged in the 5174
unauthorized practice of professional counseling, social work, or 5175
marriage and family therapy. No law enforcement officer or 5176
government entity with knowledge of any information disclosed by 5177
the board pursuant to this division shall divulge the information 5178
to any other person or government entity except for the purpose of 5179
a government investigation, a prosecution, or an adjudication by a 5180
court or government entity. 5181

(2) If an investigation requires a review of patient records, 5182
the investigation and proceeding shall be conducted in such a 5183
manner as to protect patient confidentiality. 5184

(3) All adjudications and investigations of the board are 5185
civil actions for the purposes of section 2305.252 of the Revised 5186
Code. 5187

(4) Any board activity that involves continued monitoring of 5188
an individual as part of or following any disciplinary action 5189
taken under section 4755.36 of the Revised Code shall be conducted 5190
in a manner that maintains the individual's confidentiality. 5191
Information received or maintained by the board with respect to 5192
the board's monitoring activities is not subject to discovery in 5193
any civil action and is confidential, except that the board may 5194
disclose information to law enforcement officers and government 5195
entities for purposes of an investigation of an individual holding 5196
a license or certificate of registration issued under this 5197
chapter. 5198

(C) The board may receive any information necessary to 5199
conduct an investigation under this section. If the board is 5200
investigating the provision of services to a couple or group, it 5201
is not necessary for both members of the couple or all members of 5202
the group to consent to the release of information relevant to the 5203
investigation. 5204

(D) The board shall ensure that all records it holds 5205
pertaining to an investigation remain confidential. The board 5206
shall adopt rules establishing procedures to be followed in 5207
maintaining the confidentiality of its investigative records. The 5208
rules shall be adopted in accordance with Chapter 119. of the 5209
Revised Code. 5210

Sec. 4757.41. (A) This chapter shall not apply to the 5211
following: 5212

(1) A person certified by the state board of education under 5213
Chapter 3319. of the Revised Code while performing any services 5214
within the person's scope of employment by a board of education or 5215

by a private school meeting the standards prescribed by the state 5216
board of education under division (D) of section 3301.07 of the 5217
Revised Code or in a program operated under Chapter 5126. of the 5218
Revised Code for training individuals with mental retardation or 5219
other developmental disabilities; 5220

(2) Psychologists or school psychologists licensed under 5221
Chapter 4732. of the Revised Code; 5222

(3) Members of other professions licensed, certified, or 5223
registered by this state while performing services within the 5224
recognized scope, standards, and ethics of their respective 5225
professions; 5226

(4) Rabbis, priests, Christian science practitioners, clergy, 5227
or members of religious orders and other individuals participating 5228
with them in pastoral counseling when the counseling activities 5229
are within the scope of the performance of their regular or 5230
specialized ministerial duties and are performed under the 5231
auspices or sponsorship of an established and legally cognizable 5232
church, denomination, or sect or an integrated auxiliary of a 5233
church as defined in federal tax regulations, paragraph (g)(5) of 5234
26 C.F.R. 1.6033-2 (1995), and when the individual rendering the 5235
service remains accountable to the established authority of that 5236
church, denomination, sect, or integrated auxiliary; 5237

(5) Any person who is not licensed under this chapter as a 5238
licensed professional clinical counselor, licensed professional 5239
counselor, independent social worker, or social worker and is 5240
employed in the civil service as defined in section 124.01 of the 5241
Revised Code while engaging in ~~social work or~~ professional 5242
counseling or social work as a civil service employee, if on the 5243
effective date of this amendment the person has at least two years 5244
of service in that capacity; 5245

(6) A student in an accredited educational institution while 5246

carrying out activities that are part of the student's prescribed 5247
course of study if the activities are supervised as required by 5248
the educational institution and if the student does not hold 5249
herself or himself out as a person licensed or registered under 5250
this chapter; 5251

(7) Individuals who hold a license or certificate under 5252
Chapter 4758. of the Revised Code who are acting within the scope 5253
of their license or certificate as members of the profession of 5254
chemical dependency counseling or alcohol and other drug 5255
prevention services; 5256

(8) Any person employed by the American red cross while 5257
engaging in activities relating to services for military families 5258
and veterans and disaster relief, as described in the "American 5259
National Red Cross Act," 33 Stat. 599 (1905), 36 U.S.C.A. 1, as 5260
amended; 5261

(9) Members of labor organizations who hold union counselor 5262
certificates while performing services in their official capacity 5263
as union counselors; 5264

(10) Any person employed in a hospital as defined in section 5265
3727.01 of the Revised Code or in a nursing home as defined in 5266
section 3721.01 of the Revised Code while providing as a hospital 5267
employee or nursing home employee, respectively, social services 5268
other than counseling and the use of psychosocial interventions 5269
and social psychotherapy; 5270

(11) A vocational rehabilitation professional who is 5271
providing rehabilitation services to individuals under section 5272
3304.17 of the Revised Code, or holds certification by the 5273
commission on rehabilitation counselor certification and is 5274
providing rehabilitation counseling services consistent with the 5275
commission's standards; 5276

(12) A caseworker not licensed under this chapter as an 5277

independent social worker or social worker who is employed by a 5278
public children services agency under section 5153.112 of the 5279
Revised Code. 5280

(B) Divisions (A)(5), ~~(8)~~, and (10) of this section do not 5281
prevent a person described in those divisions from obtaining a 5282
license or certificate of registration under this chapter. 5283

(C) Except as provided in divisions (A) and (D) of this 5284
section, no employee in the service of the state, including public 5285
employees as defined by Chapter 4117. of the Revised Code, shall 5286
engage in the practice of professional counseling, social work, or 5287
marriage and family therapy without the appropriate license issued 5288
by the board. Failure to comply with this division constitutes 5289
nonfeasance under section 124.34 of the Revised Code or just cause 5290
under a collective bargaining agreement. Nothing in this division 5291
restricts the director of administrative services from developing 5292
new classifications related to this division or from reassigning 5293
affected employees to appropriate classifications based on the 5294
employee's duties and qualifications. 5295

(D) Except as provided in division (A) of this section, an 5296
employee who was engaged in the practice of professional 5297
counseling, social work, or marriage and family therapy in the 5298
service of the state prior to the effective date of this 5299
amendment, including public employees as defined by Chapter 4117. 5300
of the Revised Code, shall comply with division (C) of this 5301
section within two years after the effective date of this 5302
amendment. Any such employee who fails to comply shall be removed 5303
from employment. 5304

(E) Nothing in this chapter prevents a public children 5305
services agency from employing as a caseworker a person not 5306
licensed under this chapter as an independent social worker or 5307
social worker who has the qualifications specified in section 5308
5153.112 of the Revised Code. 5309

Sec. 4757.43. Nothing in this chapter or the rules adopted 5310
under it shall be construed as authorizing a licensed professional 5311
clinical counselor, licensed professional counselor, independent 5312
marriage and family therapist, marriage and family therapist, 5313
independent social worker, social worker, or social work assistant 5314
to admit a patient to a hospital or as requiring a hospital to 5315
allow any of those individuals to admit a patient. 5316

Sec. 4758.40. An individual seeking an independent chemical 5317
dependency counselor license shall meet the requirements of 5318
division (A) or (B) of this section. 5319

(A) To meet the requirements of this division, an individual 5320
must meet all of the following requirements: 5321

(1) Hold from an accredited educational institution at least 5322
a master's degree in a behavioral science or nursing that meets 5323
the course requirements specified in rules adopted under section 5324
4758.20 of the Revised Code; 5325

(2) Have not less than two thousand hours of compensated work 5326
or supervised internship experience in any of the following, not 5327
less than four hundred hours of which are in chemical dependency 5328
counseling: 5329

(a) Chemical dependency services, substance abuse services, 5330
or both types of services; 5331

(b) The practice of psychology, as defined in section 4732.01 5332
of the Revised Code; 5333

(c) The practice of professional counseling, the practice of 5334
social work, or the practice of marriage and family therapy, all 5335
as defined in section 4757.01 of the Revised Code. 5336

(3) Have a minimum of one hundred eighty hours of training in 5337
chemical dependency that meets the requirements specified in rules 5338

adopted under section 4758.20 of the Revised Code; 5339

(4) Unless the individual holds a valid license, 5340
registration, certificate, or credentials issued under another 5341
chapter of the Revised Code that authorizes the individual to 5342
engage in a profession whose scope of practice includes chemical 5343
dependency counseling and diagnosing and treating chemical 5344
dependency conditions, pass one or more examinations administered 5345
pursuant to section 4758.22 of the Revised Code for the purpose of 5346
determining competence to practice as an independent chemical 5347
dependency counselor. 5348

(B) To meet the requirements of this division, an individual 5349
must meet both of the following requirements: 5350

(1) Hold, on December 23, 2002, a certificate or credentials 5351
that were accepted under former section 3793.07 of the Revised 5352
Code as authority to practice as a certified chemical dependency 5353
counselor III or certified chemical dependency counselor III-E; 5354

(2) Meet one of the following requirements: 5355

(a) Hold the degree described in division (A)(1) of this 5356
section; 5357

(b) Have held a chemical dependency counselor III, II, or I 5358
certificate for at least eight consecutive years and have not less 5359
than forty clock hours of training on the version of the 5360
diagnostic and statistical manual of mental disorders that is 5361
current at the time of the training. The training must meet the 5362
requirements specified in rules adopted under section 4758.20 of 5363
the Revised Code. An individual authorized under Chapter 4731. of 5364
the Revised Code to practice medicine and surgery or osteopathic 5365
medicine and surgery, a psychologist licensed under Chapter 4732. 5366
of the Revised Code, or a licensed professional clinical counselor 5367
or independent social worker licensed under Chapter 4757. of the 5368
Revised Code may provide any portion of the training. An 5369

independent chemical dependency counselor licensed under this 5370
chapter who holds the degree described in division (A)(1) of this 5371
section may provide the portion of the training on chemical 5372
dependency conditions. 5373

Sec. 4758.41. An individual seeking a chemical dependency 5374
counselor III license shall meet the requirements of division (A), 5375
(B), or (C) of this section. 5376

(A) To meet the requirements of this division, an individual 5377
must meet all of the following requirements: 5378

(1) Hold from an accredited educational institution at least 5379
a bachelor's degree in a behavioral science or nursing that meets 5380
the course requirements specified in rules adopted under section 5381
4758.20 of the Revised Code; 5382

(2) Have not less than two thousand hours of compensated work 5383
or supervised internship experience in any of the following, not 5384
less than four hundred hours of which are in chemical dependency 5385
counseling: 5386

(a) Chemical dependency services, substance abuse services, 5387
or both types of services; 5388

(b) The practice of psychology, as defined in section 4732.01 5389
of the Revised Code; 5390

(c) The practice of professional counseling, the practice of 5391
social work, or the practice of marriage and family therapy, all 5392
as defined in section 4757.01 of the Revised Code. 5393

(3) Have a minimum of one hundred eighty hours of training in 5394
chemical dependency that meets the requirements specified in rules 5395
adopted under section 4758.20 of the Revised Code; 5396

(4) Unless the individual holds a valid license, 5397
registration, certificate, or credentials issued under another 5398
chapter of the Revised Code that authorizes the individual to 5399

engage in a profession whose scope of practice includes chemical 5400
dependency counseling and diagnosing and treating chemical 5401
dependency conditions, pass one or more examinations administered 5402
pursuant to section 4758.22 of the Revised Code for the purpose of 5403
determining competence to practice as a chemical dependency 5404
counselor III. 5405

(B) To meet the requirements of this division, an individual 5406
must meet both of the following requirements: 5407

(1) Hold, on December 23, 2002, a certificate or credentials 5408
that were accepted under former section 3793.07 of the Revised 5409
Code as authority to practice as a certified chemical dependency 5410
counselor III or certified chemical dependency counselor III-E; 5411

(2) Have not less than forty clock hours of training on the 5412
version of the diagnostic and statistical manual of mental 5413
disorders that is current at the time of the training. The 5414
training must meet the requirements specified in rules adopted 5415
under section 4758.20 of the Revised Code. An individual 5416
authorized under Chapter 4731. of the Revised Code to practice 5417
medicine and surgery or osteopathic medicine and surgery, a 5418
psychologist licensed under Chapter 4732. of the Revised Code, or 5419
a licensed professional clinical counselor or independent social 5420
worker licensed under Chapter 4757. of the Revised Code may 5421
provide any portion of the training. An independent chemical 5422
dependency counselor licensed under this chapter who holds the 5423
degree described in division (A)(1) of section 4758.40 of the 5424
Revised Code may provide the portion of the training on chemical 5425
dependency conditions. 5426

(C) To meet the requirements of this division, an individual 5427
must meet all of the following requirements: 5428

(1) Hold, on December 23, 2002, a certificate or credentials 5429
that were accepted under former section 3793.07 of the Revised 5430

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| Code as authority to practice as a certified chemical dependency counselor II; | 5431 |
| | 5432 |
| (2) Meet the requirement of division (B)(2) of this section; | 5433 |
| (3) Hold a bachelor's degree in a behavioral science. | 5434 |
| Sec. 4758.55. In addition to practicing chemical dependency counseling, an individual holding a valid independent chemical dependency counselor license may do all of the following: | 5435 |
| | 5436 |
| | 5437 |
| (A) Diagnose and treat chemical dependency conditions; | 5438 |
| (B) Perform treatment planning, assessment, crisis intervention, individual and group counseling, case management, and education services as they relate to abuse of and dependency on alcohol and other drugs; | 5439 |
| | 5440 |
| | 5441 |
| | 5442 |
| (C) Provide clinical supervision of chemical dependency counseling under the supervision of any of the following: | 5443 |
| | 5444 |
| (1) An independent chemical dependency counselor-clinical supervisor licensed under this chapter; | 5445 |
| | 5446 |
| (2) An individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery; | 5447 |
| | 5448 |
| | 5449 |
| (3) A psychologist licensed under Chapter 4732. of the Revised Code; | 5450 |
| | 5451 |
| (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. | 5452 |
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(D) Refer individuals with nonchemical dependency conditions 5460
to appropriate sources of help. 5461

Sec. 4758.561. Any of the following professionals may 5462
supervise a chemical dependency counselor III for purposes of 5463
divisions (A)(1) and (4) of section 4758.56 of the Revised Code: 5464

(A) An independent chemical dependency counselor-clinical 5465
supervisor licensed under this chapter; 5466

(B) An individual authorized under Chapter 4731. of the 5467
Revised Code to practice medicine and surgery or osteopathic 5468
medicine and surgery; 5469

(C) A psychologist licensed under Chapter 4732. of the 5470
Revised Code; 5471

(D) A registered nurse licensed under Chapter 4723. of the 5472
Revised Code or licensed professional clinical counselor, 5473
independent social worker, or independent marriage and family 5474
therapist licensed under Chapter 4757. of the Revised Code if such 5475
supervision is consistent with the scope of practice of the 5476
registered nurse, licensed professional clinical counselor, 5477
independent social worker, or independent marriage and family 5478
therapist. 5479

Sec. 4758.59. (A) Subject to division (B) of this section, an 5480
individual holding a valid chemical dependency counselor assistant 5481
certificate may do both of the following in addition to practicing 5482
chemical dependency counseling: 5483

(1) Perform treatment planning, assessment, crisis 5484
intervention, individual and group counseling, case management, 5485
and education services as they relate to abuse of or dependency on 5486
alcohol and other drugs; 5487

(2) Refer individuals with nonchemical dependency conditions 5488

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| to appropriate sources of help. | 5489 |
| (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: | 5490 5491 5492 5493 |
| (1) An independent chemical dependency counselor-clinical supervisor, independent chemical dependency counselor, or chemical dependency counselor III licensed under this chapter; | 5494 5495 5496 |
| (2) An individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery; | 5497 5498 5499 |
| (3) A psychologist licensed under Chapter 4732. of the Revised Code; | 5500 5501 |
| (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. | 5502 5503 5504 5505 5506 5507 5508 5509 |
| (C) A chemical dependency counselor assistant may not practice as an individual practitioner. | 5510 5511 |
| 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: | 5512 5513 5514 5515 5516 |
| (A) A prevention specialist II or prevention specialist I certified under this chapter; | 5517 5518 |

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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; | 5519 5520 5521 |
| (C) An individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery; | 5522 5523 5524 |
| (D) A psychologist licensed under Chapter 4732. of the Revised Code; | 5525 5526 |
| (E) A registered nurse licensed under Chapter 4723. of the Revised Code; | 5527 5528 |
| (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; | 5529 5530 5531 5532 5533 |
| (G) A school counselor licensed by the department of education pursuant to section 3319.22 of the Revised Code; | 5534 5535 |
| (H) A health education specialist certified by the national commission for health education credentialing. | 5536 5537 |
| Sec. 4769.01. As used in this chapter: | 5538 |
| (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. | 5539 5540 5541 |
| (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, | 5542 5543 5544 5545 5546 5547 5548 |

the charge allowed under the terms and conditions of the 5549
appropriate provider contract, from the primary insurer, but the 5550
medicare beneficiary cannot be balance billed above the medicare 5551
reimbursement rate for a medicare-covered service or supply. 5552
"Balance billing" does not include charging or collecting 5553
deductibles or coinsurance required by the program. 5554

(C) "Health care practitioner" means all of the following: 5555

(1) A dentist or dental hygienist licensed under Chapter 5556
4715. of the Revised Code; 5557

(2) A registered or licensed practical nurse licensed under 5558
Chapter 4723. of the Revised Code; 5559

(3) An optometrist licensed under Chapter 4725. of the 5560
Revised Code; 5561

(4) A dispensing optician, spectacle dispensing optician, 5562
contact lens dispensing optician, or spectacle-contact lens 5563
dispensing optician licensed under Chapter 4725. of the Revised 5564
Code; 5565

(5) A pharmacist licensed under Chapter 4729. of the Revised 5566
Code; 5567

(6) A physician authorized under Chapter 4731. of the Revised 5568
Code to practice medicine and surgery, osteopathic medicine and 5569
surgery, or podiatry; 5570

(7) A physician assistant authorized under Chapter 4730. of 5571
the Revised Code to practice as a physician assistant; 5572

(8) A practitioner of a limited branch of medicine issued a 5573
certificate under Chapter 4731. of the Revised Code; 5574

(9) A psychologist licensed under Chapter 4732. of the 5575
Revised Code; 5576

(10) A chiropractor licensed under Chapter 4734. of the 5577
Revised Code; 5578

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| (11) A hearing aid dealer or fitter licensed under Chapter 4747. of the Revised Code; | 5579 5580 |
| (12) A speech-language pathologist or audiologist licensed under Chapter 4753. of the Revised Code; | 5581 5582 |
| (13) An occupational therapist or occupational therapy assistant licensed under Chapter 4755. of the Revised Code; | 5583 5584 |
| (14) A physical therapist or physical therapy assistant licensed under Chapter 4755. of the Revised Code; | 5585 5586 |
| (15) A <u>licensed</u> professional clinical counselor, <u>licensed</u> professional counselor, social worker, or independent social worker licensed, or a social work assistant registered, under Chapter 4757. of the Revised Code; | 5587 5588 5589 5590 |
| (16) A dietitian licensed under Chapter 4759. of the Revised Code; | 5591 5592 |
| (17) A respiratory care professional licensed under Chapter 4761. of the Revised Code; | 5593 5594 |
| (18) An emergency medical technician-basic, emergency medical technician-intermediate, or emergency medical technician-paramedic certified under Chapter 4765. of the Revised Code. | 5595 5596 5597 |
| Sec. 5101.61. (A) As used in this section: | 5598 |
| (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. | 5599 5600 5601 |
| (2) "Ambulatory health facility" means a nonprofit, public or proprietary freestanding organization or a unit of such an agency or organization that: | 5602 5603 5604 |
| (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 | 5605 5606 5607 |

physician or dentist in a facility which is not a part of a 5608
hospital, but which is organized and operated to provide medical 5609
care to outpatients; 5610

(b) Has health and medical care policies which are developed 5611
with the advice of, and with the provision of review of such 5612
policies, an advisory committee of professional personnel, 5613
including one or more physicians, one or more dentists, if dental 5614
care is provided, and one or more registered nurses; 5615

(c) Has a medical director, a dental director, if dental care 5616
is provided, and a nursing director responsible for the execution 5617
of such policies, and has physicians, dentists, nursing, and 5618
ancillary staff appropriate to the scope of services provided; 5619

(d) Requires that the health care and medical care of every 5620
patient be under the supervision of a physician, provides for 5621
medical care in a case of emergency, has in effect a written 5622
agreement with one or more hospitals and other centers or clinics, 5623
and has an established patient referral system to other resources, 5624
and a utilization review plan and program; 5625

(e) Maintains clinical records on all patients; 5626

(f) Provides nursing services and other therapeutic services 5627
in accordance with programs and policies, with such services 5628
supervised by a registered professional nurse, and has a 5629
registered professional nurse on duty at all times of clinical 5630
operations; 5631

(g) Provides approved methods and procedures for the 5632
dispensing and administration of drugs and biologicals; 5633

(h) Has established an accounting and record keeping system 5634
to determine reasonable and allowable costs; 5635

(i) "Ambulatory health facilities" also includes an 5636
alcoholism treatment facility approved by the joint commission on 5637

accreditation of healthcare organizations as an alcoholism 5638
treatment facility or certified by the department of mental health 5639
and addiction services, and such facility shall comply with other 5640
provisions of this division not inconsistent with such 5641
accreditation or certification. 5642

(3) "Community mental health facility" means a facility which 5643
provides community mental health services and is included in the 5644
comprehensive mental health plan for the alcohol, drug addiction, 5645
and mental health service district in which it is located. 5646

(4) "Community mental health service" means services, other 5647
than inpatient services, provided by a community mental health 5648
facility. 5649

(5) "Home health agency" means an institution or a distinct 5650
part of an institution operated in this state which: 5651

(a) Is primarily engaged in providing home health services; 5652

(b) Has home health policies which are established by a group 5653
of professional personnel, including one or more duly licensed 5654
doctors of medicine or osteopathy and one or more registered 5655
professional nurses, to govern the home health services it 5656
provides and which includes a requirement that every patient must 5657
be under the care of a duly licensed doctor of medicine or 5658
osteopathy; 5659

(c) Is under the supervision of a duly licensed doctor of 5660
medicine or doctor of osteopathy or a registered professional 5661
nurse who is responsible for the execution of such home health 5662
policies; 5663

(d) Maintains comprehensive records on all patients; 5664

(e) Is operated by the state, a political subdivision, or an 5665
agency of either, or is operated not for profit in this state and 5666
is licensed or registered, if required, pursuant to law by the 5667

appropriate department of the state, county, or municipality in 5668
which it furnishes services; or is operated for profit in this 5669
state, meets all the requirements specified in divisions (A)(5)(a) 5670
to (d) of this section, and is certified under Title XVIII of the 5671
"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as 5672
amended. 5673

(6) "Home health service" means the following items and 5674
services, provided, except as provided in division (A)(6)(g) of 5675
this section, on a visiting basis in a place of residence used as 5676
the patient's home: 5677

(a) Nursing care provided by or under the supervision of a 5678
registered professional nurse; 5679

(b) Physical, occupational, or speech therapy ordered by the 5680
patient's attending physician; 5681

(c) Medical social services performed by or under the 5682
supervision of a qualified medical or psychiatric social worker 5683
and under the direction of the patient's attending physician; 5684

(d) Personal health care of the patient performed by aides in 5685
accordance with the orders of a doctor of medicine or osteopathy 5686
and under the supervision of a registered professional nurse; 5687

(e) Medical supplies and the use of medical appliances; 5688

(f) Medical services of interns and residents-in-training 5689
under an approved teaching program of a nonprofit hospital and 5690
under the direction and supervision of the patient's attending 5691
physician; 5692

(g) Any of the foregoing items and services which: 5693

(i) Are provided on an outpatient basis under arrangements 5694
made by the home health agency at a hospital or skilled nursing 5695
facility; 5696

(ii) Involve the use of equipment of such a nature that the 5697

items and services cannot readily be made available to the patient 5698
in the patient's place of residence, or which are furnished at the 5699
hospital or skilled nursing facility while the patient is there to 5700
receive any item or service involving the use of such equipment. 5701

Any attorney, physician, osteopath, podiatrist, chiropractor, 5702
dentist, psychologist, any employee of a hospital as defined in 5703
section 3701.01 of the Revised Code, any nurse licensed under 5704
Chapter 4723. of the Revised Code, any employee of an ambulatory 5705
health facility, any employee of a home health agency, any 5706
employee of a residential facility licensed under section 5119.34 5707
of the Revised Code that provides accommodations, supervision, and 5708
personal care services for three to sixteen unrelated adults, any 5709
employee of a nursing home, residential care facility, or home for 5710
the aging, as defined in section 3721.01 of the Revised Code, any 5711
senior service provider, any peace officer, coroner, member of the 5712
clergy, any employee of a community mental health facility, and 5713
any person engaged in professional counseling, social work ~~or~~ 5714
~~counseling~~, or marriage and family therapy having reasonable cause 5715
to believe that an adult is being abused, neglected, or exploited, 5716
or is in a condition which is the result of abuse, neglect, or 5717
exploitation shall immediately report such belief to the county 5718
department of job and family services. This section does not apply 5719
to employees of any hospital or public hospital as defined in 5720
section 5122.01 of the Revised Code. 5721

(B) Any person having reasonable cause to believe that an 5722
adult has suffered abuse, neglect, or exploitation may report, or 5723
cause reports to be made of such belief to the department. 5724

(C) The reports made under this section shall be made orally 5725
or in writing except that oral reports shall be followed by a 5726
written report if a written report is requested by the department. 5727
Written reports shall include: 5728

(1) The name, address, and approximate age of the adult who 5729

is the subject of the report; 5730

(2) The name and address of the individual responsible for 5731
the adult's care, if any individual is, and if the individual is 5732
known; 5733

(3) The nature and extent of the alleged abuse, neglect, or 5734
exploitation of the adult; 5735

(4) The basis of the reporter's belief that the adult has 5736
been abused, neglected, or exploited. 5737

(D) Any person with reasonable cause to believe that an adult 5738
is suffering abuse, neglect, or exploitation who makes a report 5739
pursuant to this section or who testifies in any administrative or 5740
judicial proceeding arising from such a report, or any employee of 5741
the state or any of its subdivisions who is discharging 5742
responsibilities under section 5101.62 of the Revised Code shall 5743
be immune from civil or criminal liability on account of such 5744
investigation, report, or testimony, except liability for perjury, 5745
unless the person has acted in bad faith or with malicious 5746
purpose. 5747

(E) No employer or any other person with the authority to do 5748
so shall discharge, demote, transfer, prepare a negative work 5749
performance evaluation, or reduce benefits, pay, or work 5750
privileges, or take any other action detrimental to an employee or 5751
in any way retaliate against an employee as a result of the 5752
employee's having filed a report under this section. 5753

(F) Neither the written or oral report provided for in this 5754
section nor the investigatory report provided for in section 5755
5101.62 of the Revised Code shall be considered a public record as 5756
defined in section 149.43 of the Revised Code. Information 5757
contained in the report shall upon request be made available to 5758
the adult who is the subject of the report, to agencies authorized 5759
by the department to receive information contained in the report, 5760

and to legal counsel for the adult. 5761

Sec. 5123.61. (A) As used in this section: 5762

(1) "Law enforcement agency" means the state highway patrol, 5763
the police department of a municipal corporation, or a county 5764
sheriff. 5765

(2) "Abuse" has the same meaning as in section 5123.50 of the 5766
Revised Code, except that it includes a misappropriation, as 5767
defined in that section. 5768

(3) "Neglect" has the same meaning as in section 5123.50 of 5769
the Revised Code. 5770

(B) The department of developmental disabilities shall 5771
establish a registry office for the purpose of maintaining reports 5772
of abuse, neglect, and other major unusual incidents made to the 5773
department under this section and reports received from county 5774
boards of developmental disabilities under section 5126.31 of the 5775
Revised Code. The department shall establish committees to review 5776
reports of abuse, neglect, and other major unusual incidents. 5777

(C)(1) Any person listed in division (C)(2) of this section, 5778
having reason to believe that a person with mental retardation or 5779
a developmental disability has suffered or faces a substantial 5780
risk of suffering any wound, injury, disability, or condition of 5781
such a nature as to reasonably indicate abuse or neglect of that 5782
person, shall immediately report or cause reports to be made of 5783
such information to the entity specified in this division. Except 5784
as provided in section 5120.173 of the Revised Code or as 5785
otherwise provided in this division, the person making the report 5786
shall make it to a law enforcement agency or to the county board 5787
of developmental disabilities. If the report concerns a resident 5788
of a facility operated by the department of developmental 5789
disabilities the report shall be made either to a law enforcement 5790

agency or to the department. If the report concerns any act or 5791
omission of an employee of a county board of developmental 5792
disabilities, the report immediately shall be made to the 5793
department and to the county board. 5794

(2) All of the following persons are required to make a 5795
report under division (C)(1) of this section: 5796

(a) Any physician, including a hospital intern or resident, 5797
any dentist, podiatrist, chiropractor, practitioner of a limited 5798
branch of medicine as specified in section 4731.15 of the Revised 5799
Code, hospital administrator or employee of a hospital, nurse 5800
licensed under Chapter 4723. of the Revised Code, employee of an 5801
ambulatory health facility as defined in section 5101.61 of the 5802
Revised Code, employee of a home health agency, employee of a 5803
residential facility licensed under section 5119.34 of the Revised 5804
Code that provides accommodations, supervision, and person care 5805
services for three to sixteen unrelated adults, or employee of a 5806
community mental health facility; 5807

(b) Any school teacher or school authority, licensed 5808
professional clinical counselor, licensed professional counselor, 5809
independent social worker, social worker, independent marriage and 5810
family therapist, marriage and family therapist, psychologist, 5811
attorney, peace officer, coroner, or residents' rights advocate as 5812
defined in section 3721.10 of the Revised Code; 5813

(c) A superintendent, board member, or employee of a county 5814
board of developmental disabilities; an administrator, board 5815
member, or employee of a residential facility licensed under 5816
section 5123.19 of the Revised Code; an administrator, board 5817
member, or employee of any other public or private provider of 5818
services to a person with mental retardation or a developmental 5819
disability, or any MR/DD employee, as defined in section 5123.50 5820
of the Revised Code; 5821

(d) A member of a citizen's advisory council established at 5822
an institution or branch institution of the department of 5823
developmental disabilities under section 5123.092 of the Revised 5824
Code; 5825

(e) A member of the clergy who is employed in a position that 5826
includes providing specialized services to an individual with 5827
mental retardation or another developmental disability, while 5828
acting in an official or professional capacity in that position, 5829
or a person who is employed in a position that includes providing 5830
specialized services to an individual with mental retardation or 5831
another developmental disability and who, while acting in an 5832
official or professional capacity, renders spiritual treatment 5833
through prayer in accordance with the tenets of an organized 5834
religion. 5835

(3)(a) The reporting requirements of this division do not 5836
apply to employees of the Ohio protection and advocacy system. 5837

(b) An attorney or physician is not required to make a report 5838
pursuant to division (C)(1) of this section concerning any 5839
communication the attorney or physician receives from a client or 5840
patient in an attorney-client or physician-patient relationship, 5841
if, in accordance with division (A) or (B) of section 2317.02 of 5842
the Revised Code, the attorney or physician could not testify with 5843
respect to that communication in a civil or criminal proceeding, 5844
except that the client or patient is deemed to have waived any 5845
testimonial privilege under division (A) or (B) of section 2317.02 5846
of the Revised Code with respect to that communication and the 5847
attorney or physician shall make a report pursuant to division 5848
(C)(1) of this section, if both of the following apply: 5849

(i) The client or patient, at the time of the communication, 5850
is a person with mental retardation or a developmental disability. 5851

(ii) The attorney or physician knows or suspects, as a result 5852

of the communication or any observations made during that 5853
communication, that the client or patient has suffered or faces a 5854
substantial risk of suffering any wound, injury, disability, or 5855
condition of a nature that reasonably indicates abuse or neglect 5856
of the client or patient. 5857

(4) Any person who fails to make a report required under 5858
division (C) of this section and who is an MR/DD employee, as 5859
defined in section 5123.50 of the Revised Code, shall be eligible 5860
to be included in the registry regarding misappropriation, abuse, 5861
neglect, or other specified misconduct by MR/DD employees 5862
established under section 5123.52 of the Revised Code. 5863

(D) The reports required under division (C) of this section 5864
shall be made forthwith by telephone or in person and shall be 5865
followed by a written report. The reports shall contain the 5866
following: 5867

(1) The names and addresses of the person with mental 5868
retardation or a developmental disability and the person's 5869
custodian, if known; 5870

(2) The age of the person with mental retardation or a 5871
developmental disability; 5872

(3) Any other information that would assist in the 5873
investigation of the report. 5874

(E) When a physician performing services as a member of the 5875
staff of a hospital or similar institution has reason to believe 5876
that a person with mental retardation or a developmental 5877
disability has suffered injury, abuse, or physical neglect, the 5878
physician shall notify the person in charge of the institution or 5879
that person's designated delegate, who shall make the necessary 5880
reports. 5881

(F) Any person having reasonable cause to believe that a 5882
person with mental retardation or a developmental disability has 5883

suffered or faces a substantial risk of suffering abuse or neglect 5884
may report or cause a report to be made of that belief to the 5885
entity specified in this division. Except as provided in section 5886
5120.173 of the Revised Code or as otherwise provided in this 5887
division, the person making the report shall make it to a law 5888
enforcement agency or the county board of developmental 5889
disabilities. If the person is a resident of a facility operated 5890
by the department of developmental disabilities, the report shall 5891
be made to a law enforcement agency or to the department. If the 5892
report concerns any act or omission of an employee of a county 5893
board of developmental disabilities, the report immediately shall 5894
be made to the department and to the county board. 5895

(G)(1) Upon the receipt of a report concerning the possible 5896
abuse or neglect of a person with mental retardation or a 5897
developmental disability, the law enforcement agency shall inform 5898
the county board of developmental disabilities or, if the person 5899
is a resident of a facility operated by the department of 5900
developmental disabilities, the director of the department or the 5901
director's designee. 5902

(2) On receipt of a report under this section that includes 5903
an allegation of action or inaction that may constitute a crime 5904
under federal law or the law of this state, the department of 5905
developmental disabilities shall notify the law enforcement 5906
agency. 5907

(3) When a county board of developmental disabilities 5908
receives a report under this section that includes an allegation 5909
of action or inaction that may constitute a crime under federal 5910
law or the law of this state, the superintendent of the board or 5911
an individual the superintendent designates under division (H) of 5912
this section shall notify the law enforcement agency. The 5913
superintendent or individual shall notify the department of 5914
developmental disabilities when it receives any report under this 5915

section. 5916

(4) When a county board of developmental disabilities 5917
receives a report under this section and believes that the degree 5918
of risk to the person is such that the report is an emergency, the 5919
superintendent of the board or an employee of the board the 5920
superintendent designates shall attempt a face-to-face contact 5921
with the person with mental retardation or a developmental 5922
disability who allegedly is the victim within one hour of the 5923
board's receipt of the report. 5924

(H) The superintendent of the board may designate an 5925
individual to be responsible for notifying the law enforcement 5926
agency and the department when the county board receives a report 5927
under this section. 5928

(I) An adult with mental retardation or a developmental 5929
disability about whom a report is made may be removed from the 5930
adult's place of residence only by law enforcement officers who 5931
consider that the adult's immediate removal is essential to 5932
protect the adult from further injury or abuse or in accordance 5933
with the order of a court made pursuant to section 5126.33 of the 5934
Revised Code. 5935

(J) A law enforcement agency shall investigate each report of 5936
abuse or neglect it receives under this section. In addition, the 5937
department, in cooperation with law enforcement officials, shall 5938
investigate each report regarding a resident of a facility 5939
operated by the department to determine the circumstances 5940
surrounding the injury, the cause of the injury, and the person 5941
responsible. The investigation shall be in accordance with the 5942
memorandum of understanding prepared under section 5126.058 of the 5943
Revised Code. The department shall determine, with the registry 5944
office which shall be maintained by the department, whether prior 5945
reports have been made concerning an adult with mental retardation 5946
or a developmental disability or other principals in the case. If 5947

the department finds that the report involves action or inaction 5948
that may constitute a crime under federal law or the law of this 5949
state, it shall submit a report of its investigation, in writing, 5950
to the law enforcement agency. If the person with mental 5951
retardation or a developmental disability is an adult, with the 5952
consent of the adult, the department shall provide such protective 5953
services as are necessary to protect the adult. The law 5954
enforcement agency shall make a written report of its findings to 5955
the department. 5956

If the person is an adult and is not a resident of a facility 5957
operated by the department, the county board of developmental 5958
disabilities shall review the report of abuse or neglect in 5959
accordance with sections 5126.30 to 5126.33 of the Revised Code 5960
and the law enforcement agency shall make the written report of 5961
its findings to the county board. 5962

(K) Any person or any hospital, institution, school, health 5963
department, or agency participating in the making of reports 5964
pursuant to this section, any person participating as a witness in 5965
an administrative or judicial proceeding resulting from the 5966
reports, or any person or governmental entity that discharges 5967
responsibilities under sections 5126.31 to 5126.33 of the Revised 5968
Code shall be immune from any civil or criminal liability that 5969
might otherwise be incurred or imposed as a result of such actions 5970
except liability for perjury, unless the person or governmental 5971
entity has acted in bad faith or with malicious purpose. 5972

(L) No employer or any person with the authority to do so 5973
shall discharge, demote, transfer, prepare a negative work 5974
performance evaluation, reduce pay or benefits, terminate work 5975
privileges, or take any other action detrimental to an employee or 5976
retaliate against an employee as a result of the employee's having 5977
made a report under this section. This division does not preclude 5978
an employer or person with authority from taking action with 5979

regard to an employee who has made a report under this section if 5980
there is another reasonable basis for the action. 5981

(M) Reports made under this section are not public records as 5982
defined in section 149.43 of the Revised Code. Information 5983
contained in the reports on request shall be made available to the 5984
person who is the subject of the report, to the person's legal 5985
counsel, and to agencies authorized to receive information in the 5986
report by the department or by a county board of developmental 5987
disabilities. 5988

(N) Notwithstanding section 4731.22 of the Revised Code, the 5989
physician-patient privilege shall not be a ground for excluding 5990
evidence regarding the injuries or physical neglect of a person 5991
with mental retardation or a developmental disability or the cause 5992
thereof in any judicial proceeding resulting from a report 5993
submitted pursuant to this section. 5994

Section 2. That existing sections 1701.03, 1705.03, 1705.04, 5995
1705.53, 1785.01, 1785.02, 1785.03, 2152.72, 2305.234, 2305.51, 5996
2317.02, 2921.22, 2925.01, 2951.041, 3107.014, 3701.046, 3701.74, 5997
3709.161, 3721.21, 3923.28, 3923.281, 3923.282, 3923.29, 3923.30, 5998
3963.01, 4723.16, 4725.33, 4729.161, 4731.226, 4731.65, 4732.28, 5999
4734.17, 4734.41, 4755.471, 4757.01, 4757.02, 4757.03, 4757.04, 6000
4757.10, 4757.11, 4757.16, 4757.21, 4757.22, 4757.23, 4757.26, 6001
4757.27, 4757.28, 4757.29, 4757.30, 4757.31, 4757.33, 4757.34, 6002
4757.36, 4757.38, 4757.41, 4757.43, 4758.40, 4758.41, 4758.55, 6003
4758.561, 4758.59, 4758.61, 4769.01, 5101.61, and 5123.61 and 6004
section 4757.12 of the Revised Code are hereby repealed. 6005

Section 3. Within one year after the effective date of this 6006
act, the Office of Collective Bargaining in the Department of 6007
Administrative Services shall implement division (C) of section 6008
4757.41 of the Revised Code as enacted by this act. 6009

Within ninety days after the effective date of this act, the 6010

Office of Collective Bargaining shall negotiate with each state 6011
agency and the affected union to reach a mutually agreeable 6012
resolution for employees impacted by the enactment of division (C) 6013
of section 4757.41 of the Revised Code. 6014

Notwithstanding divisions (A) and (D) of section 124.14 of 6015
the Revised Code or any other contrary provision of law, for 6016
employees in the service of the state exempt from Chapter 4117. of 6017
the Revised Code who are impacted by the enactment of division (C) 6018
of section 4757.41 of the Revised Code, the Director of 6019
Administrative Services may implement any or all of the provisions 6020
of the resolutions described in the preceding paragraph. 6021

The Director, within ninety days after the effective date of 6022
this act, shall develop and assign new classifications related to 6023
the enactment of division (C) of section 4757.41 of the Revised 6024
Code as needed and reassign impacted employees to appropriate 6025
classifications based on the employee's duties and qualifications. 6026