

**As Reported by the Senate Medicaid, Health and Human Services  
Committee**

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

**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**

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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. 18

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

**Section 1.** That sections 1701.03, 1705.03, 1705.04, 1705.53, 19  
1785.01, 1785.02, 1785.03, 2152.72, 2305.234, 2305.51, 2317.02, 20  
2921.22, 2925.01, 2951.041, 3107.014, 3701.046, 3701.74, 3709.161, 21  
3721.21, 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 organization is a corporation formed under this chapter.

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

(D) No corporation formed for the purpose of providing a combination of the professional services, as defined in section 1785.01 of the Revised Code, of optometrists authorized under Chapter 4725. of the Revised Code, chiropractors authorized under Chapter 4734. of the Revised Code to practice chiropractic or acupuncture, psychologists authorized under Chapter 4732. of the Revised Code, registered or licensed practical nurses authorized under Chapter 4723. of the Revised Code, pharmacists authorized under Chapter 4729. of the Revised Code, physical therapists authorized under sections 4755.40 to 4755.56 of the Revised Code, occupational therapists authorized under sections 4755.04 to 4755.13 of the Revised Code, mechanotherapists authorized under section 4731.151 of the Revised Code, ~~and~~ doctors of medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery authorized under Chapter 4731. of the Revised Code, and licensed professional clinical counselors, licensed professional counselors, independent social workers, social workers, independent marriage and family therapists, or marriage and family therapists authorized under Chapter 4757. of the Revised Code shall control the professional clinical judgment exercised within accepted and prevailing standards of practice of a licensed, certificated, or otherwise legally authorized optometrist, chiropractor, chiropractor practicing acupuncture through the state chiropractic board, psychologist, nurse,

pharmacist, physical therapist, occupational therapist, 113  
mechanotherapist, ~~or~~ doctor of medicine and surgery, osteopathic 114  
medicine and surgery, or podiatric medicine and surgery, licensed 115  
professional clinical counselor, licensed professional counselor, 116  
independent social worker, social worker, independent marriage and 117  
family therapist, or marriage and family therapist in rendering 118  
care, treatment, or professional advice to an individual patient. 119

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

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

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

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

(1) Purchase or otherwise acquire, lease as lessee or lessor, 142  
invest in, hold, use, encumber, sell, exchange, transfer, and 143

dispose of property of any description or any interest in property	144
of any description;	145
(2) Make contracts;	146
(3) Form or acquire the control of other domestic or foreign	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, <del>and</del> 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
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
<b>Sec. 1705.04.</b> (A) One or more persons, without regard to	203

residence, domicile, or state of organization, may form a limited liability company. The articles of organization shall be signed and filed with the secretary of state and shall set forth all of the following:

(1) The name of the company;

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

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

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

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

(C) If a limited liability company is formed under this chapter for the purpose of rendering a professional service, the kinds of professional services authorized under Chapters 4703. and 4733. of the Revised Code, or a combination of the professional services of optometrists authorized under Chapter 4725. of the Revised Code, chiropractors authorized under Chapter 4734. of the Revised Code to practice chiropractic or acupuncture, psychologists authorized under Chapter 4732. of the Revised Code, registered or licensed practical nurses authorized under Chapter 4723. of the Revised Code, pharmacists authorized under Chapter 4729. of the Revised Code, physical therapists authorized under sections 4755.40 to 4755.56 of the Revised Code, occupational therapists authorized under sections 4755.04 to 4755.13 of the

Revised Code, mechanotherapists authorized under section 4731.151 235  
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 professional services authorized under Chapters 4703. and 4733. of the Revised Code, or a combination of the professional services of optometrists authorized under Chapter 4725. of the Revised Code, chiropractors authorized under Chapter 4734. of the Revised Code to practice chiropractic or acupuncture, psychologists authorized under Chapter 4732. of the Revised Code, registered or licensed practical nurses authorized under Chapter 4723. of the Revised Code, pharmacists authorized under Chapter 4729. of the Revised Code, physical therapists authorized under sections 4755.40 to 4755.56 of the Revised Code, occupational therapists authorized under sections 4755.04 to 4755.13 of the Revised Code, mechanotherapists authorized under section 4731.151 of the Revised Code, ~~and~~ doctors of medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery authorized under Chapter 4731. of the Revised Code, and licensed professional clinical counselors, licensed professional counselors, independent social workers, social workers, independent marriage and family therapists, or marriage and family therapists authorized under Chapter 4757. of the Revised Code.

**Sec. 1785.02.** An individual or group of individuals each of whom is licensed, certificated, or otherwise legally authorized to render within this state the same kind of professional service, a group of individuals each of whom is licensed, certificated, or otherwise legally authorized to render within this state the professional service authorized under Chapter 4703. or 4733. of the Revised Code, or a group of individuals each of whom is licensed, certificated, or otherwise legally authorized to render within this state the professional service of optometrists authorized under Chapter 4725. of the Revised Code, chiropractors authorized under Chapter 4734. of the Revised Code to practice chiropractic or acupuncture, psychologists authorized under

Chapter 4732. of the Revised Code, registered or licensed 428  
practical nurses authorized under Chapter 4723. of the Revised 429  
Code, pharmacists authorized under Chapter 4729. of the Revised 430  
Code, physical therapists authorized under sections 4755.40 to 431  
4755.56 of the Revised Code, occupational therapists authorized 432  
under sections 4755.04 to 4755.13 of the Revised Code, 433  
mechanotherapists authorized under section 4731.151 of the Revised 434  
Code, ~~or~~ doctors of medicine and surgery, osteopathic medicine and 435  
surgery, or podiatric medicine and surgery authorized under 436  
Chapter 4731. of the Revised Code, or licensed professional 437  
clinical counselors, licensed professional counselors, independent 438  
social workers, social workers, independent marriage and family 439  
therapists, or marriage and family therapists authorized under 440  
Chapter 4757. of the Revised Code may organize and become a 441  
shareholder or shareholders of a professional association. Any 442  
group of individuals described in this section who may be 443  
rendering one of the professional services as an organization 444  
created otherwise than pursuant to this chapter may incorporate 445  
under and pursuant to this chapter by amending the agreement 446  
establishing the organization in a manner that the agreement as 447  
amended constitutes articles of incorporation prepared and filed 448  
in the manner prescribed in section 1785.08 of the Revised Code 449  
and by otherwise complying with the applicable requirements of 450  
this chapter. 451

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

license, certificate, or other legal authorization is required and 460  
does not include any other person who performs all of that 461  
person's employment under the direct supervision and control of an 462  
officer, agent, or employee who renders a particular professional 463  
service to the public on behalf of the professional association. 464

No professional association formed for the purpose of 465  
providing a combination of the professional services, as defined 466  
in section 1785.01 of the Revised Code, of optometrists authorized 467  
under Chapter 4725. of the Revised Code, chiropractors authorized 468  
under Chapter 4734. of the Revised Code to practice chiropractic 469  
or acupuncture, psychologists authorized under Chapter 4732. of 470  
the Revised Code, registered or licensed practical nurses 471  
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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 553

therapist licensed under that chapter. The entity shall not 554  
provide any part of a psychological, psychiatric, or mental and 555  
emotional disorder examination to the foster caregivers or 556  
prospective adoptive parents other than the substantial and 557  
material conclusions. 558

(2) Notwithstanding sections 2151.356 to 2151.358 of the 559  
Revised Code, if records of an adjudication that a child is a 560  
delinquent child have been sealed pursuant to those sections and 561  
an entity knows the records have been sealed, the entity shall 562  
provide the foster caregivers or prospective adoptive parents a 563  
written statement that the records of a prior adjudication have 564  
been sealed. 565

(C)(1) The entity that places the child in a certified foster 566  
home or for adoption shall conduct a psychological examination of 567  
the child unless either of the following applies: 568

(a) An entity is not required to conduct the examination if 569  
an examination was conducted no more than one year prior to the 570  
child's placement, and division (C)(1)(b) of this section does not 571  
apply. 572

(b) An entity is not required to conduct the examination if a 573  
foster caregiver seeks to adopt the foster caregiver's foster 574  
child, and an examination was conducted no more than two years 575  
prior to the date the foster caregiver seeks to adopt the child. 576

(2) No later than sixty days after placing the child, the 577  
entity shall provide the foster caregiver or prospective adoptive 578  
parents a written report detailing the substantial and material 579  
conclusions and recommendations of the examination conducted 580  
pursuant to this division. 581

(D)(1) Except as provided in divisions (D)(2) and (3) of this 582  
section, the expenses of conducting the examinations and preparing 583  
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 child pursuant to section 2151.354 or 2152.19 of the Revised Code;

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

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

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

(F) On receipt of the information described in divisions (B) and (C) of this section, the foster caregiver or prospective adoptive parents shall provide to the entity that places the child in the foster caregiver's or prospective adoptive parents' home a written acknowledgment that the foster caregiver or prospective

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 677  
as in section 4731.65 of the Revised Code. 678

(4) "Health care facility or location" means a hospital, 679  
clinic, ambulatory surgical facility, office of a health care 680  
professional or associated group of health care professionals, 681  
training institution for health care professionals, or any other 682  
place where medical, dental, or other health-related diagnosis, 683  
care, or treatment is provided to a person. 684

(5) "Health care professional" means any of the following who 685  
provide medical, dental, or other health-related diagnosis, care, 686  
or treatment: 687

(a) Physicians authorized under Chapter 4731. of the Revised 688  
Code to practice medicine and surgery or osteopathic medicine and 689  
surgery; 690

(b) Registered nurses and licensed practical nurses licensed 691  
under Chapter 4723. of the Revised Code and individuals who hold a 692  
certificate of authority issued under that chapter that authorizes 693  
the practice of nursing as a certified registered nurse 694  
anesthetist, clinical nurse specialist, certified nurse-midwife, 695  
or certified nurse practitioner; 696

(c) Physician assistants authorized to practice under Chapter 697  
4730. of the Revised Code; 698

(d) Dentists and dental hygienists licensed under Chapter 699  
4715. of the Revised Code; 700

(e) Physical therapists, physical therapist assistants, 701  
occupational therapists, ~~and~~ occupational therapy assistants, and 702  
athletic trainers licensed under Chapter 4755. of the Revised 703  
Code; 704

(f) Chiropractors licensed under Chapter 4734. of the Revised 705  
Code; 706

(g) Optometrists licensed under Chapter 4725. of the Revised 707  
Code; 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) <del>Professional Licensed professional</del> 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) <del>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</del> <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 services.</u>	730 731 732 733 734 735 736 737
(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 otherwise infiltrating human tissue by mechanical means, including surgery, laser surgery, ionizing radiation, therapeutic ultrasound, or the removal of intraocular foreign bodies. "Operation" does not include the administration of medication by injection, unless the injection is administered in conjunction with a procedure infiltrating human tissue by mechanical means other than the administration of medicine by injection. "Operation" does not include routine dental restorative procedures, the scaling of teeth, or extractions of teeth that are not impacted.

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

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

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

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

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

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

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

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

(b) Inform the person of the provisions of this section, including notifying the person that, by giving informed consent to the provision of the diagnosis, care, or treatment, the person cannot hold the health care professional liable for damages in a tort or other civil action, including an action on a medical,

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 substantive legal right against a health care professional, health care worker, nonprofit health care referral organization, or health care facility or location.

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

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

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

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

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

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

(b) "Mental health client or patient" means an individual who

is receiving mental health services from a mental health professional or organization. 957  
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(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  
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(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  
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(e) "Mental health service" means a service provided to an individual or group of individuals involving the application of medical, psychiatric, psychological, professional counseling, social work, marriage and family therapy, or nursing principles or procedures to either of the following: 966  
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(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  
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(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  
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(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 and serious physical harm to or causing the death of a clearly identifiable potential victim or victims and who is either an immediate family member of the client or patient or an individual who otherwise personally knows the client or patient. 980  
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(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 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:

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

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

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

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

(c) In any criminal action concerning any test or the results of any test that determines the presence or concentration of alcohol, a drug of abuse, a combination of them, a controlled substance, or a metabolite of a controlled substance in the patient's whole blood, blood serum or plasma, breath, urine, or other bodily substance at any time relevant to the criminal offense in question.

(d) In any criminal action against a physician or dentist. In

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 medical, diagnostic, or surgical treatment to patients who do not require hospitalization, including a dialysis center, ambulatory surgical facility, cardiac catheterization facility, diagnostic imaging center, extracorporeal shock wave lithotripsy center, home health agency, inpatient hospice, birthing center, radiation therapy center, emergency facility, and an urgent care center. "Ambulatory health care facility" does not include the private office of a physician or dentist, whether the office is for an individual or group practice.	1273 1274 1275 1276 1277 1278 1279 1280 1281 1282
(ii) "Emergency facility" means a hospital emergency department or any other facility that provides emergency medical services.	1283 1284 1285
(iii) "Health care practitioner" has the same meaning as in section 4769.01 of the Revised Code.	1286 1287
(iv) "Hospital" has the same meaning as in section 3727.01 of the Revised Code.	1288 1289
(v) "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.	1290 1291 1292 1293 1294 1295 1296 1297 1298 1299
(vi) "Pharmacy" has the same meaning as in section 4729.01 of the Revised Code.	1300 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 1358  
sold or transferred by an executor, administrator, guardian, 1359  
trustee, heir, devisee, or legatee, shall be restricted in the 1360  
same manner in any action or proceeding concerning the property or 1361  
thing. 1362

(G)(1) A school guidance counselor who holds a valid educator 1363

license from the state board of education as provided for in 1364  
section 3319.22 of the Revised Code, a person licensed under 1365  
Chapter 4757. of the Revised Code as a licensed professional 1366  
clinical counselor, licensed professional counselor, social 1367  
worker, independent social worker, marriage and family therapist 1368  
or independent marriage and family therapist, or registered under 1369  
Chapter 4757. of the Revised Code as a social work assistant 1370  
concerning a confidential communication received from a client in 1371  
that relation or the person's advice to a client unless any of the 1372  
following applies: 1373

(a) The communication or advice indicates clear and present 1374  
danger to the client or other persons. For the purposes of this 1375  
division, cases in which there are indications of present or past 1376  
child abuse or neglect of the client constitute a clear and 1377  
present danger. 1378

(b) The client gives express consent to the testimony. 1379

(c) If the client is deceased, the surviving spouse or the 1380  
executor or administrator of the estate of the deceased client 1381  
gives express consent. 1382

(d) The client voluntarily testifies, in which case the 1383  
school guidance counselor or person licensed or registered under 1384  
Chapter 4757. of the Revised Code may be compelled to testify on 1385  
the same subject. 1386

(e) The court in camera determines that the information 1387  
communicated by the client is not germane to the counselor-client, 1388  
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 1420  
the communication assistant's authority, when providing 1421  
telecommunications relay service pursuant to section 4931.06 of 1422  
the Revised Code or Title II of the "Communications Act of 1934," 1423  
104 Stat. 366 (1990), 47 U.S.C. 225, concerning a communication 1424  
made through a telecommunications relay service. Nothing in this 1425  
section shall limit the obligation of a communications assistant 1426

to divulge information or testify when mandated by federal law or 1427  
regulation or pursuant to subpoena in a criminal proceeding. 1428

Nothing in this section shall limit any immunity or privilege 1429  
granted under federal law or regulation. 1430

(J)(1) A chiropractor in a civil proceeding concerning a 1431  
communication made to the chiropractor by a patient in that 1432  
relation or the chiropractor's advice to a patient, except as 1433  
otherwise provided in this division. The testimonial privilege 1434  
established under this division does not apply, and a chiropractor 1435  
may testify or may be compelled to testify, in any civil action, 1436  
in accordance with the discovery provisions of the Rules of Civil 1437  
Procedure in connection with a civil action, or in connection with 1438  
a claim under Chapter 4123. of the Revised Code, under any of the 1439  
following circumstances: 1440

(a) If the patient or the guardian or other legal 1441  
representative of the patient gives express consent. 1442

(b) If the patient is deceased, the spouse of the patient or 1443  
the executor or administrator of the patient's estate gives 1444  
express consent. 1445

(c) If a medical claim, dental claim, chiropractic claim, or 1446  
optometric claim, as defined in section 2305.113 of the Revised 1447  
Code, an action for wrongful death, any other type of civil 1448  
action, or a claim under Chapter 4123. of the Revised Code is 1449  
filed by the patient, the personal representative of the estate of 1450  
the patient if deceased, or the patient's guardian or other legal 1451  
representative. 1452

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

question in that relation, or the chiropractor's advice to the 1458  
patient in question, that related causally or historically to 1459  
physical or mental injuries that are relevant to issues in the 1460  
medical claim, dental claim, chiropractic claim, or optometric 1461  
claim, action for wrongful death, other civil action, or claim 1462  
under Chapter 4123. of the Revised Code. 1463

(3) The testimonial privilege established under this division 1464  
does not apply, and a chiropractor may testify or be compelled to 1465  
testify, in any criminal action or administrative proceeding. 1466

(4) As used in this division, "communication" means 1467  
acquiring, recording, or transmitting any information, in any 1468  
manner, concerning any facts, opinions, or statements necessary to 1469  
enable a chiropractor to diagnose, treat, or act for a patient. A 1470  
communication may include, but is not limited to, any 1471  
chiropractic, office, or hospital communication such as a record, 1472  
chart, letter, memorandum, laboratory test and results, x-ray, 1473  
photograph, financial statement, diagnosis, or prognosis. 1474

(K)(1) Except as provided under division (K)(2) of this 1475  
section, a critical incident stress management team member 1476  
concerning a communication received from an individual who 1477  
receives crisis response services from the team member, or the 1478  
team member's advice to the individual, during a debriefing 1479  
session. 1480

(2) The testimonial privilege established under division 1481  
(K)(1) of this section does not apply if any of the following are 1482  
true: 1483

(a) The communication or advice indicates clear and present 1484  
danger to the individual who receives crisis response services or 1485  
to other persons. For purposes of this division, cases in which 1486  
there are indications of present or past child abuse or neglect of 1487  
the individual constitute a clear and present danger. 1488

(b) The individual who received crisis response services	1489
gives express consent to the testimony.	1490
(c) If the individual who received crisis response services	1491
is deceased, the surviving spouse or the executor or administrator	1492
of the estate of the deceased individual gives express consent.	1493
(d) The individual who received crisis response services	1494
voluntarily testifies, in which case the team member may be	1495
compelled to testify on the same subject.	1496
(e) The court in camera determines that the information	1497
communicated by the individual who received crisis response	1498
services is not germane to the relationship between the individual	1499
and the team member.	1500
(f) The communication or advice pertains or is related to any	1501
criminal act.	1502
(3) As used in division (K) of this section:	1503
(a) "Crisis response services" means consultation, risk	1504
assessment, referral, and on-site crisis intervention services	1505
provided by a critical incident stress management team to	1506
individuals affected by crisis or disaster.	1507
(b) "Critical incident stress management team member" or	1508
"team member" means an individual specially trained to provide	1509
crisis response services as a member of an organized community or	1510
local crisis response team that holds membership in the Ohio	1511
critical incident stress management network.	1512
(c) "Debriefing session" means a session at which crisis	1513
response services are rendered by a critical incident stress	1514
management team member during or after a crisis or disaster.	1515
(L)(1) Subject to division (L)(2) of this section and except	1516
as provided in division (L)(3) of this section, an employee	1517
assistance professional, concerning a communication made to the	1518

employee assistance professional by a client in the employee	1519
assistance professional's official capacity as an employee	1520
assistance professional.	1521
(2) Division (L)(1) of this section applies to an employee	1522
assistance professional who meets either or both of the following	1523
requirements:	1524
(a) Is certified by the employee assistance certification	1525
commission to engage in the employee assistance profession;	1526
(b) Has education, training, and experience in all of the	1527
following:	1528
(i) Providing workplace-based services designed to address	1529
employer and employee productivity issues;	1530
(ii) Providing assistance to employees and employees'	1531
dependents in identifying and finding the means to resolve	1532
personal problems that affect the employees or the employees'	1533
performance;	1534
(iii) Identifying and resolving productivity problems	1535
associated with an employee's concerns about any of the following	1536
matters: health, marriage, family, finances, substance abuse or	1537
other addiction, workplace, law, and emotional issues;	1538
(iv) Selecting and evaluating available community resources;	1539
(v) Making appropriate referrals;	1540
(vi) Local and national employee assistance agreements;	1541
(vii) Client confidentiality.	1542
(3) Division (L)(1) of this section does not apply to any of	1543
the following:	1544
(a) A criminal action or proceeding involving an offense	1545
under sections 2903.01 to 2903.06 of the Revised Code if the	1546
employee assistance professional's disclosure or testimony relates	1547

directly to the facts or immediate circumstances of the offense;	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
<b>Sec. 2921.22.</b> (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 committed or that the person has received information derived from such a violation, shall knowingly fail to report the violation to law enforcement authorities.	1569 1570 1571 1572 1573
(B) Except for conditions that are within the scope of division (E) of this section, no physician, limited practitioner, nurse, or other person giving aid to a sick or injured person shall negligently fail to report to law enforcement authorities	1574 1575 1576 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 1726  
following: 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 unit doses of a compound, mixture, preparation, or substance that is or contains any amount of a schedule I opiate or opium derivative;	1734 1735 1736 1737
(b) An amount equal to or exceeding ten grams of a compound, mixture, preparation, or substance that is or contains any amount of raw or gum opium;	1738 1739 1740
(c) An amount equal to or exceeding thirty grams or ten unit doses of a compound, mixture, preparation, or substance that is or contains any amount of a schedule I hallucinogen other than tetrahydrocannabinol or lysergic acid amide, or a schedule I stimulant or depressant;	1741 1742 1743 1744 1745
(d) An amount equal to or exceeding twenty grams or five times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation, or substance that is or contains any amount of a schedule II opiate or opium derivative;	1746 1747 1748 1749 1750
(e) An amount equal to or exceeding five grams or ten unit doses of a compound, mixture, preparation, or substance that is or contains any amount of phencyclidine;	1751 1752 1753
(f) An amount equal to or exceeding one hundred twenty grams or thirty times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation, or substance that is or contains any amount of a schedule II stimulant that is in a final dosage form manufactured by a person authorized by the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, and the federal drug abuse control laws, as defined in section 3719.01 of the Revised Code, that is or contains any amount of a schedule II depressant substance or a schedule II	1754 1755 1756 1757 1758 1759 1760 1761 1762 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 tilling.	1795 1796
(G) "Drug abuse offense" means any of the following:	1797
(1) A violation of division (A) of section 2913.02 that constitutes theft of drugs, or a violation of section 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, or 2925.37 of the Revised Code;	1798 1799 1800 1801 1802
(2) A violation of an existing or former law of this or any other state or of the United States that is substantially equivalent to any section listed in division (G)(1) of this section;	1803 1804 1805 1806
(3) An offense under an existing or former law of this or any other state, or of the United States, of which planting, cultivating, harvesting, processing, making, manufacturing, producing, shipping, transporting, delivering, acquiring, possessing, storing, distributing, dispensing, selling, inducing another to use, administering to another, using, or otherwise dealing with a controlled substance is an element;	1807 1808 1809 1810 1811 1812 1813
(4) A conspiracy to commit, attempt to commit, or complicity in committing or attempting to commit any offense under division (G)(1), (2), or (3) of this section.	1814 1815 1816
(H) "Felony drug abuse offense" means any drug abuse offense that would constitute a felony under the laws of this state, any other state, or the United States.	1817 1818 1819
(I) "Harmful intoxicant" does not include beer or intoxicating liquor but means any of the following:	1820 1821
(1) Any compound, mixture, preparation, or substance the gas, fumes, or vapor of which when inhaled can induce intoxication, excitement, giddiness, irrational behavior, depression,	1822 1823 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 1848  
supervision of a licensed health professional authorized to 1849  
prescribe drugs, or a drug of abuse, and that, at one time, had 1850  
been placed in a container plainly marked as a sample by a 1851  
manufacturer. 1852

(M) "Standard pharmaceutical reference manual" means the 1853  
current edition, with cumulative changes if any, of references 1854

that are approved by the state board of pharmacy. 1855

(N) "Juvenile" means a person under eighteen years of age. 1856

(O) "Counterfeit controlled substance" means any of the 1857  
following: 1858

(1) Any drug that bears, or whose container or label bears, a 1859  
trademark, trade name, or other identifying mark used without 1860  
authorization of the owner of rights to that trademark, trade 1861  
name, or identifying mark; 1862

(2) Any unmarked or unlabeled substance that is represented 1863  
to be a controlled substance manufactured, processed, packed, or 1864  
distributed by a person other than the person that manufactured, 1865  
processed, packed, or distributed it; 1866

(3) Any substance that is represented to be a controlled 1867  
substance but is not a controlled substance or is a different 1868  
controlled substance; 1869

(4) Any substance other than a controlled substance that a 1870  
reasonable person would believe to be a controlled substance 1871  
because of its similarity in shape, size, and color, or its 1872  
markings, labeling, packaging, distribution, or the price for 1873  
which it is sold or offered for sale. 1874

(P) An offense is "committed in the vicinity of a school" if 1875  
the offender commits the offense on school premises, in a school 1876  
building, or within one thousand feet of the boundaries of any 1877  
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 1909  
offense is committed. 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  
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 of a debt pooling company by a legislative authority, under authority of Chapter 4710. of the Revised Code;

(8) A person who has been issued a cosmetologist's license, hair designer's license, manicurist's license, esthetician's license, natural hair stylist's license, managing cosmetologist's license, managing hair designer's license, managing manicurist's license, managing esthetician's license, managing natural hair stylist's license, cosmetology instructor's license, hair design instructor's license, manicurist instructor's license, esthetics instructor's license, natural hair style instructor's license, independent contractor's license, or tanning facility permit under Chapter 4713. of the Revised Code;

(9) A person who has been issued a license to practice dentistry, a general anesthesia permit, a conscious intravenous sedation permit, a limited resident's license, a limited teaching license, a dental hygienist's license, or a dental hygienist's teacher's certificate under Chapter 4715. of the Revised Code;

(10) A person who has been issued an embalmer's license, a funeral director's license, a funeral home license, or a crematory license, or who has been registered for an embalmer's or funeral director's apprenticeship under Chapter 4717. of the Revised Code;

(11) A person who has been licensed as a registered nurse or practical nurse, or who has been issued a certificate for the practice of nurse-midwifery under Chapter 4723. of the Revised Code;

(12) A person who has been licensed to practice optometry or to engage in optical dispensing under Chapter 4725. of the Revised Code;

(13) A person licensed to act as a pawnbroker under Chapter 4727. of the Revised Code;

(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	2005

permit to practice veterinary medicine or any of its branches, or	2006
who is registered as a graduate animal technician under Chapter	2007
4741. of the Revised Code;	2008
(27) A person who has been issued a hearing aid dealer's or	2009
fitter's license or trainee permit under Chapter 4747. of the	2010
Revised Code;	2011
(28) A person who has been issued a class A, class B, or	2012
class C license or who has been registered as an investigator or	2013
security guard employee under Chapter 4749. of the Revised Code;	2014
(29) A person licensed and registered to practice as a	2015
nursing home administrator under Chapter 4751. of the Revised	2016
Code;	2017
(30) A person licensed to practice as a speech-language	2018
pathologist or audiologist under Chapter 4753. of the Revised	2019
Code;	2020
(31) A person issued a license as an occupational therapist	2021
or physical therapist under Chapter 4755. of the Revised Code;	2022
(32) A person who is licensed as a <u>licensed</u> professional	2023
clinical counselor <del>or, licensed</del> professional counselor, <del>licensed</del>	2024
<del>as a</del> social worker <del>or, independent</del> social worker, <u>independent</u>	2025
<u>marriage and family therapist, or marriage and family therapist,</u>	2026
or registered as a social work assistant under Chapter 4757. of	2027
the Revised Code;	2028
(33) A person issued a license to practice dietetics under	2029
Chapter 4759. of the Revised Code;	2030
(34) A person who has been issued a license or limited permit	2031
to practice respiratory therapy under Chapter 4761. of the Revised	2032
Code;	2033
(35) A person who has been issued a real estate appraiser	2034
certificate under Chapter 4763. of the Revised Code;	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  
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(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  
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(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  
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(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" 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. 2058  
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(CC) "Presumption for a prison term" or "presumption that a 2065

prison term shall be imposed" means a presumption, as described in 2066  
division (D) of section 2929.13 of the Revised Code, that a prison 2067  
term is a necessary sanction for a felony in order to comply with 2068  
the purposes and principles of sentencing under section 2929.11 of 2069  
the Revised Code. 2070

(DD) "Major drug offender" has the same meaning as in section 2071  
2929.01 of the Revised Code. 2072

(EE) "Minor drug possession offense" means either of the 2073  
following: 2074

(1) A violation of section 2925.11 of the Revised Code as it 2075  
existed prior to July 1, 1996; 2076

(2) A violation of section 2925.11 of the Revised Code as it 2077  
exists on and after July 1, 1996, that is a misdemeanor or a 2078  
felony of the fifth degree. 2079

(FF) "Mandatory prison term" has the same meaning as in 2080  
section 2929.01 of the Revised Code. 2081

(GG) "Adulterate" means to cause a drug to be adulterated as 2082  
described in section 3715.63 of the Revised Code. 2083

(HH) "Public premises" means any hotel, restaurant, tavern, 2084  
store, arena, hall, or other place of public accommodation, 2085  
business, amusement, or resort. 2086

(II) "Methamphetamine" means methamphetamine, any salt, 2087  
isomer, or salt of an isomer of methamphetamine, or any compound, 2088  
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 <u>licensed professional clinical counselor, licensed</u>	2320
<u>professional counselor, independent social worker,</u> social worker,	2321
<u>independent marriage and family therapist,</u> 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 <u>licensed</u>	2328
professional <u>clinical counselor, licensed professional counselor,</u>	2329
<u>independent social worker,</u> social worker, <u>independent marriage and</u>	2330
<u>family therapist,</u> 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
<u>licensed professional clinical counselor, licensed professional</u>	2335
<u>counselor, independent social worker,</u> social worker, <u>independent</u>	2336
<u>marriage and family therapist,</u> 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) <u>An employee of a court or public children services agency</u>	2345
<u>who is employed to conduct the duties of an assessor.</u>	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  
Chapter 4723. of the Revised Code; 2495

(c) An optometrist licensed under Chapter 4725. of the 2496  
Revised Code; 2497

(d) A dispensing optician, spectacle dispensing optician, 2498  
contact lens dispensing optician, or spectacle-contact lens 2499  
dispensing optician licensed under Chapter 4725. of the Revised 2500  
Code; 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, <del>or</del> independent social worker, <u>independent marriage and family therapist, or marriage and family therapist</u> licensed, or a social work assistant registered, under Chapter 4757. of the Revised Code;	2520 2521 2522 2523 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	2529 2530

certified under Chapter 4765. of the Revised Code. 2531

(5) "Health care provider" means a hospital, ambulatory care 2532  
facility, long-term care facility, pharmacy, emergency facility, 2533  
or health care practitioner. 2534

(6) "Hospital" has the same meaning as in section 3727.01 of 2535  
the Revised Code. 2536

(7) "Long-term care facility" means a nursing home, 2537  
residential care facility, or home for the aging, as those terms 2538  
are defined in section 3721.01 of the Revised Code; a residential 2539  
facility licensed under section 5119.34 of the Revised Code that 2540  
provides accommodations, supervision, and personal care services 2541  
for three to sixteen unrelated adults; a nursing facility, as 2542  
defined in section 5165.01 of the Revised Code; a skilled nursing 2543  
facility, as defined in section 5165.01 of the Revised Code; and 2544  
an intermediate care facility for individuals with intellectual 2545  
disabilities, as defined in section 5124.01 of the Revised Code. 2546

(8) "Medical record" means data in any form that pertains to 2547  
a patient's medical history, diagnosis, prognosis, or medical 2548  
condition and that is generated and maintained by a health care 2549  
provider in the process of the patient's health care treatment. 2550

(9) "Medical records company" means a person who stores, 2551  
locates, or copies medical records for a health care provider, or 2552  
is compensated for doing so by a health care provider, and charges 2553  
a fee for providing medical records to a patient or patient's 2554  
representative. 2555

(10) "Patient" means either of the following: 2556

(a) An individual who received health care treatment from a 2557  
health care provider; 2558

(b) A guardian, as defined in section 1337.11 of the Revised 2559  
Code, of an individual described in division (A)(10)(a) of this 2560

section. 2561

(11) "Patient's personal representative" means a minor 2562  
patient's parent or other person acting in loco parentis, a 2563  
court-appointed guardian, or a person with durable power of 2564  
attorney for health care for a patient, the executor or 2565  
administrator of the patient's estate, or the person responsible 2566  
for the patient's estate if it is not to be probated. "Patient's 2567  
personal representative" does not include an insurer authorized 2568  
under Title XXXIX of the Revised Code to do the business of 2569  
sickness and accident insurance in this state, a health insuring 2570  
corporation holding a certificate of authority under Chapter 1751. 2571  
of the Revised Code, or any other person not named in this 2572  
division. 2573

(12) "Pharmacy" has the same meaning as in section 4729.01 of 2574  
the Revised Code. 2575

(13) "Physician" means a person authorized under Chapter 2576  
4731. of the Revised Code to practice medicine and surgery, 2577  
osteopathic medicine and surgery, or podiatric medicine and 2578  
surgery. 2579

(14) "Authorized person" means a person to whom a patient has 2580  
given written authorization to act on the patient's behalf 2581  
regarding the patient's medical record. 2582

(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

(f) A psychologist licensed under Chapter 4732. of the 2647  
Revised Code; 2648

(g) A veterinarian licensed under Chapter 4741. of the 2649  
Revised Code; 2650

(h) A speech-language pathologist or audiologist licensed 2651  
under Chapter 4753. of the Revised Code; 2652

(i) An occupational therapist, physical therapist, physical therapist assistant, or athletic trainer licensed under Chapter 4755. of the Revised Code; 2653  
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(j) A licensed professional clinical counselor, licensed professional counselor, independent social worker, or social worker licensed under Chapter 4757. of the Revised Code; 2656  
2657  
2658

(k) A ~~dietician~~ dietitian 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  
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**Sec. 3721.21.** As used in sections 3721.21 to 3721.34 of the Revised Code: 2673  
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(A) "Long-term care facility" means either of the following: 2675

(1) A nursing home as defined in section 3721.01 of the Revised Code; 2676  
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(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 2683  
recklessly causing serious physical harm to a resident by physical 2684  
contact with the resident or by use of physical or chemical 2685  
restraint, medication, or isolation as punishment, for staff 2686  
convenience, excessively, as a substitute for treatment, or in 2687  
amounts that preclude habilitation and treatment. 2688

(D) "Neglect" means recklessly failing to provide a resident 2689  
with any treatment, care, goods, or service necessary to maintain 2690  
the health or safety of the resident when the failure results in 2691  
serious physical harm to the resident. "Neglect" does not include 2692  
allowing a resident, at the resident's option, to receive only 2693  
treatment by spiritual means through prayer in accordance with the 2694  
tenets of a recognized religious denomination. 2695

(E) "Misappropriation" means depriving, defrauding, or 2696  
otherwise obtaining the real or personal property of a resident by 2697  
any means prohibited by the Revised Code, including violations of 2698  
Chapter 2911. or 2913. of the Revised Code. 2699

(F) "Resident" includes a resident, patient, former resident 2700  
or patient, or deceased resident or patient of a long-term care 2701  
facility or a residential care facility. 2702

(G) "Physical restraint" has the same meaning as in section 2703  
3721.10 of the Revised Code. 2704

(H) "Chemical restraint" has the same meaning as in section 2705  
3721.10 of the Revised Code. 2706

(I) "Nursing and nursing-related services" means the personal 2707  
care services and other services not constituting skilled nursing 2708  
care that are specified in rules the director of health shall 2709  
adopt in accordance with Chapter 119. of the Revised Code. 2710

(J) "Personal care services" has the same meaning as in 2711  
section 3721.01 of the Revised Code. 2712

(K)(1) Except as provided in division (K)(2) of this section, 2713  
"nurse aide" means an individual who provides nursing and 2714  
nursing-related services to residents in a long-term care 2715  
facility, either as a member of the staff of the facility for 2716  
monetary compensation or as a volunteer without monetary 2717  
compensation. 2718

(2) "Nurse aide" does not include either of the following: 2719

(a) A licensed health professional practicing within the 2720  
scope of the professional's license; 2721

(b) An individual providing nursing and nursing-related 2722  
services in a religious nonmedical health care institution, if the 2723  
individual has been trained in the principles of nonmedical care 2724  
and is recognized by the institution as being competent in the 2725  
administration of care within the religious tenets practiced by 2726  
the residents of the institution. 2727

(L) "Licensed health professional" means all of the 2728  
following: 2729

(1) An occupational therapist or occupational therapy 2730  
assistant licensed under Chapter 4755. of the Revised Code; 2731

(2) A physical therapist or physical therapy assistant 2732  
licensed under Chapter 4755. of the Revised Code; 2733

(3) A physician authorized under Chapter 4731. of the Revised 2734  
Code to practice medicine and surgery, osteopathic medicine and 2735  
surgery, or podiatry; 2736

(4) A physician assistant authorized under Chapter 4730. of 2737  
the Revised Code to practice as a physician assistant; 2738

(5) A registered nurse or licensed practical nurse licensed 2739  
under Chapter 4723. of the Revised Code; 2740

(6) A social worker or independent social worker licensed 2741  
under Chapter 4757. of the Revised Code or a social work assistant 2742

registered under that chapter;	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 payment under the medicare program established under Title XVIII of the "Social Security Act" for inpatient hospital services or post-hospital extended care services furnished to an individual in a religious nonmedical health care institution, as defined in section 1861(ss)(1) of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1395x(ss)(1), as amended.	2764 2765 2766 2767 2768 2769 2770 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 care professional every three months.

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

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

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

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

(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 2865  
recipients. 2866

(B) Notwithstanding section 3901.71 of the Revised Code, and 2867  
subject to division (E) of this section, every policy of sickness 2868  
and accident insurance shall provide benefits for the diagnosis 2869  
and treatment of biologically based mental illnesses on the same 2870  
terms and conditions as, and shall provide benefits no less 2871  
extensive than, those provided under the policy of sickness and 2872  
accident insurance for the treatment and diagnosis of all other 2873  
physical diseases and disorders, if both of the following apply: 2874

(1) The biologically based mental illness is clinically 2875  
diagnosed by a physician authorized under Chapter 4731. of the 2876  
Revised Code to practice medicine and surgery or osteopathic 2877  
medicine and surgery; a psychologist licensed under Chapter 4732. 2878  
of the Revised Code; a licensed professional clinical counselor, 2879  
licensed professional counselor, ~~or~~ independent social worker, or 2880  
independent marriage and family therapist licensed under Chapter 2881  
4757. of the Revised Code; or a clinical nurse specialist or 2882  
certified nurse practitioner licensed under Chapter 4723. of the 2883  
Revised Code whose nursing specialty is mental health. 2884

(2) The prescribed treatment is not experimental or 2885  
investigational, having proven its clinical effectiveness in 2886  
accordance with generally accepted medical standards. 2887

(C) Division (B) of this section applies to all coverages and 2888  
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 with regard to reimbursement rates and the delivery of health care services;	2897 2898 2899
(2) Offering policies that provide benefits solely for the diagnosis and treatment of biologically based mental illnesses;	2900 2901
(3) Managing the provision of benefits for the diagnosis or treatment of biologically based mental illnesses through the use of pre-admission screening, by requiring beneficiaries to obtain authorization prior to treatment, or through the use of any other mechanism designed to limit coverage to that treatment determined to be necessary;	2902 2903 2904 2905 2906 2907
(4) Enforcing the terms and conditions of a policy of sickness and accident insurance.	2908 2909
(E) An insurer that offers any policy of sickness and accident insurance is not required to provide benefits for the diagnosis and treatment of biologically based mental illnesses pursuant to division (B) of this section if all of the following apply:	2910 2911 2912 2913 2914
(1) The insurer submits documentation certified by an independent member of the American academy of actuaries to the superintendent of insurance showing that incurred claims for diagnostic and treatment services for biologically based mental illnesses for a period of at least six months independently caused the insurer's costs for claims and administrative expenses for the coverage of all other physical diseases and disorders to increase by more than one per cent per year.	2915 2916 2917 2918 2919 2920 2921 2922
(2) The insurer submits a signed letter from an independent member of the American academy of actuaries to the superintendent of insurance opining that the increase described in division (E)(1) of this section could reasonably justify an increase of	2923 2924 2925 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

(b) A psychologist licensed under Chapter 4732. of the 3043  
Revised Code; 3044

(c) A licensed professional clinical counselor, licensed 3045  
professional counselor, independent social worker, or independent 3046  
marriage and family therapist licensed under Chapter 4757. of the 3047  
Revised Code whose practice includes chemical dependency 3048

counseling; 3049

(d) An independent chemical dependency counselor licensed 3050  
under Chapter 4758. of the Revised Code; 3051

(e) A clinical nurse specialist or certified nurse 3052  
practitioner licensed under Chapter 4723. of the Revised Code 3053  
whose nursing specialty is mental health. 3054

(3) The services may be performed in an office, in a 3055  
hospital, in a community mental health facility, or in an 3056  
alcoholism treatment facility so long as the hospital, community 3057  
mental health facility, or alcoholism treatment facility is 3058  
approved by the joint commission ~~on accreditation of hospitals,~~ 3059  
the council on accreditation, or the commission on accreditation 3060  
of rehabilitation facilities or certified by the department of 3061  
mental health and addiction services. 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~~ health care professional identified in division 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,~~ or 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 supervision of a health care professional identified in division (A)(1) of this section, in order to be reimbursable under the coverage required in division (A) of this section, shall meet both of the following requirements:

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

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

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

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

(1) Payments not less than five hundred fifty dollars in a twelve-month period for services legally performed by or under the clinical supervision of a health care professional identified in division (A)(1) of this section, whether performed in an office, ~~or~~ in a hospital or, in a community mental health facility, or in an alcoholism treatment facility so long as the hospital, community mental health facility, or alcoholism treatment facility is approved by the joint commission ~~on accreditation of hospitals,~~ the council on accreditation, or the commission on accreditation of rehabilitation facilities or certified by the department of mental health and addiction services;

(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

**Sec. 3963.01.** As used in this chapter: 3197

(A) "Affiliate" means any person or entity that has ownership 3198  
or control of a contracting entity, is owned or controlled by a 3199  
contracting entity, or is under common ownership or control with a 3200  
contracting entity. 3201

(B) "Basic health care services" has the same meaning as in 3202  
division (A) of section 1751.01 of the Revised Code, except that 3203  
it does not include any services listed in that division that are 3204  
provided by a pharmacist or nursing home. 3205

(C) "Contracting entity" means any person that has a primary 3206  
business purpose of contracting with participating providers for 3207  
the delivery of health care services. 3208

(D) "Credentialing" means the process of assessing and 3209  
validating the qualifications of a provider applying to be 3210  
approved by a contracting entity to provide basic health care 3211  
services, specialty health care services, or supplemental health 3212  
care services to enrollees. 3213

(E) "Edit" means adjusting one or more procedure codes billed 3214  
by a participating provider on a claim for payment or a practice 3215  
that results in any of the following: 3216

(1) Payment for some, but not all of the procedure codes 3217  
originally billed by a participating provider; 3218

(2) Payment for a different procedure code than the procedure 3219  
code originally billed by a participating provider; 3220

(3) A reduced payment as a result of services provided to an 3221  
enrollee that are claimed under more than one procedure code on 3222  
the same service date. 3223

(F) "Electronic claims transport" means to accept and 3224  
digitize claims or to accept claims already digitized, to place 3225  
those claims into a format that complies with the electronic 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 association's current procedural terminology code, the American dental association's current dental terminology, and the centers for medicare and medicaid services health care common procedure coding system.

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

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

(2) A preferred provider organization;

(3) Medicare;

(4) Medicaid;

(5) Workers' compensation.

(P) "Provider" means a physician, podiatrist, dentist, chiropractor, optometrist, psychologist, physician assistant, advanced practice registered nurse, occupational therapist, massage therapist, physical therapist, licensed professional counselor, licensed professional clinical counselor, hearing aid dealer, orthotist, prosthetist, home health agency, hospice care program, pediatric respite care program, or hospital, or a provider organization or physician-hospital organization that is acting exclusively as an administrator on behalf of a provider to facilitate the provider's participation in health care contracts. "Provider" does not mean a pharmacist, pharmacy, nursing home, or a provider organization or physician-hospital organization that leases the provider organization's or physician-hospital organization's network to a third party or contracts directly with employers or health and welfare funds.

(Q) "Specialty health care services" has the same meaning as

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  
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 or acupuncture under Chapter 4734. of the Revised Code;	3355 3356
(3) Psychologists who are authorized to practice psychology under Chapter 4732. of the Revised Code;	3357 3358
(4) Registered or licensed practical nurses who are authorized to practice nursing as registered nurses or as licensed practical nurses under this chapter;	3359 3360 3361
(5) Pharmacists who are authorized to practice pharmacy under Chapter 4729. of the Revised Code;	3362 3363
(6) Physical therapists who are authorized to practice physical therapy under sections 4755.40 to 4755.56 of the Revised Code;	3364 3365 3366
(7) Occupational therapists who are licensed to practice occupational therapy under sections 4755.04 to 4755.13 of the Revised Code;	3367 3368 3369
(8) Mechanotherapists who are authorized to practice mechanotherapy under section 4731.151 of the Revised Code;	3370 3371
(9) Doctors of medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery who are licensed, certificated, or otherwise legally authorized for their respective practices under Chapter 4731. of the Revised Code;	3372 3373 3374 3375
<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>	3376 3377 3378 3379 3380
This division shall apply notwithstanding a provision of a code of ethics applicable to a nurse that prohibits a registered or licensed practical nurse from engaging in the practice of	3381 3382 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 3409  
professional association described in division (A) of this section 3410  
may be formed for the purpose of providing a combination of the 3411  
professional services of the following individuals who are 3412  
licensed, certificated, or otherwise legally authorized to 3413  
practice their respective professions: 3414

(1) Optometrists who are authorized to practice optometry	3415
under Chapter 4725. of the Revised Code;	3416
(2) Chiropractors who are authorized to practice chiropractic	3417
or acupuncture under Chapter 4734. of the Revised Code;	3418
(3) Psychologists who are authorized to practice psychology	3419
under Chapter 4732. of the Revised Code;	3420
(4) Registered or licensed practical nurses who are	3421
authorized to practice nursing as registered nurses or as licensed	3422
practical nurses under Chapter 4723. of the Revised Code;	3423
(5) Pharmacists who are authorized to practice pharmacy under	3424
Chapter 4729. of the Revised Code;	3425
(6) Physical therapists who are authorized to practice	3426
physical therapy under sections 4755.40 to 4755.56 of the Revised	3427
Code;	3428
(7) <u>Occupational therapists who are authorized to practice</u>	3429
<u>occupational therapy under sections 4755.04 to 4755.13 of the</u>	3430
<u>Revised Code;</u>	3431
<u>(8)</u> Mechanotherapists who are authorized to practice	3432
mechanotherapy under section 4731.151 of the Revised Code;	3433
<del>(8)</del> <u>(9)</u> Doctors of medicine and surgery, osteopathic medicine	3434
and surgery, or podiatric medicine and surgery who are authorized	3435
for their respective practices under Chapter 4731. of the Revised	3436
Code;	3437
<u>(10) Licensed professional clinical counselors, licensed</u>	3438
<u>professional counselors, independent social workers, social</u>	3439
<u>workers, independent marriage and family therapists, or marriage</u>	3440
<u>and family therapists who are authorized for their respective</u>	3441
<u>practices under Chapter 4757. of the Revised Code.</u>	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  
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 or acupuncture under Chapter 4734. of the Revised Code;	3477 3478
(3) Psychologists who are authorized to practice psychology under Chapter 4732. of the Revised Code;	3479 3480
(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;	3481 3482 3483
(5) Pharmacists who are authorized to practice pharmacy under Chapter 4729. of the Revised Code;	3484 3485
(6) Physical therapists who are authorized to practice physical therapy under sections 4755.40 to 4755.56 of the Revised Code;	3486 3487 3488
(7) Occupational therapists who are authorized to practice occupational therapy under sections 4755.04 to 4755.13 of the Revised Code;	3489 3490 3491
(8) Mechanotherapists who are authorized to practice mechanotherapy under section 4731.151 of the Revised Code;	3492 3493
(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;	3494 3495 3496 3497
<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>	3498 3499 3500 3501 3502
This division shall apply notwithstanding a provision of a code of ethics applicable to a pharmacist that prohibits a pharmacist from engaging in the practice of pharmacy in	3503 3504 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  
practical nurses under Chapter 4723. of the Revised Code; 3563

(5) Pharmacists who are authorized to practice pharmacy under 3564  
Chapter 4729. of the Revised Code; 3565

(6) Physical therapists who are authorized to practice 3566  
physical therapy under sections 4755.40 to 4755.56 of the Revised 3567  
Code; 3568

(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;

(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;

(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.

(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:

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

(2) A mechanotherapist from engaging in the practice of mechanotherapy in combination with a person who is licensed,

certificated, or otherwise legally authorized to engage in the 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

(2) Home health care services; 3623

(3) Outpatient prescription drugs. 3624

(C) "Fair market value" means the value in arms-length 3625  
transactions, consistent with general market value and: 3626

(1) With respect to rentals or leases, the value of rental 3627  
property for general commercial purposes, not taking into account 3628

its intended use; 3629

(2) With respect to a lease of space, not adjusted to reflect 3630  
the additional value the prospective lessee or lessor would 3631  
attribute to the proximity or convenience to the lessor if the 3632  
lessor is a potential source of referrals to the lessee. 3633

(D) "Governmental health care program" means any program 3634  
providing health care benefits that is administered by the federal 3635  
government, this state, or a political subdivision of this state, 3636  
including the medicare program, health care coverage for public 3637  
employees, health care benefits administered by the bureau of 3638  
workers' compensation, and the medicaid program. 3639

(E)(1) "Group practice" means a group of two or more holders 3640  
of certificates under this chapter legally organized as a 3641  
partnership, professional corporation or association, limited 3642  
liability company, foundation, nonprofit corporation, faculty 3643  
practice plan, or similar group practice entity, including an 3644  
organization comprised of a nonprofit medical clinic that 3645  
contracts with a professional corporation or association of 3646  
physicians to provide medical services exclusively to patients of 3647  
the clinic in order to comply with section 1701.03 of the Revised 3648  
Code and including a corporation, limited liability company, 3649  
partnership, or professional association described in division (B) 3650  
of section 4731.226 of the Revised Code formed for the purpose of 3651  
providing a combination of the professional services of 3652  
optometrists who are licensed, certificated, or otherwise legally 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

(4) Registered or licensed practical nurses who are 3747  
authorized to practice nursing as registered nurses or as licensed 3748  
practical nurses under Chapter 4723. of the Revised Code; 3749

(5) Pharmacists who are authorized to practice pharmacy under 3750  
Chapter 4729. of the Revised Code; 3751

(6) Physical therapists who are authorized to practice 3752  
physical therapy under sections 4755.40 to 4755.56 of the Revised 3753

Code;	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, <del>or</del> podiatric medicine and surgery, <u>professional counseling, social work, or marriage and family therapy</u> , but who is not also licensed, certificated, or otherwise legally authorized to engage in the practice of psychology.	3769 3770 3771 3772 3773 3774 3775 3776 3777 3778 3779 3780
<b>Sec. 4734.17.</b> (A) An individual whom the state chiropractic board licenses to engage in the practice of chiropractic or certifies to practice acupuncture may render the professional	3781 3782 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

(4) Registered or licensed practical nurses who are 3809  
authorized to practice nursing as registered nurses or as licensed 3810  
practical nurses under Chapter 4723. of the Revised Code; 3811

(5) Pharmacists who are authorized to practice pharmacy under 3812  
Chapter 4729. of the Revised Code; 3813

(6) Physical therapists who are authorized to practice 3814

physical therapy under sections 4755.40 to 4755.56 of the Revised Code;	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, <del>or</del> podiatric medicine and surgery, <u>professional counseling, social work, or marriage and family therapy</u> , but who is not also licensed under this chapter to engage in the practice of chiropractic.	3831 3832 3833 3834 3835 3836 3837 3838 3839 3840 3841
<b>Sec. 4734.41.</b> (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 3902  
action under section 4734.31 of the Revised Code against an 3903  
individual because of the individual's chemical dependency or 3904  
mental illness, if the individual meets the eligibility 3905  
requirements for admission into the monitoring program and all of 3906  
the following occur: 3907

(1) The individual enters into a monitoring agreement with 3908  
the coordinator of the program; 3909

(2) The individual complies with the terms and conditions for 3910  
continued participation in the program, as specified in the 3911  
monitoring agreement; 3912

(3) The individual successfully completes the terms and 3913  
conditions of the monitoring agreement, including the condition 3914  
that the individual attain the ability to practice in accordance 3915  
with acceptable and prevailing standards of care applicable to the 3916  
practice of chiropractic. 3917

Sec. 4755.111. (A) An individual whom the occupational 3918  
therapy section of the Ohio occupational therapy, physical 3919  
therapy, and athletic trainers board licenses, certificates, or 3920  
otherwise legally authorizes to engage in the practice of 3921  
occupational therapy may render the professional services of an 3922  
occupational therapist within this state through a corporation 3923  
formed under division (B) of section 1701.03 of the Revised Code, 3924  
a limited liability company formed under Chapter 1705. of the 3925  
Revised Code, a partnership, or a professional association formed 3926  
under Chapter 1785. of the Revised Code. This division does not 3927  
preclude an individual of that nature from rendering professional 3928  
services as an occupational therapist through another form of 3929  
business entity, including, but not limited to, a nonprofit 3930  
corporation or foundation, or in another manner that is authorized 3931  
by or in accordance with sections 4755.04 to 4755.13 of the 3932  
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

<u>may be formed for the purpose of providing a combination of the</u>	3939
<u>professional services of the following individuals who are</u>	3940
<u>licensed, certificated, or otherwise legally authorized to</u>	3941
<u>practice their respective professions:</u>	3942
<u>(1) Optometrists who are authorized to practice optometry</u>	3943
<u>under Chapter 4725. of the Revised Code;</u>	3944
<u>(2) Chiropractors who are authorized to practice chiropractic</u>	3945
<u>or acupuncture under Chapter 4734. of the Revised Code;</u>	3946
<u>(3) Psychologists who are authorized to practice psychology</u>	3947
<u>under Chapter 4732. of the Revised Code;</u>	3948
<u>(4) Registered or licensed practical nurses who are</u>	3949
<u>authorized to practice nursing as registered nurses or as licensed</u>	3950
<u>practical nurses under Chapter 4723. of the Revised Code;</u>	3951
<u>(5) Pharmacists who are authorized to practice pharmacy under</u>	3952
<u>Chapter 4729. of the Revised Code;</u>	3953
<u>(6) Physical therapists who are authorized to practice</u>	3954
<u>physical therapy under sections 4755.40 to 4755.56 of the Revised</u>	3955
<u>Code;</u>	3956
<u>(7) Occupational therapists who are authorized to practice</u>	3957
<u>occupational therapy under sections 4755.04 to 4755.13 of the</u>	3958
<u>Revised Code;</u>	3959
<u>(8) Mechanotherapists who are authorized to practice</u>	3960
<u>mechanotherapy under section 4731.151 of the Revised Code;</u>	3961
<u>(9) Doctors of medicine and surgery, osteopathic medicine and</u>	3962
<u>surgery, or podiatric medicine and surgery who are authorized for</u>	3963
<u>their respective practices under Chapter 4731. of the Revised</u>	3964
<u>Code;</u>	3965
<u>(10) Licensed professional clinical counselors, licensed</u>	3966
<u>professional counselors, independent social workers, social</u>	3967
<u>workers, independent marriage and family therapists, or marriage</u>	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 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:	4002 4003 4004 4005 4006 4007
(1) Optometrists who are authorized to practice optometry under Chapter 4725. of the Revised Code;	4008 4009
(2) Chiropractors who are authorized to practice chiropractic or acupuncture under Chapter 4734. of the Revised Code;	4010 4011
(3) Psychologists who are authorized to practice psychology under Chapter 4732. of the Revised Code;	4012 4013
(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;	4014 4015 4016
(5) Pharmacists who are authorized to practice pharmacy under Chapter 4729. of the Revised Code;	4017 4018
(6) Physical therapists who are authorized to practice physical therapy under sections 4755.40 to 4755.56 of the Revised Code;	4019 4020 4021
(7) <u>Occupational therapists who are authorized to practice occupational therapy under sections 4755.04 to 4755.13 of the Revised Code;</u>	4022 4023 4024
<u>(8)</u> Mechanotherapists who are authorized to practice mechanotherapy under section 4731.151 of the Revised Code;	4025 4026
<del>(8)</del> <u>(9)</u> 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;	4027 4028 4029 4030

(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.

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

**Sec. 4757.01.** As used in this chapter:

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

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

for mental and emotional adjustment or development. "Clinical 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 systems, to individuals, couples, and families, singly or in groups, whether those services are offered directly to the general public or through public or private organizations, for a fee, salary or other consideration through the professional application of marriage and family theories, therapies, and techniques, including, but not limited to psychotherapeutic theories, therapies and techniques that marriage and family therapists are educated and trained to perform.

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

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

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

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

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

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

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 4302  
applicants under section 4776.03 of the Revised Code; 4303

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

violation described in section 4757.36 of the Revised Code; 4308

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

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

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

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

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

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

All rules adopted under this section shall be adopted in 4324  
accordance with Chapter 119. of the Revised Code. When it adopts 4325  
rules under this section or any other section of this chapter, the 4326  
board may consider standards established by any national 4327  
association or other organization representing the interests of 4328  
those involved in professional counseling, social work, or 4329  
marriage and family therapy. 4330

**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 4424  
behavior; 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 4428

mental and emotional disorders. 4429

~~(4)~~(d) The individual must complete, in either a private or 4430  
clinical counseling setting, supervised experience in counseling 4431  
that is of a type approved by the committee, is supervised by a 4432  
licensed professional clinical counselor or other qualified 4433  
professional approved by the committee, and is in the following 4434  
amounts: 4435

~~(a)~~(i) In the case of an individual holding only a master's 4436  
degree, not less than two years of experience, which must be 4437  
completed after the award of the master's degree; 4438

~~(b)~~(ii) In the case of an individual holding a doctorate, not 4439  
less than one year of experience, which must be completed after 4440  
the award of the doctorate. 4441

~~(5)~~(e) The individual must pass a field evaluation that meets 4442  
the following requirements: 4443

~~(a)~~(i) Has been completed by the applicant's instructors, 4444  
employers, supervisors, or other persons determined by the 4445  
committee to be competent to evaluate an individual's professional 4446  
competence; 4447

~~(b)~~(ii) Includes documented evidence of the quality, scope, 4448  
and nature of the applicant's experience and competence in 4449  
diagnosing and treating mental and emotional disorders. 4450

~~(6)~~(f) The individual must pass an examination administered 4451  
by the board for the purpose of determining ability to practice as 4452  
a licensed professional clinical counselor. 4453

(2) To meet the requirement of division (B)(1)(b) of this 4454  
section, a graduate degree in counseling obtained from a mental 4455  
health counseling program in this state after January 1, 2018, 4456  
must be from a clinical mental health counseling program, a 4457  
clinical rehabilitation counseling program, or an addiction 4458

counseling program accredited by the council for accreditation of 4459  
counseling and related educational programs. 4460

(3) All of the following meet the educational requirements of 4461  
division (B)(1)(c) of this section: 4462

(a) A clinical mental health counseling program accredited by 4463  
the council for accreditation of counseling and related 4464  
educational programs; 4465

(b) Until January 1, 2018, a mental health counseling program 4466  
accredited by the council for accreditation of counseling and 4467  
related educational programs; 4468

(c) A graduate degree in counseling issued by another state 4469  
from a clinical mental health counseling program, a clinical 4470  
rehabilitation counseling program, or an addiction counseling 4471  
program that is accredited by the council for accreditation of 4472  
counseling and related educational programs; 4473

(d) Any other accredited counseling programs accepted by the 4474  
board in accordance with rules adopted under division (F)(3) of 4475  
this section. 4476

(C) To be accepted by the committee for purposes of division 4477  
(B) of this section, counselor training must include at least the 4478  
following: 4479

(1) Instruction in human growth and development; counseling 4480  
theory; counseling techniques; group dynamics, processing, and 4481  
counseling; appraisal of individuals; research and evaluation; 4482  
professional, legal, and ethical responsibilities; social and 4483  
cultural foundations; and lifestyle and career development; 4484

(2) Participation in a supervised practicum and internship in 4485  
counseling. 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 4545  
section, a graduate degree in counseling obtained from a mental 4546  
health counseling program in this state after January 1, 2018, 4547

must be from a clinical mental health counseling program, clinical 4548  
rehabilitation counseling program, or addiction counseling program 4549  
accredited by the council for accreditation of counseling and 4550  
related educational programs. 4551

(3) All of the following meet the educational requirements of 4552  
division (B)(1)(c) of this section: 4553

(a) A clinical mental health counseling program accredited by 4554  
the council for accreditation of counseling and related 4555  
educational programs; 4556

(b) Until January 1, 2018, a mental health counseling program 4557  
accredited by the council for accreditation of counseling and 4558  
related educational programs; 4559

(c) A graduate degree in counseling issued by an institution 4560  
in another state from a clinical mental health counseling program, 4561  
a clinical rehabilitation counseling program, or an addiction 4562  
counseling program that is accredited by the council for 4563  
accreditation of counseling and related educational programs; 4564

(d) Any other accredited counseling programs accepted by the 4565  
board in accordance with rules adopted under division (F)(3) of 4566  
this section. 4567

(C) To be accepted by the committee for purposes of division 4568  
(B) of this section, counselor training must include at least the 4569  
following: 4570

(1) Instruction in human growth and development; counseling 4571  
theory; counseling techniques; group dynamics, processing, and 4572  
counseling; appraisal of individuals; research and evaluation; 4573  
professional, legal, and ethical responsibilities; social and 4574  
cultural foundations; and lifestyle and career development; 4575

(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 practice as a social work assistant is not authorized to engage in the practice of social work. A social work assistant, under the direct supervision of a psychologist, psychiatrist, licensed professional clinical counselor, licensed professional counselor, independent marriage and family therapist, independent social worker, social worker, or registered nurse who holds a master's degree in psychiatric nursing, may provide human, social, and community services that include intake assessment and referral, screening, crisis intervention and resolution, community support, case management and outreach, record keeping, social assessment, visual observation of an individual in the individual's environment, assistance in facilitation with groups and families, advocacy, and orientation, education, and prevention services.

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

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

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

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

(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 4698  
institution one of the following: 4699

(a) A baccalaureate degree in social work ~~or, prior to~~ 4700

~~October 10, 1992, a baccalaureate degree in a program closely related to social work and approved by the committee;~~ 4701  
4702

(b) A master's degree in social work; 4703

(c) A doctorate in social work. 4704

(3) The individual must pass an examination administered by the board for the purpose of determining ability to practice as a social worker. 4705  
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(C) The committee may issue a temporary license to practice as a social worker as follows: 4708  
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(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- 4710  
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4712  
~~However, the committee may issue a temporary license;~~ 4713

(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. 4714  
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On application to the committee, a temporary license issued under division (C)(2) of this section may be renewed for good cause shown. 4721  
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(D) The board shall adopt any rules necessary for the committee to implement this section, including criteria for the committee to use in determining whether an applicant's training should be accepted and supervised experience approved. Rules adopted under this division shall be adopted in accordance with Chapter 119. of the Revised Code. 4724  
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**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
(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 committee shall issue a license to practice as an independent marriage and family therapist to a person who does both of the following:	4793 4794 4795 4796
(1) Meets all of the requirements of division (A) of this section;	4797 4798
(2) After meeting the requirements of division (A)(3) of this section, completes at least two calendar years of <del>work experience</del> <u>supervised training while engaged in the practice of</u> marriage and family therapy.	4799 4800 4801 4802
The two <del>calendar</del> years of <del>work experience</del> <u>supervised training</u> must include <u>two hundred hours of face-to-face supervision while completing a minimum of</u> one thousand hours of documented client contact in marriage and family therapy. <del>Two</del> <u>Of the required two</u> hundred hours <del>of the one thousand hours must include face to face supervision,</del> <u>a minimum of one hundred hours must be individual supervision. Supervision shall be performed</u> by a supervisor whose training and experience meets standards established by the board in rules adopted under section 4757.10 of the Revised Code <del>and one hundred hours of the two hundred hours of supervision must be individual supervision.</del>	4803 4804 4805 4806 4807 4808 4809 4810 4811 4812 4813
(D) An independent marriage and family therapist or a marriage and family therapist may engage in the private practice of marriage and family therapy as an individual practitioner or as a member of a partnership or group practice.	4814 4815 4816 4817
(E) A marriage and family therapist may diagnose and treat mental and emotional disorders only under the supervision of a	4818 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  
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 licensed professional counselor or 4852  
licensed 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 licensed 4858  
professional clinical counselors, licensed 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

(10) Late completion of continuing counselor, social worker, 4874  
or marriage and family therapy education required under section 4875  
4757.33 of the Revised Code and the rules adopted under it. 4876

(B) The fees charged under division (A)(1) of this section 4877  
shall be established in amounts sufficient to cover the direct 4878  
expenses incurred in examining applicants for licensure. The fees 4879  
charged under divisions (A)(2) to (9) of this section shall be 4880

nonrefundable and shall be established in amounts sufficient to 4881  
cover the necessary expenses in administering this chapter and 4882  
rules adopted under it that are not covered by fees charged under 4883  
division (A)(1) or (C) of this section. The renewal fee for a 4884  
license or certificate of registration shall not be less than the 4885  
initial fee for that license or certificate. The fees charged for 4886  
licensure and registration and the renewal of licensure and 4887  
registration may differ for the various types of licensure and 4888  
registration, but shall not exceed one hundred twenty-five dollars 4889  
each, unless the board determines that amounts in excess of one 4890  
hundred twenty-five dollars are needed to cover its necessary 4891  
expenses in administering this chapter and rules adopted under it 4892  
and the amounts in excess of one hundred twenty-five dollars are 4893  
approved by the controlling board. 4894

(C) All receipts of the board shall be deposited in the state 4895  
treasury to the credit of the occupational licensing and 4896  
regulatory fund. All vouchers of the board shall be approved by 4897  
the chairperson or executive director of the board, or both, as 4898  
authorized by the board. 4899

Sec. 4757.321. (A) A person licensed or registered under this 4900  
chapter may apply to the counselor, social worker, and marriage 4901  
and family therapist board to have the person's license or 4902  
registration classified as inactive. If a fee is charged under 4903  
division (B) of this section, the person shall include the fee 4904  
with the application. If the person's license or registration is 4905  
in good standing and the person meets any other requirements 4906  
established by the board in rules adopted under this section, the 4907  
board shall classify the license or registration as inactive. The 4908  
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 registration as inactive. 4912  
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(C) During the period that a license or registration is classified as inactive, the person may not engage in the practice of professional counseling, social work, or marriage and family therapy, as applicable, in this state or make any representation to the public indicating that the person is actively licensed or registered under this chapter. 4914  
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(D) A person whose license or registration has been classified as inactive may apply to the board to have the license or registration reactivated. The board shall reactivate the license or registration if the person meets the requirements established by the board in rules adopted under this section. 4920  
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(E) The board's jurisdiction to take disciplinary action under this chapter is not removed or limited when a license or registration is classified as inactive under this section. 4925  
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(F) The board shall adopt rules as necessary for classifying a license or registration as inactive and reactivating an inactive license or registration. The rules shall be adopted in accordance with Chapter 119. of the Revised Code. 4928  
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(G) This section does not apply to registration of master's level counselor trainees, social worker trainees, marriage and family therapist trainees, or continuing education providers. 4932  
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**Sec. 4757.33.** (A) Except as provided in division (B) of this section, each person who holds a license or certificate of registration issued under this chapter shall complete during the period that the license or certificate is in effect not less than thirty clock hours of continuing professional education as a condition of receiving a renewed license or certificate. To have a lapsed license or certificate of registration restored, a person 4935  
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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 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

(2) Suspend, revoke, or otherwise restrict a license or 5000  
certificate of registration; 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 <del>4757.12</del> <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 marriage and family therapist, marriage and family therapist, social work assistant, social worker, or independent social worker	5028 5029 5030 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** 5092  
**family therapist, or marriage and family therapist within this** 5093

state through a corporation formed under division (B) of section 5094  
1701.03 of the Revised Code, a limited liability company formed 5095  
under Chapter 1705. of the Revised Code, a partnership, or a 5096  
professional association formed under Chapter 1785. of the Revised 5097  
Code. This division does not preclude such an individual from 5098  
rendering professional services as a licensed professional 5099  
clinical counselor, licensed professional counselor, independent 5100  
social worker, social worker, independent marriage and family 5101  
therapist, or marriage and family therapist through another form 5102  
of business entity, including, but not limited to, a nonprofit 5103  
corporation or foundation, or in another manner that is authorized 5104  
by or in accordance with this chapter, another chapter of the 5105  
Revised Code, or rules of the counselor, social worker, and 5106  
marriage and family therapist board adopted pursuant to this 5107  
chapter. 5108

(B) A corporation, limited liability company, partnership, or 5109  
professional association described in division (A) of this section 5110  
may be formed for the purpose of providing a combination of the 5111  
professional services of the following individuals who are 5112  
licensed, certificated, or otherwise legally authorized to 5113  
practice their respective professions: 5114

(1) Optometrists who are authorized to practice optometry 5115  
under Chapter 4725. of the Revised Code; 5116

(2) Chiropractors who are authorized to practice chiropractic 5117  
or acupuncture under Chapter 4734. of the Revised Code; 5118

(3) Psychologists who are authorized to practice psychology 5119  
under Chapter 4732. of the Revised Code; 5120

(4) Registered or licensed practical nurses who are 5121  
authorized to practice nursing as registered nurses or as licensed 5122  
practical nurses under Chapter 4723. of the Revised Code; 5123

(5) Pharmacists who are authorized to practice pharmacy under 5124

<u>Chapter 4729. of the Revised Code;</u>	5125
<u>(6) Physical therapists who are authorized to practice physical therapy under sections 4755.40 to 4755.56 of the Revised Code;</u>	5126 5127 5128
<u>(7) Occupational therapists who are authorized to practice occupational therapy under sections 4755.04 to 4755.13 of the Revised Code;</u>	5129 5130 5131
<u>(8) Mechanotherapists who are authorized to practice mechanotherapy under section 4731.151 of the Revised Code;</u>	5132 5133
<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>	5134 5135 5136 5137
<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>	5138 5139 5140 5141 5142
<u>This division applies notwithstanding a provision of a code of ethics applicable to an individual who is a licensed professional clinical counselor, licensed professional counselor, independent social worker, social worker, independent marriage and family therapist, or marriage and family therapist that prohibits the individual from engaging in the individual's practice in combination with a person who is licensed, certificated, or otherwise legally authorized to practice optometry, chiropractic, acupuncture through the state chiropractic board, psychology, nursing, pharmacy, physical therapy, occupational therapy, mechanotherapy, medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery, but who is not also licensed, certificated, or otherwise legally authorized to engage</u>	5143 5144 5145 5146 5147 5148 5149 5150 5151 5152 5153 5154 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  
Code as authority to practice as a certified chemical dependency 5431

counselor II;	5432
(2) Meet the requirement of division (B)(2) of this section;	5433
(3) Hold a bachelor's degree in a behavioral science.	5434
<b>Sec. 4758.55.</b> In addition to practicing chemical dependency	5435
counseling, an individual holding a valid independent chemical	5436
dependency counselor license may do all of the following:	5437
(A) Diagnose and treat chemical dependency conditions;	5438
(B) Perform treatment planning, assessment, crisis	5439
intervention, individual and group counseling, case management,	5440
and education services as they relate to abuse of and dependency	5441
on alcohol and other drugs;	5442
(C) Provide clinical supervision of chemical dependency	5443
counseling under the supervision of any of the following:	5444
(1) An independent chemical dependency counselor-clinical	5445
supervisor licensed under this chapter;	5446
(2) An individual authorized under Chapter 4731. of the	5447
Revised Code to practice medicine and surgery or osteopathic	5448
medicine and surgery;	5449
(3) A psychologist licensed under Chapter 4732. of the	5450
Revised Code;	5451
(4) A registered nurse licensed under Chapter 4723. of the	5452
Revised Code or <u>licensed</u> professional clinical counselor,	5453
independent social worker, or independent marriage and family	5454
therapist licensed under Chapter 4757. of the Revised Code if such	5455
supervision is consistent with the scope of practice of the	5456
registered nurse, <u>licensed</u> professional clinical counselor,	5457
independent social worker, or independent marriage and family	5458
therapist.	5459
(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  
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
(1) An independent chemical dependency counselor-clinical supervisor, independent chemical dependency counselor, or chemical dependency counselor III licensed under this chapter;	5491
(2) An individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery;	5492
(3) A psychologist licensed under Chapter 4732. of the Revised Code;	5493
(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.	5494
(C) A chemical dependency counselor assistant may not practice as an individual practitioner.	5495
<b>Sec. 4758.61.</b> 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:	5496
(A) A prevention specialist II or prevention specialist I certified under this chapter;	5497
(B) An independent chemical dependency counselor-clinical	5498

supervisor, an independent chemical dependency counselor, or a	5520
chemical dependency counselor III licensed under this chapter;	5521
(C) An individual authorized under Chapter 4731. of the	5522
Revised Code to practice medicine and surgery or osteopathic	5523
medicine and surgery;	5524
(D) A psychologist licensed under Chapter 4732. of the	5525
Revised Code;	5526
(E) A registered nurse licensed under Chapter 4723. of the	5527
Revised Code;	5528
(F) A <u>licensed</u> professional clinical counselor, a <u>licensed</u>	5529
professional counselor, an independent social worker, a social	5530
worker, an independent marriage and family therapist, or a	5531
marriage and family therapist licensed under Chapter 4757. of the	5532
Revised Code;	5533
(G) A school counselor licensed by the department of	5534
education pursuant to section 3319.22 of the Revised Code;	5535
(H) A health education specialist certified by the national	5536
commission for health education credentialing.	5537
<b>Sec. 4769.01.</b> As used in this chapter:	5538
(A) "Medicare" means the program established by Title XVIII	5539
of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A.	5540
301, as amended.	5541
(B) "Balance billing" means charging or collecting from a	5542
medicare beneficiary an amount in excess of the medicare	5543
reimbursement rate for medicare-covered services or supplies	5544
provided to a medicare beneficiary, except when medicare is the	5545
secondary insurer. When medicare is the secondary insurer, the	5546
health care practitioner may pursue full reimbursement under the	5547
terms and conditions of the primary coverage and, if applicable,	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

(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
<b>Sec. 5101.61.</b> (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